



## Charter of the city of Menasha. 1891

[s.l.]: [s.n.], 1891

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Charter of  
the  
CITY OF MENASHA

WISCONSIN  
MEZZANINE

Charter of  
City of Menasha

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352.002 ~~Menasha, Wis.~~ Charter

M521 In Senate, no. 244, S: a bill  
to revise, consolidate and amend the  
charter of the city of Menasha.  
Wis. Senate, 1891.

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GEO. W. PRATT,

Senator 19th District

# STATE OF WISCONSIN.

## IN SENATE.

No. 244, S.

FEBRUARY 17, 1891.—Introduced by Senator PRATT. Read first and second times and referred to committee of one, and ordered not printed.

FEBRUARY 25, 1891.—Reported back with the recommendation that it be recommitted to committee on Incorporations, and ordered printed.

## A BILL

To revise, consolidate and amend the charter of the city of Menasha.

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

### CHAPTER I.

#### CITY AND WARD BOUNDARIES.

Section 1. All that section of country situated in the county of Winnebago, state of Wisconsin and embraced within the following described limits and boundaries, to-wit:

2 Lots three (3) and four (4) in section thirteen (13), all of section fourteen (14), all of sec-

3 tion fifteen (15), all of section sixteen (16), east of low water mark on the west shore of

4 5 Lake Butte des Morts, all of the north half of section twenty-one (21), east of low water

6 mark, on the west shore of Lake Butte des Morts, all of the north half of section twenty-  
7 two (22), all of the north half of section twenty-three (23), and all of such parts of the  
8 south half of sections twenty-two (22) and twenty-three (23), extending from Lake Win-  
9 nebago on the east to the center line of Commercial avenue on the west, and north of  
10 the center line of the avenue now forming the dividing line between said cities of Me-  
11 nasha and Neenah, same being a strip one hundred (100) feet wide from north to south,  
12 and all in township twenty (20) north, of range number seventeen (17) east, shall be a  
13 city by the name of Menasha, and all the people inhabiting the said described section of  
14 country, and those who shall hereafter inhabit the same, shall be a municipal corpor-  
15 ation by the name of the city of Menasha, and shall have generally all the powers be-  
16 longing to municipal corporations at common law, and shall also have and possess all  
17 the rights and powers hereinafter specifically granted, and the authorities thereof shall  
18 have perpetual succession, and shall be capable of contracting and being contracted  
19 with, suing and being sued, pleading and being impleaded in all the courts of law and  
20 equity, and shall have a common seal, and may alter the same at pleasure.

Section 2. The said city of Menasha shall be divided into four wards as follows: The  
2 first ward shall include all that territory in said city north of the Fox river, and include  
3 between the following line on the east side of said ward, to-wit: On the section line be-  
4 tween sections fourteen (14) and fifteen (15) running north from Fox river to Rounds' ad-  
5 dition, thence fifty feet west, to the line between Rounds' addition and Reed's addition,  
6 thence along the line between Rounds' and Reed's addition north to the north line of the  
7 corporation limits, and the following line on the west side of said ward, to-wit: Com-  
8 mencing on the north line of said city at the center of Milwaukee street, thence along  
9 the center line of said Milwaukee street to the south line of Darling's addition, thence  
10 westerly along the south line of Darling's addition to the line between lots twelve (12),  
11 and thirteen (13) in block thirty-five (35), thence south to the line between lots twelve  
12 (12) and thirteen (13), and between twenty-one (21) and twenty two (22), in blocks thir-  
13 ty-five (35), thirty-two (32), and sixteen (16), on the line between lots seven (7) and eight  
14 (8) and lots twenty-nine (29) and thirty (30), in block eight (8), on the line between lots  
15 thirty-two (32) and thirty-three (33), and lots thirteen (13) and fourteen (14), in block  
16 seven (7), thence along the center line of Clay street between blocks two (2) and three (3)  
17 to the canal, and on the line between lots twenty (20) and twenty-one (21), in block one  
18 (1) to the Fox river.

19 The second ward shall comprise all that territory in said city west of the above de-  
20 scribed west line of the first ward.

21 The third ward shall comprise all the territory in said city on Doty's island, and all  
22 south of the north branch of Fox river.

23 The fourth ward shall comprise all the territory in said city north of the Fox river and  
24 east of the above described east line of the first ward.

Section 3. The corporate authority of said city shall be vested in one principal officer  
2 styled a mayor, in one board of aldermen consisting of two members from each  
3 ward, who with the mayor shall be denominated the common council; together with  
4 such other officers as are hereinafter mentioned, or may be created under this act.

## CHAPTER II.

### OFFICERS, THEIR ELECTION AND APPOINTMENT.

Section 1. The elective officers of said city shall be a mayor, a city treasurer, two  
2 assessors, two justices of the peace, and two constables, to be elected by the voters of  
3 the city at large, and two aldermen and one county supervisor from each ward.

4 Justices of the peace, treasurer, and aldermen shall be elected for two years, and all  
5 other officers for one year.

6 The appointive officers of said city shall be a city clerk, city atty., chief of police, supt.  
7 of the poor, superintendent of the streets, superintendent of schools, and one school  
8 commissioner from each ward. Chief engineer of fire department, city surveyor, and  
9 as many firemen, policemen, and other such officers or agents as may be provided for  
10 by this act or as the common council may determine to be necessary.

11 The superintendent of schools and school commissioners shall be appointed and hold  
12 their offices for two years, and all other officers shall be appointed, and hold their offices  
13 for one year.

Section 2. All appointive officers shall be appointed by the common council at the  
2 annual meeting after each annual municipal election, or at such other time within two  
3 weeks thereafter as the council may determine, and at such other times as it may be  
4 necessary to fill vacancies.

Section 3. The annual municipal election in said city shall be held on the first Tues-  
2 day of April in each year, and at such place in each ward as the common council shall  
3 designate, at which time there shall be elected by the qualified electors of said city in  
4 the manner herein provided, all officers required to be elected at such general municipal  
5 election.

6 The polls of such election shall be opened at nine o'clock in the forenoon, and kept  
7 open until sundown of the same day without intermission.

Section 4. All officers now in office shall continue to hold such office during the term  
2 for which they have been respectively elected or appointed.

Section 5. The terms of office of all elective officers shall commence on the second  
2 Tuesday of April in the year of their election, and continue for one year, except jus-  
3 tices of the peace, treasurer and aldermen, who are elected for two years, and until  
4 their successors are elected and qualified. All appointive officers appointed for one year,  
5 shall hold their respective offices from the time of their appointment until the second  
6 Tuesday of April next succeeding their appointment and until their successors are  
7 elected and qualified; and all appointive officers appointed for two years shall hold  
8 their respective offices for two years from the second Tuesday of April in the year of  
9 their appointment, and until their successors are elected and qualified.

Section 6. The first common council under this act shall be organized and enter upon  
2 its duties on the second Tuesday of April, A. D. 1891, and shall be composed as follows:  
3 The mayor, and aldermen from each ward as follows. The aldermen from each ward  
4 whose term of office will expire in A. D. 1892, shall be one of the alderman from such  
5 ward under this act, until the end of his said term; and at the annual election in A. D.  
6 1891, the qualified electors of each ward shall elect one alderman for the term of two  
7 years, and thereafter one alderman from each ward shall be elected at each annual  
8 election for the term of two years.

Section 7. Ten days prior to each annual municipal election, the common council  
2 shall cause to be published in the official newspaper printed in said city, if there be one,  
3 a notice in which shall be stated, the officers to be elected and the time and places of  
4 holding such election. If there be no such newspaper printed in said city, then the city  
5 clerk under the direction of the council, shall post up one copy of said notice in each  
6 ward at the place of holding such election, at least ten days prior to said election. Five  
7 days' notice shall be given in like manner of all special elections.

Section 8. Any officer removing from the city or any ward officer removing from the  
2 ward for which he is elected, or any officer who shall neglect or refuse for ten days after  
3 notice of his election or appointment shall be given him by the city clerk of said city, as  
4 provided herein, to qualify and enter upon the discharge of the duties of his office, unless  
5 prevented by sickness or unavoidable absence, shall be deemed to have vacated his  
6 office, and the common council shall proceed to fill such vacancy as herein provided.

Section 9. No person shall be eligible to hold any office mentioned in this act, unless  
2 he shall be a qualified elector of the state of Wisconsin, and shall have been a resident  
3 elector of said city for ten days previous to the election or appointment, nor shall any  
4 person be eligible to any ward office unless he shall have been a resident elector of  
5 such ward for ten days previous to his election or appointment.

Section 10. In case of any vacancy in any of the offices, provided for in this act, the  
2 common council may fill the same for the unexpired term of such office, except vacan-  
3 cies in the office of mayor, justice of the peace or aldermen.

Section 11. The common council shall have power, for gross negligence, malfeasance  
2 or misconduct in office, to expel any of its own members, and to remove any elected or  
3 appointed officer, excepting justices of the peace, by a two thirds vote of all the mem-  
4 bers of the common council; but written charges shall first be filed with the city clerk,  
5 and due and reasonable notice, and opportunity, shall then be given for the hearing  
6 upon such charges, to the officer proposed to be removed.

7 The mayor or city clerk upon the hearing and investigation by the council of such  
8 charges, shall be authorized to administer the necessary oaths to witnesses

9 Any justice of the peace of the city is authorized to issue subpoenas for witnesses  
10 requiring them to attend before said council, wherein the city shall be nominally plaint-  
11 iff, and the party charged, defendant.

12 In a case of neglect or refusal of any such witness to attend and testify on such  
13 hearing, the justice of the peace, who issued the process of subpoena, shall have the  
14 same power to issue a warrant of attachment and punish for contempt by law, as in  
15 cases in justice court, where the witnesses refuse or neglect to appear or testify.

16 Upon such hearing the common council may adjourn from time to time as may be  
17 deemed necessary. And if such officer neglects to appear and answer to such charges,  
18 or if such charges are sustained by the common council, then the common council may  
19 declare such office vacant, by two-thirds vote, as aforesaid. Any appointive officer  
20 may be suspended until the disposition of the charges against him, by resolution of the  
21 common council.

Section 12. All city or ward officers, at the expiration of their terms of office, or upon  
2 their resignation, removal or vacation from office, shall immediately deliver to  
3 their successor in office all property, moneys, books, papers and effects, of every descrip-  
4 tion in their possession belonging to the office they may have held.

Section 13. The common council shall, at its annual meeting after the annual municipal election or as soon as may be thereafter, by resolution fix the salaries and compensation to be paid to such of the city officers and employes elected or appointed under the provisions of this act as are entitled thereto; provided, that no salary or compensation having been once fixed shall be increased to any officer or employe during his term of office or employment, unless by the unanimous consent of all the members of the common council elect.

Section 14. The compensation to be paid to the city clerk, shall be not less than five hundred dollars (\$500.00), nor more than six hundred dollars (\$600.00) per annum. The compensation of the city attorney shall be not less than two hundred dollars (\$200.00), nor more than three hundred dollars (\$300.00) per annum. The compensation of the superintendent of schools shall be not less than fifty dollars (\$50.00), nor more than one hundred dollars (\$100.00) per annum. The compensation of the superintendent of the poor, shall be not less than one hundred dollars (\$100.00), nor more than one hundred and fifty dollars (\$150.00) per annum. Which salary shall be paid quarterly or monthly as the common council may determine. All other officers to whom any compensation is by this act provided to be paid, may be established and paid by the day, week, month or year.

Section 15. When two or more candidates for an elective office under this act shall receive an equal number of votes for the same office, the election shall be determined by casting lots in the presence of the common council, at such time after it shall have met to canvass the votes of such election, and in such manner as the common council shall direct.

### CHAPTER III.

#### ELECTIONS.

Section 1. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All qualified electors of this state, and who shall have been residents of the ward where they offer to vote, for ten days next preceding and the time of holding said elections, shall be entitled to vote for any officer to be elected under this act and qualified to hold any office hereby created.

Section 2. All elections by the common council shall be by ballot, and a majority of

- 2 the votes of the aldermen entitled to seats in the council shall be necessary for a choice.
- 3 But in case of an equal division the mayor may give the deciding vote.

Section 3. Inspectors and clerks of election for each ward of said city shall be appointed in such manner as now is, or hereafter may be, provided by the general laws of the state of Wisconsin; and such inspectors and clerks of all municipal or other elections in their respective wards. All general laws of the state relative to the filling of vacancies in the office of inspectors and clerks of elections in the cities, shall be applicable to all municipal elections of said city; and when any inspector or clerk of election shall be a candidate for any municipal office, his place shall be filled in the same manner as if a vacancy had otherwise occurred.

Section 4. All of the general laws of this state relative to elections and qualifications of electors, the challenging of persons offering to vote by any elector or inspector of elections, as not being qualified to vote at any election, or for any of the causes mentioned in the general laws of the state; the punishment for illegal voting, and the laws of registration of electors, shall be in force and apply to all elections held under this act.

Section 5. If any person who is not a qualified voter, shall vote at any election, or if a person qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by such penalties as are provided and imposed by the general laws of the state of Wisconsin.

Section 6. It shall be the duty of the inspectors to keep a list of the names of all persons whose vote shall be challenged as aforesaid, and who shall swear to their vote, and if any inspector shall knowingly receive the vote of any person not authorized to vote, or shall make out false return of any election, or if any clerk shall knowingly fail to write down the name of every voter as he votes, or shall wilfully make untrue or incorrect counts and tallies of votes, such inspector or clerk shall be liable to prosecution therefor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars (\$100) for each offense, or imprisonment in the county jail not exceeding six months, or both, at the discretion of the court.

Section 7. When the election shall be closed the number of votes cast for each person voted for shall be counted, and the inspectors shall then publicly declare the result and make returns thereof, stating therein the number of votes cast for each person for

4 any office, and shall deliver or cause to be delivered such returns to the city clerk with-  
5 in twenty-four hours after the closing of the poll, with the defective ballots cast, if  
6 any, at such election, enclosed in a sealed envelope. The second day after any election,  
7 at 7½ o'clock P. M., the common council shall meet at their usual place of meeting and  
8 canvass such returns and declare the result as appears from the same, and the clerk  
9 shall forthwith record the same and give notice of his election to each officer elected.

Section 8. Special elections by the people to fill vacancies, or for any other purpose  
2 shall be held and conducted by the inspectors and clerks of election of the several  
3 wards in the same manner and canvassed by the council within the time and in the  
4 same manner as prescribed for the annual municipal election.

Section 9. Every person elected or appointed to fill a vacancy, shall hold his office  
2 and discharge the duties thereof, for the unexpired term, with the same rights and  
3 subject to the same liabilities as the person whose office he may be elected or ap-  
4 pointed to fill.

Section 10. If any person, having been an officer of said city, shall not, within  
2 twenty-four hours after demand, and presentment by his successor of the city clerk's  
3 certificate of his successor's election or appointment and qualification to said office de-  
4 liver to his successor in office, all property, money, books, papers and effects of every  
5 description belonging to said city, or pertaining to the office he may have held, he  
6 shall forfeit and pay to the use of said city, a sum not exceeding one hundred dollars  
7 (\$100) as the common council may determine and all damages and costs, caused or in-  
8 curred either by said city or his successor by his neglect or refusal so to deliver; and  
9 for such damage he and his bondsmen shall be liable as for a breach of his official  
10 bond, and further, such successor may recover the possession of such books, papers,  
11 and effects in the manner prescribed by the laws of this state.

Section 11. Should there be a failure to hold any annual or special election, or by  
2 the people to elect any officer required by this act to be elected, on the day designated  
3 or fixed, it shall be the duty of the common council, within ten days thereafter to or-  
4 der a new election to be held, and to require notice of the time and places of holding  
5 such election, and of the officer or officers to be elected at such meeting as provided  
6 herein, in case of annual or special election, the same shall be held and conducted and  
7 returns made and canvassed in the same manner as annual elections.

Section 12. The votes for all city and ward officers shall be on one ballot and shall  
2 be deposited in the same ballot box.

## CHAPTER 4.

## DUTIES OF OFFICERS.

Section 1. The mayor, when present, shall preside over the meetings of the common council, and see that the laws of the state and the laws and ordinances of the city are duly enforced, and that all officers of the city discharge their respective duties; he shall from time to time give the common council such information and recommend such measures as he may deem proper and advantageous to the city, and shall perform all duties imposed upon him by this act or by the ordinances or resolutions of the common council. It shall be his duty generally to maintain the peace and good order of the city. He shall vote in the common council only in case of a tie vote. The mayor shall have power to veto any ordinance or resolution passed by the common council, as hereinafter provided, except such resolutions as are by this act especially exempted from such veto power; and shall have power to command and direct the chief of police and the policemen of the city at all fires, riots, disturbances of the peace and tumultuous assemblages, and may, for disobedience of his orders or misconduct of any member of the police force, verbally or in writing, suspend such member of the police force and stop his pay until the common council shall take final action on the order of suspension.

Section 2. The common council at its first meeting in each year after the annual election, or as soon thereafter as practicable, shall elect one of its members president, who, in the absence of the mayor, shall preside over the meetings of the common council; and who, in case of the absence of the mayor from the city or his inability to discharge the duties of his office for any reason, or in case the office of mayor shall become vacant, shall act as mayor and discharge all the duties and have all the powers of his office, except as hereinafter limited. In case the mayor and president shall both be absent, from any meeting of the council, the council may elect one of their own members, temporary president who shall preside over such meeting, and while so acting shall have the power and discharge the duties of mayor, and shall be styled "acting mayor," but provided that such temporary president shall not sign any city order, and that neither such president nor temporary president shall sign any bond, certificate of appropriation or resolution appropriating money for any purpose, or any instrument for payment of any money, except such president, while acting as mayor may sign city

15 orders for payment of salaries of officers and accounts allowed by the common  
16 council.

Section 3. The clerk shall keep the corporate seal and all papers and records of the  
2 city, and keep a record of proceedings of the common council, at whose meetings it  
3 shall be his duty to attend; he shall keep an accurate and detailed account of the of the  
4 financial condition of the city and of each ward as the common council may prescribe.  
5 He shall so keep the books of said city that every subject of taxation shall be entered  
6 under its proper head, as state, county, schools, bridges, and the like. He shall make  
7 copies of assessments of the city when required by the common council, and shall make  
8 and complete all tax rolls. He shall also keep an acurate account with the city treas-  
9 urer, and charge him with all taxes levied and sums paid into the treasury. He shall make  
10 out a list of all outstanding city bonds and coupons, to whom, when and where payable.  
11 He shall report to the common council as often as the common council shall require, an  
12 estimate of the expenses of the city and of the several wards, and of the revenue neces-  
13 sary to be raised for the current year, and shall countersign all contracts made  
14 in behalf of the city, and unless they be so countersigned  
15 they shall have no validity; he shall countersign all orders drawn on the city treasury  
16 by order of the common council, and shall keep a correct record of the same; he shall  
17 be clerk of the board of review, and shall attend the meetings of such board, and keep  
18 a correct record of the proceedings thereof; he shall file in his office all chattel  
19 mortgages presented to him for that purpose, and safely keep the same, receiving  
20 therefor the same compensation as clerks of towns, and all chattel mortgages as filed  
21 shall be as valid and legal as if the same had been filed in any town clerk's office in  
22 any town, and copies of all papers filed in his office, and transcripts from the records  
23 in his office and of the common council, certified by him under the corporate seal,  
24 shall be evidence in all courts, in like manner as if the original were produced. The  
25 clerk shall have power and authority to administer oaths and affirmations. The city  
26 clerk of the city of Menasha shall have power to appoint a deputy clerk and remove  
27 him at pleasure. The deputy clerk, in the absence of the clerk shall perform all the  
28 duties of the clerk. His salary shall be paid by the clerk, who shall be responsible for  
29 the faithful performance of his duties.

Section 4. The treasurer shall receive all moneys belonging to the city, and keep an  
2 accurate and detailed account thereof, together with an account of all disbursements,

3 in such manner as the common council may direct; all money of whatever description  
 4 raised by tax, license, fine, penalty, forfeiture, or otherwise for city purposes, shall be  
 5 paid into the city treasury; he shall collect all taxes and assessments which may be  
 6 levied or assessed upon the real and personal property in the city, and exercise the  
 7 same powers when not prescribed by this act, as control and govern the treasurers of  
 8 towns; and he shall be subject to the same liabilities; he shall pay all orders drawn on  
 9 the treasury by order of the common council, or as is otherwise authorized, out of the  
 10 proper funds; he shall report to the common council quarterly, and as often as the  
 11 common council shall require, a full and detailed account of all receipts and expendi-  
 12 tures after the date of the last quarterly report, which statement shall be filed with the  
 13 city clerk; and at the expiration of his term of office, shall hand over to his successor,  
 14 all moneys, books, and property in his possession belonging to said city. The books  
 15 kept by said treasurer shall be open to inspection by any person at all reasonable times.  
 16 He shall receive such compensation only as is hereinafter provided. No person shall  
 17 be eligible to hold the office of treasurer for two successive terms.

Section 5. The city attorney shall conduct all law business of said city and the de-  
 2 partments thereof, unless relieved by the common council, and all other legal business  
 3 in which the city shall be interested, and when so ordered by the common council, he  
 4 shall furnish written opinions on all subjects submitted to him by the mayor or coun-  
 5 cil, or any department of the corporation; it shall also be his duty to draft all ordinan-  
 6 ces, bonds, contracts, leases, conveyances, and such other instruments in writing as  
 7 may be required by the common council, and to perform such other duties as may be  
 8 prescribed by the ordinances of the city or by any resolution of the common council.

Section 6. The city surveyor shall be a practical surveyor and engineer; he shall keep  
 2 his office at some convenient place within the city, and the common council shall pre-  
 3 scribe his duties and fix his fees and compensation for any service performed by him.  
 4 All surveys, profiles, and estimates made by him for the city shall be the property of the  
 5 city and shall be carefully preserved in the office of the surveyor and open to inspection  
 6 of all parties interested; and when required by the common council, he shall file copies  
 7 of plans, profiles and estimates with the city clerk, and all books and papers appertain-  
 8 ing to said office shall be delivered over by the surveyor, at the expiration of his term of  
 9 office, to his successor or the common council.

Section 7. The chief engineer of the fire department shall in all cases have control of

2 the different fire companies of the city, their engines, steamers and fire apparatus, and  
3 also the direction and control thereof, when called out on duty subject only to the com-  
4 mon council; he shall see that the engines, steamers and apparatus of the fire depart-  
5 ment are kept in perfect order and readiness for immediate use, and cause all necessary  
6 repairs to be made without letting the same by contract, and report the same to the  
7 common council for approval and allowance; he shall use his utmost endeavors in pre-  
8 venting and subduing fires and controlling the firemen thereat; he shall perform such  
9 other and further duties as are prescribed in other provisions of this act, and by the  
10 ordinances of the common council.

Section 8. The superintendent of schools shall be ex officio, president of the board  
2 of education, and in cases of a tie shall give the casting vote; he shall have the superin-  
3 tendence of all the public schools, school houses, books and apparatus; he shall visit all  
4 the schools as often as his duty will require, and pay special attention to the classifica-  
5 tion of the pupils in the several schools, and to the apportionment among the classes of  
6 the prescribed studies; he shall carefully observe the teachings and discipline of all teach-  
7 ers employed in the public schools, and shall report to the board whenever he shall find  
8 any teacher deficient or incompetent in the discharge of his or her duties; he shall at-  
9 tend all meetings of the board of education, when required and shall keep the board  
10 constantly informed of the condition of the public schools, and changes required in the  
11 same.

Section 9. The chief of police shall attend all meetings of the common council and  
2 shall perform such duties as shall be prescribed by this act or by any ordinance of the  
3 city for the preservation of the peace, for the health of the city and the collection of  
4 fines and license money; he shall possess the powers of constable at common law or by  
5 the laws of this state, and shall receive like fees and be subjected to the same liabilities;  
6 it shall be his duty to execute and return all writs and process to him directed, and  
7 when necessary in criminal cases, or for the violation of any ordinance of said city or  
8 law of this state, may pursue and serve the same in any part of the state of Wiscon-  
9 sin; he shall under the direction of the mayor, be chief executive of the police depart-  
10 ment; he shall repair to all fires, riots and tumultuous assemblages, take charge of the  
11 police present, and use every exertion to protect property, disperse mobs, and cause to  
12 be arrested all persons engaged in disturbing the peace; to apprehend any person in  
13 the act of committing any offense against any ordinance of said city or the laws of

14 this state, and, within reasonable time bring such person before competent authority  
15 for examination; he shall have power to direct the policemen to any place where he  
16 shall deem their service necessary: he shall promptly report to the mayor all com-  
17 plaints against the policemen and cause to be obeyed all rules and regulations prescrib-  
18 ed for the police department; and he, or some policemen, shall be keeper of the lock-up  
19 and keep the keys thereof.

Section 10. It shall be the duty generally of all policemen appointed by the common  
2 council to faithfully perform such duties as shall be prescribed by the ordinances, laws  
3 and resolutions of the common council for the preservation of the public peace and health  
4 of the city, and they shall possess all common law and statutory powers of constables;  
5 they shall faithfully abide by all ordinances prescribing the manner and extent of their  
6 duties and the time in which such duties are to be performed; they shall perform  
7 all duties for the city required, under such regulations as the common council shall pre-  
8 scribe.

Section 11. The mayor, sheriff of Winnebago county, each and every alderman, jus-  
2 tice of the peace, chief of police, policemen and constable, shall be officers of the peace,  
3 and suppress in a summary manner, all riotous and disorderly behavior within the limits  
4 of the city, and for such purpose may command the assistance of all bystanders, and,  
5 if need be, of all citizens; and if any person shall refuse to aid in maintaining the peace  
6 when so required, every person shall forfeit and pay a fine of twenty-five dollars (\$25.00).  
7 It shall be lawful for the mayor and aldermen, chief of police, every policeman or con-  
8 stable of the city to arrest forthwith any person within the city, who shall be drunk,  
9 disorderly, riotous or doing any act which shall, by this act, be construed to be a misde-  
10 meanor, or by warrant, to arrest any person whom they, or any of them, shall find com-  
11 mitting any violation of the laws of this state, or any ordinance of the city, and to take  
12 such person before a justice of the peace of the city, or if it be out of office hours, or for  
13 any other good reason an examination or trial cannot be had, to confine such person so  
14 arrested in the police station or common jail of Winnebago county until such time as an  
15 examination or trial can be had.

Section 12. The several fire wardens of the city shall examine as to the construction  
2 of all chimneys, fire places, hearths, stoves, stove pipes, ovens, smoke stacks, boilers  
3 and fire apparatus used in and about any building, and shall have power to prevent  
4 the improper construction thereof; and may cause them to be removed and placed in  
5 a safe and secure position; they shall prevent the depositing or keeping of ashes or any  
6 combustible material in any place except such as is safe; and they shall perform other

7 and such further duties as may be ordered or prescribed by the common council.

Section 13. The justices of the peace, elected under this act, shall have the same jurisdiction and perform all duties of justices of the peace as provided by the general laws of this state and shall qualify in the same manner, except that their official bond shall be approved by a majority of the common council; and in addition thereto they shall have concurrent jurisdiction in all cases arising under this act, the ordinances, resolutions and by-laws passed by said city council unless otherwise provided. Their fees shall be governed by the general laws concerning the fees of justices of the peace, but they shall not be furnished or paid by said city, nor shall they receive any perquisites or compensation from said city, except so far as the city may become liable to them for fees as the party to a suit before them. They shall as often as the common council may require, report to the common council all the proceedings instituted before them in which the city is interested; and shall account for and pay over to the treasurer of said city, all fines, and penalties collected by them, and belonging to said city, within ten days after receiving the same and take his receipt for the same.

Section 15. The superintendent of the poor shall have the same powers and shall perform the same duties in relation to the care and support of the poor, as supervisors of the ~~form~~ several towns, under the general laws of the state; provided, however, that he shall keep such accounts as the common council may direct, and at all times be subject to, and obey all orders and resolutions of the common council, concerning his duties and care and support of the poor, and shall report from time, to time as the council shall direct.

Section 16. No member of the common council shall be directly or indirectly interested in any contract made with or in behalf of said city, and no officer of said city, shall directly or indirectly purchase or be interested in the purchase of any city or school order or certificate of indebtedness for less than the face thereof. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars (\$100.00) or imprisonment in the county jail for not more than six months or both, in the discretion of the court.

Section 17. The city treasurer shall receive the compensation provided for in this act and no more. The assessors and members of the board of review and inspectors and clerks of election shall receive such compensation as shall be fixed and allowed by the general laws of this state.

Section 18. The mayor, clerk and assessors of said city of Menasha and one other person to be appointed by the common council shall constitute the board of review of the city of Menasha. The members of the board of review shall have the same compensation per day as the assessors. The time for which the members of the board of review shall receive compensation, shall not exceed fifteen days. The mayor shall be chairman ex officio of said board.

Section 19. The assessors shall not receive compensation for a longer time than fifty days for making the assessment of real and personal property of said city.

## CHAPTER 5.

### GENERAL POWERS AND DUTIES OF COMMON COUNCIL.

Section 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The mayor and common council of the city of Menasha do ordain," etc. The majority of the aldermen elect shall constitute a quorum. The common council shall annually meet on the second Tuesday of April, after the annual municipal election at the council rooms in said city, and at such other times as they, by resolution or any rule adopted shall appoint. The mayor, or a majority of the common council, for any good reason may call special meetings, by notice to each of the members to be served personally or to be left at their usual place of abode. The common council shall determine the rules of its own proceeding, and to be the judge of the election and qualification of its members, and shall have power to compel the attendance of absent members.

Section 2. The common council shall have the control and management of all the finances except school moneys, as hereinafter provided, and of all the property of the city; and shall likewise, in addition to the power 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 and by-laws, for the government and good order of the city, for the suppression of vice and for the prevention of crime, and for the benefit of trade, commerce and health thereof, and as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws; and such ordinances, rules and by-laws are hereby declared to be and have

11 the force of laws; provided, that they are not repugnant to the constitution and laws  
12 of the United States or of this state, and for these purposes shall have authority by  
13 ordinances, resolutions or by-laws.

1st. To manage and regulate the finances, and to regulate and preserve and dispose  
2 of the property, real and personal, belonging to the city.

2d. To adopt all legal and requisite measure for levying taxes and assessments.

3rd. To license, prohibit, regulate, tax and suppress the exhibitions of common showmen  
2 of any kind, or the exhibitions, of caravans circusses, theatrical performances, musical  
2 entertainments, billiard table, bowling saloons and nine or ten pin alleys; to prescribe  
3 the amount to be paid for such license and the time when such license shall expire;  
4 and to grant licenses for the selling of spirituous, intoxicating, or fermented liquors, ale  
5 or beer, and to revoke the same for a violation thereof, and the amount to be paid for  
6 any such license for the selling of spirituous, intoxicating, or fermented liquors, ale or  
7 beer, shall be as is or may be fixed by the general laws of the state of Wisconsin, and  
8 to prescribe the time when such licenses shall expire; and may require of all persons  
9 applying for licenses for the sale of spirituous, vinous, intoxicating or fermented liquors,  
10 ale or beer, a bond in such penal sums and with such provisions as the common coun-  
11 cil shall direct; provided, that no person, so licensed shall give away or sell spirituous,  
12 vinous, intoxicating or fermented liquors, ale or beer on election days or Sundays.

4th. To restrain or prohibit all descriptions of gaming and fraudulent devices and  
2 practices, and all playing of cards, dice and other games of chance for the purpose of  
3 gaming in said city.

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

6th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop,  
2 soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous  
3 house or place, to cleanse, remove, or abate the same, from time to time, as often as  
4 may be deemed necessary for the health, comfort and convenience of the inhabitants  
5 of said city.

7th. To direct the location and management of, and regulate breweries, tanneries  
2 and packing houses; and to direct the location, management and construction of, and  
3 regulate license, restrain, abate or prohibit within the city, distilleries, slaughtering  
4 establishments, establishments for steaming or reducing lard, tallow, offal, and such

5 other substances, as can or may be rendered, and all establishments or places where any  
6 nauseous, offensive or unwholesome business may be carried on.

8th. To establish and regulate public markets, determine their location and make  
2 rules and regulations for the government of the same; to appoint suitable officers for  
3 overseeing and regulating such markets, and to restrain all persons from interrupting  
4 or interfering with the due observance of such rules and regulations.

9th. To regulate butchers, and to regulate and restrain the sale of game, poultry,  
2 fresh meat, vegetables, fish, butter, fruit, eggs and other provisions in the city; to re-  
3 strain and punish the forestalling of poultry, fruit and eggs, and to cause the seizure  
4 and destruction, or other disposition of tainted, unwholesome meat, butter, vegetables,  
5 fruit or provisions.

10th. To direct or prohibit the location and management of houses for the storing  
2 of gunpowder or other combustible and dangerous materials within the city.

11th. To regulate and restrain the keeping and conveying of gunpowder and other  
2 combustible and dangerous materials, and the use of candles and lights in barns, stables  
3 and out houses.

12th. To prevent the shooting of fire-arms and crackers, and to prevent the exhibi-  
2 tion or use of any fireworks at any time or in any situation which may be considered,  
3 by the council, dangerous to the city or to any property therein, or annoying to any  
4 citizen thereof.

13th. To prevent the encumbering of the streets, sidewalks, lanes, alleys, public  
2 grounds, wharves and docks, with carriages, carts, wagons, sleighs, sleds, wheel-bar-  
3 rows, boxes, lumber, firewood, timber, posts, signs, awnings or any substance or material  
4 or in any manner whatsoever.

14th. To prevent horse racing or immoderate riding or driving in the streets, and to  
2 authorize any person to stop persons immoderately riding or driving as aforesaid; to  
3 prohibit and punish the abuse of animals, and to compel persons to fasten their horses,  
4 oxen or other animals attached to vehicles or otherwise while standing or remaining in  
5 any street, alley or public ground.

15th. To regulate and determine the times and places of bathing and swimming in  
2 canals, rivers, harbors or other waters in and adjoining said city and to prevent any ob-  
3 scene or indecent exhibition, exposure or conduct.

16th. To restrain and punish vagrants, mendicants, street beggars and prostitutes,

2 and to restrain drunkards, immoderate drinking or obscenity in the streets or public  
3 places, and to provide for arresting, removing and punishing any person or persons who  
4 may be guilty of the same.

17th. To restrain, regulate or prohibit the running at large of cattle, horses, mules,  
2 swine, sheep, goats, poultry and geese, and to authorize the restraining, impounding  
3 and sale of the same, for the penalty incurred and the costs of proceedings; and also  
4 to impose penalties on the owners of any such animals for a violation of any ordinances  
5 in relation thereto.

18th. To prevent the running at large of dogs in the said city, and to authorize the  
2 destruction of the same in a summary manner, when at large contrary to such ordin-  
3 ances.

19th. To provide for licensing the keeping of dogs in said city, at a sum or rate not  
2 less than one dollar (\$1.00) nor more than ten dollars (\$10.00) a year for each dog, and  
3 to provide for a badge or token to be carried by each licensed dog, and for the killing  
4 and destruction in a summary manner of all dogs not licensed wherever the same may  
5 be found within the city, and of the licensed dogs at large in the streets, alleys or pub-  
6 lic grounds in said city, and to punish persons keeping unlicensed dogs.

20th. To license, regulate and suppress hackmen, draymen, cartmen, porters, omni-  
2 bus drivers, cabmen, carmen and porters, and all others, whether in the permanent em-  
3 ployment of any corporation or otherwise, who may pursue like occupation with or  
4 without vehicles.

21st. To prevent and regulate the rolling of hoops, flying of kites, playing of ball,  
2 riding of bicycles and velocipedes, or other amusements or practices having a tendency  
3 to annoy persons passing in the streets or on the sidewalks, or to frighten teams and  
4 horses.

22nd. To make regulations to prevent the introduction of contagious infectious dis-  
2 eases into the city, or their spread therein.

23rd. To abate all nuisances, which are or may be injurious to the public health, in  
2 any manner they may deem expedient, and to do all acts and make all regulations  
3 which may be necessary or expedient for the preservation of health and the suppres-  
4 sion of disease.

24th. To regulate the burial of the dead and registrations of births and deaths; to  
2 provide hospital and cemetery grounds; to direct the returning and keeping of

3 bills of mortality, and to impose penalties on physicians, sextons and others for any  
4 default in the premises.

25th. To remove and abate all nuisances under the ordinances or at common law,  
2 and punish the authors thereof by penalties, fine and imprisonment, and to define and  
3 declare what shall be deemed nuisances, and authorize and direct the summary abate-  
4 ment thereof; but nothing in this act shall be so construed as to deprive any court of its  
5 jurisdiction to abate and remove nuisances in the streets, or in any other parts of said  
6 city or within its jurisdiction by indictment or otherwise.

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

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

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

29th. To control, regulate or prohibit the use of steam whistles with the limits of the  
2 city.

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

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

32nd. To control, regulate, repair, amend and clean all streets and alleys, bridges,  
2 side and crosswalks, and open, widen, straighten and vacate streets and alleys, and  
3 establish and alter the grade thereof; and prevent the encumbering of streets and alleys  
4 in any manner, and protect the same from any encroachments or injury; and to regu-

5 late the manner of using the streets and pavements in said city and protect the same  
6 from injury by vehicles used thereon.

33rd. To prevent all persons from riding, driving any horse, ox, mule, cattle or other  
2 animals on the sidewalks in said city, and protect the same from injury or damage.

34th. To make, establish and regulate public ponds, pumps, wells, cisterns and reser-  
2 voirs.

35th. To erect lamps and regulate the lighting thereof; and to providing for lighting  
2 the streets, public grounds and public buildings with gas or otherwise.

26th. To regulate the sale of bread within said city, and prescribe the size and  
2 weight of bread in the loaf and the quality of the same, and to provide for the seizure  
3 and forfeiture of bread baked contrary to such regulations and prescriptions.

37th. To require every merchant, retailer, trader and dealer in merchandise or prop-  
erty of any description which is sold by measure or weight, to cause his weights and  
3 measures to be sealed by the city sealer and to be subject to his inspection, and to pro-  
4 vide for the punishment of persons using false weights and measures. The standard  
5 of such weights and measures shall be in conformity to those established by law in  
6 this state.

38th. To regulate the weighing and sale of hay and the places and manner thereof;  
2 to regulate the cutting and sale of ice, and to restrain the sale of such ice as is impure,  
3 also to regulate the sale and measuring of wood and the weighing and selling of coal  
4 and lime, and the places and manner thereof, and to appoint suitable persons to super-  
5 intend and conduct the same, and to define their duties.

39th. To regulate the times, places and manner of holding public auctions or  
2 vendues.

40th. To tax, license and regulate auctioneers, distillers, brewers, pawn-brokers,  
2 and all keepers or proprietors of junk-shops and places for the sale and purchase of  
3 second-hand goods, wares and merchandise; and to tax, license, regulate and restrain  
4 hawkers and peddlers, and runners or solicitors for steamboats, vessels, cars, railroads,  
5 stages, public houses and other establishments; and other runners including runners  
6 or solicitors for mercantile houses from other cities and towns for the sale of goods,  
7 wares and merchandise by sample, order or otherwise, and keepers or proprietors of  
8 gift book stores, gift concerts and other gift enterprises; and to fix and regulate the  
9 amount for licenses under this subdivision, and to prescribe the time for which such  
10 licenses shall be granted, and to provide and enforce penalties for carrying on either

11 of said trades, kinds of business or employments without license and to regulate the  
12 manner in which they shall be carried on.

41st. To regulate the places and manner of selling pickled and other fish.

42nd. To regulate the inspection of whiskey and other liquors, to be sold in barrels,  
2 hogsheads, and other vessels.

43d. To establish and regulate public grounds, parks and boulevards, and to purchase  
2 grounds for the same.

44th. To appoint watchmen and policemen, and regulate the police and prescribe their  
2 duties.

45th. To compel the owners and occupants of all houses, stores or other buildings  
2 within the city of Menasha to number the same in such manner as the common council  
3 may from time to time prescribe.

46th. To declare the weed commonly called the Canada thistle and other noxious  
2 weeds and plants on lots, parts of lots and lands in said city, a public nuisance, and to  
3 proceed to abate the same as the said city is authorized by law to abate other nuis-  
4 ances.

47th. To impose fines for all violations within the limits of said city, of the general  
2 laws of the state, when in their judgment it is necessary for the peace and good order, or  
3 for the health of the city.

48th. To direct the planting and preserving of ornamental trees in the streets and  
2 public grounds.

49th. To preserve Lake Winnebago, the Fox river within the limits of the city of Me-  
2 nasha, and prevent any use of the same or any act in relation thereto inconsistent with,  
3 or detrimental to the public health, or calculated to render the waters of the same, or  
4 any part thereof, impure or offensive or tending in any degree to fill up or obstruct the  
5 same; to prevent and punish the casting or depositing therein of any earth, dead ani-  
6 mals, ashes or other substance or filth, or floating matter; to prevent and remove all ob-  
7 structions therein and punish the authors thereof; to prescribe, regulate and control  
8 the time or times, manner and speed of all boats, crafts and vessels passing the bridges  
9 over the Fox river in said city, or the canals of said city, and of coming to and depart-  
10 ing from the wharves of said city, and to regulate and prescribe by ordinances, such lo-  
11 cation of the steamboats, crafts or vessels afloat within the Fox river and the harbor of said  
12 city, and such changes of station therein as may be necessary to promote order in said  
13 river and harbor, and the safety and convenience of the different water crafts and ves-

14 sels therein, as near as may be, and to enforce such ordinances by penalties not exceed-  
 15 ing fifty dollars (\$50), for any offense against such ordinance.

50th. To authorize the arrest, fine and imprisonment, as vagrants, of all persons who,  
 2 not having visible means to maintain themselves, are without employment, idly loiter-  
 3 ing or rambling about or staying in groceries, drinking saloons, houses of ill fame or  
 4 houses of bad repute, gambling houses, railroad depots or fire engine houses; or who  
 5 shall be found trespassing in the night time upon the private premises of others, or beg-  
 6 ging or placing themselves in the public streets or other thoroughfares or public places  
 7 to beg or receive alms; also keepers, exhibitors or visitors at any gaming table, gamb-  
 8 ling house, house of fortune telling, place for cock-fighting or other places of device;  
 9 and all persons who go about for the purpose of gaming or watch stuffing, or who shall  
 10 have in their possession any article or anything used for obtaining money under false  
 11 pretenses, or who shall disturb any place where public or private schools are held, either  
 12 on week day or Sabbath, or places where religious worship is held.

51st. To regulate or prohibit the carrying or wearing by any person under his clothes  
 2 or concealed about his person, of any pistol, revolver or slung shot or cross-knuckles or  
 3 or knuckles of lead, brass or other metal, or bowie-knife, dirk-knife or dirk or dagger,  
 4 or any other dangerous or deadly weapon; and to provide for the confiscation or sale of  
 5 such weapons.

52nd. To control and regulate the construction of buildings, chimneys and stacks;  
 2 and to prevent and prohibit the erection or maintenance of any insecure or unsafe  
 3 building, stack, wall or chimney in said city, and to declare them to be a nuisance and  
 4 to provide for their summary abatement.

53d. To declare that it shall be unlawful for any hall, theatre, opera house, church,  
 2 school house or building of any kind whatsoever to be used for the assemblage of  
 3 people unless the same is provided with ample means for the safe and speedy egress of  
 4 the persons therein assembled in case of alarm.

54th. To require the mayor and chief of police to detail a sufficient number of men  
 2 from the police force of the city to take charge of the public grounds of said city, and  
 3 to properly enforce the pound ordinances thereof, and to provide for the election of  
 4 one or more pound keepers, and for the payment of such pound keepers, either by  
 5 salary or fees, or partly by both; and to make all necessary rules and regulations for  
 6 the enforcement of any pound ordinance of said city.

55th. To establish a fire department within the city, and prescribe the duties of officers and members thereof, and to regulate the construction of chimneys and smoke stacks and the cleaning thereof; to prevent the setting up or to require the removal of stoves, pipes, boilers and ovens deemed dangerous; to prohibit or regulate the deposit of ashes; to authorize any city officer, or any person designated by them, to inspect any place or places, to ascertain whether the same are in safe condition, and if not, to require the same to be made so, and also to regulate the carrying on of manufactures dangerous in causing or promoting fires; to extend and define, from time to time, the grounds to be enclosed in the fire limits; to require, regulate or prohibit all such other acts to be done as they may deem proper to prevent the occurrence, or to provide for the extinguishment of fires.

56th. To grant by ordinance the right of way through any street or over any bridge of the city, to any person, persons or corporation proposing to build thereon street railroads, the cars thereon to be propelled by horse or other power; and to grant them rights and privileges, under such limitations and conditions as they may direct.

57th. To control and regulate the manner of erecting brick and stone walls for buildings, and the thickness of the same, and to prohibit the construction, or require the removal of any such as they may deem dangerous to life or injurious to property, and prescribe penalties for the violation of such rules and regulations, to raze or demolish any building or structure, which, by reason of fire or any other cause may become dangerous to life or health, or may tend to extend a conflagration.

58th. To direct the digging down and filling up of lots, whenever the same may be deemed necessary to prevent injury to the streets, side or crosswalks, or to adjoining property at the expense of the owners thereof, and to prevent, prohibit and cause the removal of all obstructions and encumbrances in and upon all wharves, streets, lanes alleys, sewers, gutters, ditches, streams and public grounds in said city.

59th. To erect and establish a city jail for the confinement of disorderly, drunken or riotous persons, vagrants and all persons charged or found guilty of any offense under the laws of the state of Wisconsin, or any ordinance of said city; and to purchase or lease all the necessary grounds, and pass all such ordinances for the regulation thereof, as may be necessary; and to appoint a keeper.

60th. To regulate the use of locomotive engines within the city, to direct and control the location of railroad tracks; maintain and control, at their own expense such bridges, viaducts, tunnels, gates, barriers, as the common council may deem necessary,

4 and to enforce such ordinances by penalties, to be collected from the railroad companies,  
 5 or by arresting the engineers, firemen, or conductors, operating the trains in violation thereof, or by imposing such other penalties, not contrary to the statutes and constitutions of this state or the United States.

61st. To regulate, control and prohibit the location, laying, use and management of telegraph, telephone and electric light power, wires and poles.

62nd. To make, ordain and pass ordinances and by-laws for the police, and to enforce such rules for the observance of laws, ordinances and regulations of the city police station.

63rd. To establish and regulate boards of health.

Section 3. The common council shall have power to provide for the erection of waterworks for the supply of water to the inhabitants, and to the said city for fire protection, and other purposes; to secure the erection of water works, said city may by contract or ordinance, grant to any person, company, or corporation, full right and privilege, and empower, and authorize such company, persons, or corporation, to build for themselves and own such water works, and to maintain, operate, and regulate the same, and in so doing, to use the streets and alleys of said city, in laying and maintaining the necessary pipe lines, and hydrants, for such terms and conditions, as may be prescribed by such ordinance or contract, providing for the supplying from said water works, the said with water for fire protection, and other purposes, and also the inhabitants thereof with water, for such term of years, and for such price, and in such manner, and subject to such limitations as may be fixed by said contract; provided, however, that no ordinance or contract to purchase water works for, or in behalf of said city, or to erect such waterworks by the city, shall be valid or binding until the same shall be submitted to a vote of the qualified electors of said city, which may be done at a regular or special election called for that purpose, by a majority vote of the common council, of which at least two weeks' notice thereof shall be given, and if a majority of the qualified electors shall vote in favor of such ordinance for the purchase of water works, the common council may raise the whole, or part of the money required by ordinance, to purchase the water works, by special tax upon all the taxable property, or may raise the whole or part thereof by issuing the bonds of the city of Menasha therefor, and selling the same; which bonds may be payable in twenty years, or less number of years; and shall not draw to exceed 5 per cent interest, payable annually, and which shall be paid by, from, and out of the taxable property of the city of Menasha.

Section 4. Sewers, drains, or ditches may be made, or dug or repaired by the common council, at the cost, charge or expense, in whole or in part, as the common council may determine, of the lots which may be deemed benefited thereby, and the common council shall apportion such cost, charges and expense among and on such lots, in such proportion or amount as said common council shall deem benefited thereby, and such amounts shall be levied and assessed upon said lots as a special tax; and be inserted in the tax roll first made out thereafter, and collected as other special taxes are; said work may be done by the common council, or by men in its employ, or let out by contract to some third party, or by the lot owner himself if he sees fit, under the direction and to the satisfaction of the superintendent of said works, or superintendent of streets of said city.

Section 5. The common council of the city of Menasha is hereby authorized and empowered by ordinance, to regulate the sale of goods, wares and merchandise, or any other property, at auction, in said city of Menasha, and may prohibit the sale thereof at auction within the limits of the said city of Menasha, by any person without having obtained license therefor; and may require such person or auctioneer so licensed, to pay for such license, a fee of not less than two dollars (\$2.00) per day, nor more than twenty-five dollars (\$25.00) per day, for each and every day for holding said auction or vendue; provided, however, that nothing in this act shall prohibit or affect in any manner, sales at auction, exempted from payments of license as specified in section 1585, revised statutes, as re-enacted and amended by section 2, of chapter 334, of the laws of Wisconsin, for the year 1887.

Section 6. Every ordinance or resolution of the common council (excepting those prescribing rules for their government and the appointment of officers) shall, before it takes effect, be presented to the mayor, by the clerk. The mayor, if he approves it, shall sign it, in which case it shall take effect immediately thereafter, unless otherwise provided for in the resolution or ordinance. If he does not approve of it, he shall return it with his objections in writing to the city clerk, within five days after he shall have received it. The common council may then proceed to reconsider the same, and, if two thirds of all the members elect shall agree to pass the same, it shall take effect as law. In every such case the vote shall be taken by ayes and noes, and be entered upon the records of the proceedings. If such ordinance or resolution shall not have been returned by the mayor within five days after he shall have received it, it shall

12 take effect in like manner as if he had signed it. Before any such ordinances or reso-  
13 lutions shall be in force, they shall be published in the official paper of said city, and,  
14 together with the affidavit of publication, shall be recorded by the city clerk in the  
15 books provided for that purpose. The time and manner of publication proven by the  
16 original affidavit of publication or by the recorded copy thereof, or in case of the loss or  
17 destruction of either of the original affidavit, or ordinances, or resolution, or the book  
18 or books containing a record of the same, the contents of the affidavit, ordinance or res-  
19 olution as well as the fact of recording the same or any of them, or any matter or  
20 thing therein contained, may be proven by parole testimony.

Section 7. The power conferred upon the said common council to provide for the abate-  
2 ment or removal of nuisances, shall not bar or hinder suits, proceedings or prosecutions in  
3 the courts according to law. Depots, houses or buildings of any kind wherein more than  
4 ten pounds of gunpowder are deposited, stored, or kept at any one time, gambling houses,  
5 houses of ill fame, disorderly taverns, and houses and places where spirituous, vinous  
6 or fermented liquors are sold without the license required therefor, within  
7 the limits of said city, are hereby declared and shall be deemed public or common  
8 nuisances.

Section 8. The common council shall examine, audit and adjust the accounts of city  
2 and ward officers or agents at such times as they shall deem proper, and also at the end  
3 of each year, and before the time for which the officers are elected or appointed shall  
4 have expired, and the common council shall require each and every such officer and  
5 agent to exhibit his books, funds and moneys, accounts and vouchers, for such examina-  
6 tion and settlement; and if any such officer or agent shall refuse to comply with the  
7 order of said council in discharge of said duties, in pursuance of said section, or shall  
8 neglect or refuse to render his accounts, or present his books, funds, moneys and vouch-  
9 ers to said council, it shall be the duty of the common council to declare the office of such  
10 person vacant; and the common council shall order suits and institute proceedings at  
11 law, against any officer or agent of said city who may be found delinquent or default-  
12 ing in his accounts or in the discharge of his office duties; and the common council shall  
13 cause to be made a full record of all such settlements and adjustments.

Section 9. The common council shall have authority by ordinance to provide that  
2 any and all persons who shall be found guilty of the violation of any city ordinance for  
3 drunkenness, for being an inmate or frequenter of a house of ill fame, or for disorderly  
4 conduct, and shall neglect or omit to pay any fine or costs imposed therefor, that such

5 person or persons shall work out such fines and costs upon the public streets of said  
 6 city, or shall do any work that said city may have or wish to be done and the compen-  
 7 sation therefor, to be fixed by the council, shall be deducted from such fines and costs  
 8 thereon, and the council may pass the necessary ordinance to carry out the provisions  
 9 of this section.

Section 10. The common council shall have authority to build bridges over the Fox  
 2 river and canal in the city, or to make the necessary repairs on any of the bridges in  
 3 the city over Fox river and canal, and to provide for the payment of the same.

## CHAPTER 6.

### FINANCE AND TAXATION.

Section 1. All the funds in the city treasury, except school, state and county funds,  
 2 shall be drawn out upon the certificate of the mayor, countersigned by the clerk, duly  
 3 authorized by a vote of the common council, and in no other manner; and all certifi-  
 4 cates drawn upon the treasurer shall specify the purpose for which they were drawn,  
 5 and shall be payable generally out of any funds in the treasury belonging to the city.

Section 2. No debt shall be contracted against the city, or certificates of indebted-  
 2 ness drawn upon the city treasury unless the same shall be authorized by a majority  
 3 of all the members of the common council, and the vote authorizing the same shall be  
 4 entered by ayes and noes upon the journal of the council, and no money shall be appro-  
 5 priated for any purpose whatever, except such as is expressly authorized by this act.

Section 3. All forfeitures and penalties accruing to the city for a violation of this  
 2 act, or of any of the ordinances, by laws, rules and regulations of the city, and all  
 3 moneys received for licenses shall be paid into the city treasury and become part of  
 4 the general fund, except as otherwise provided by this act.

Section 4. The fiscal year of the city of Menasha shall commence on the second  
 2 Tuesday of April in each year.

Section 5. The common council shall within ninety (90) days after the first Monday  
 2 of September in each year, by resolution determine what amount of money including  
 3 the estimated resources of the city not derived from direct taxation, for the year then  
 4 next ensuing, will be required for general city purposes during that year; and the  
 5 council shall thereupon be empowered to levy, and shall by resolution, levy upon the

6 taxable property of the city to defray the current expenses of said city, a tax not ex-  
7 ceeding one per cent. of the assessed value of the real and personal property of said  
8 city for that year, and for all other purposes, except for schools, bridges, highways  
9 and the payment of the principal and interest of any outstanding bonds, debts, or  
10 obligations of said city, a tax not exceeding one half of one per cent. upon all  
11 the taxable property of said city for that year, the common council shall have power at  
12 the same time, in addition to taxes now required by law to be levied by them, to levy a  
13 tax for the purpose of paying the interest or principal of any outstanding bonds or ob-  
14 ligations of indebtedness of said city or of such part of principal and interest of any  
15 bonded indebtedness of the town of Menasha, and which said city may be liable or  
16 bound to pay by the provisions of this act, or which may hereafter be issued by said  
17 city by authority of law, which may be now due or may be due at the time of levying  
18 such tax, or may become due before the time for collecting such tax; and they shall also  
19 levy the amount required to be raised for the support of the schools of said city for the  
20 erection of school houses, when required by a vote of the city or any department of the  
21 city authorized to order the same; and to levy a special tax to build or repair bridges  
22 when the same may be necessary, not exceeding five thousand dollars (\$5,000), in any  
23 one year, which shall be collected at the same time as other city taxes are collected. No  
24 city order of any kind shall be received in payment of school or school-house tax; but  
25 the same shall be paid in money, and all such moneys shall be used for school purposes  
26 only. All resolutions for the purpose of levying a tax shall require for their passage a  
27 majority of all the members of the common council.

Section 6. No error or informality in the proceedings of any of the officers in as-  
sessing property, levying or collecting taxes, or making return of unpaid taxes, not  
affecting the substantial justice of the tax itself, shall invalidate or vitiate or in any wise  
affect, the validity of the assessment or tax; provided, that this section shall not be so  
construed as to dispense with the requisite majority vote of all the members of the com-  
mon council in the levying of a tax.

Section 7. The city treasurer shall not receive from the treasurer of Winnebago  
county, tax certificates in payment of any indebtedness which may become due from  
said county to said city; the city shall contract no debt and the common council shall  
make no appropriation during any fiscal year for city purposes, greater than the  
amount determined upon as provided in the foregoing section five (5) of this chapter

6 for such purposes, together with the amount of money which may be at any time in  
7 the city treasury derived from other sources than taxation.

Section 8. All script, certificates, treasury orders or other evidence of debt which  
2 shall hereafter be issued or authorized by the common council of the city of Menasha,  
3 and whenever the common council shall lawfully appropriate money to any party, to  
4 be paid out of the city treasury, the mayor and city clerk shall issue an order, in the  
5 order in which such appropriations are made, specifying in said order the purpose for  
6 which such appropriation was made, and said treasurer shall pay the amount so appro-  
7 priated and certified in the order in which they are so certified, out of the proper funds  
8 in his hands, belonging to the city, taking up such orders and filing them in his office,  
9 and the city funds shall be paid out of the treasury in no other manner whatever.

Section 9. The common council shall have power to levy a tax or taxes to pay any  
2 or all judgments against the city.

Section 10. In case the city treasurer shall at any time refuse or neglect to perform  
2 his duties in enforcing the payment of taxes as provided by this act, and so authorized  
3 and required by the laws of this state, the common council shall forthwith remove  
4 such treasurer from office and appoint a suitable person to fill the vacancy.

Section 11. All accounts or demands against the city, before the same shall be allow-  
2 ed, shall be verified by affidavit, except salaries, and amounts previously fixed or deter-  
3 mined by law; and any person who shall falsely swear to any such account shall be  
4 deemed guilty of perjury.

Section 12. No money shall be appropriated or drawn out of the city treasury  
2 except in payment of accounts or demands allowed by the common council; and no  
3 interest shall be allowed or paid on any city order or certificate whatever, except as  
4 otherwise provided in this act.

Section 13. No action shall be maintained by any person against the city of Menasha,  
2 upon any claim or demand, until such person shall have first presented his claim or  
3 demand to the common council for allowance.

Section 14. In case any person shall present his claim or demand to the common  
2 council, and the said council shall disallow such claim in whole or in part, it shall not  
3 thereafter entertain such claim, unless by consent of a majority of all the aldermen  
4 entitled to seats in the council. The determination of the common council disallowing  
5 in whole or in part any claim of any person shall be final and conclusive, and a per-

6 petual bar to any action in any court founded on any such claim or demand, except  
7 that such persons may appeal to the circuit court of said county as provided in the  
8 next section.

Section 15. Where any claim of any person against the city shall be disallowed in  
2 whole or in part, by the common council, such person may appeal from the decision of  
3 the council disallowing such claim, to the circuit court of the county of Winnebago, by  
4 causing a written notice of such appeal to be served on the clerk of said city, within thirty  
5 days after written notice of making such decision, and executing a bond to the said city,  
6 with sufficient surety, to be approued by the said clerk, conditioned for the faithful prosecu-  
7 tion of such appeal, and the payment of all costs that shall be adjudged against the  
8 appellant by the court. The clerk, in case such appeal is taken, shall make a brief state-  
9 ment of the proceedings had in the case before the council, with its decision thereon, and  
10 shall transmit the same together with the bond and all the papers in the case, to the clerk  
11 of the circuit court of Winnebago county, and thereupon such appeal shall be en-  
12 tered, tried and determined in the same manner as cases originally commenced in the  
13 circuit court. Such court may, in its discretion, order formal pleadings to be filed, and  
14 issue formed as in other actions, and costs shall be awarded as on appeals from justices'  
15 courts. The clerk, upon such appeal being taken, shall, forthwith, give notice thereof to  
16 the mayor, and shall also report the same to the council at its first meeting thereafter.

Section 16. No action for injury to the person shall lie or be maintained against the  
2 city of Menasha, unless the person claiming injury shall permit the mayor or common  
3 council, by a physician of his or its appoinment, to make personal examination of the  
4 alleged injury as often as requested, after the time of its infliction, until the amount  
5 of damages is adjusted.

Section 17. The mayor and clerk shall on or before the twenty-fifth (25th) day of  
2 March in each year examine, audit, and adjust the accounts of the treasurer and other  
3 officers of said city, and report the result of such examination to the common council  
4 for final adjustment: and no financial business shall be transacted after the said twen-  
5 ty-fifth (25th) day of March in each year by the common council.

Section 18. The city clerk shall in the month of March in each year make out a detailed  
2 statement of the receipts and expenditures of the city, and of the financial condition of  
3 the city, and have the same published in the official newspaper of said city.

Section 19. While the bonded indebtedness of said city exceeds five per cent. of the  
2 assessed valuation of all the taxable property of said city, no further bonded indebted-

3 ness shall be incurred (while the bonded or interest bearing indebtedness of said city  
4 exceeds five per cent. of the assessed valuation of all the taxable property of said city).  
5 No further bonded or interest bearing indebtedness shall be incurred, except as herein  
6 otherwise provided.

## CHAPTER 7.

### ASSESSMENT AND COLLECTION OF TAXES.

Section 1. The assessor shall assess all taxable property in said city, and shall make  
2 out the annual assessment roll for said city, in accordance with the general laws of the  
3 state, relating to the assessment of property and the duties of assessors. Immediately  
4 after such assessment roll is equalized, the same shall be verified by the oath each of said  
5 assessors as required by law, and the assessment roll or a copy thereof, shall be deposited  
6 with the city clerk. All taxes shall be collected in the manner prescribed by the laws of  
7 this state.

Section 2. If the assessors, when making their assessment, shall discover any tract,  
2 piece or parcel of land in said city was omitted in the assessment roll of either or both  
3 of the two preceding years, and was then liable to taxation, they shall in addition to the  
4 assessment of such tract, piece or parcel of land, for that year, assess the same separ-  
5 ately for such preceding year or years, that it shall have been omitted, at the fair and  
6 just value thereof, when the same should have been so assessed in such preceding year  
7 or years, noting distinctly the year when such omission occurred, and that the same  
8 was omitted, and the reason, if any, why the same was omitted, and such assessment  
9 shall have the same force and effect as it would have had if made in the year the  
10 same was omitted, and taxes to the amount that should have been levied and paid in  
11 the year such omission occurred shall be levied and collected thereon in like manner  
12 and together with the taxes of the year in which such assessment is made, and such  
13 lands shall be subject to taxes so omitted to be assessed in whosoever hands they may  
14 come. And if the assessors when making any assessment shall discover that through  
15 the fraud, accident, mistake or negligence of any person or persons, officer or  
16 officers, in making out, copying or transcribing any tax, tax roll  
17 or assessment roll for the preceding year, that any tract, piece,  
18 or parcel of land has been inserted in such tax or assessment roll for the preceding  
19 year at a less valuation than fixed upon by the assessors, or board of review, for such

20 preceding year, or that the amount or value of the aggregate valuation of personal  
21 property liable to taxation of any person or persons, corporation or corporations, as  
22 fixed by the assessors or board of review, for the next preceding year, has been altered  
23 or changed to a less amount or value, than the amount or value as fixed by the assessors  
24 or board of review for such preceding year, by or on account of the fraud, accident,  
25 mistake or negligence of any person or persons, officer or officers, in making out, copy-  
26 ing or transcribing any tax roll, tax roll or assessment roll of such preceding year, then  
27 the assessors shall deduct the value of such piece, tract or parcel of land, or the amount  
28 or value of such personal property as it appears from the assessment roll of such pre-  
29 ceding year, from the true amount or value as fixed by the assessors or board of review  
30 for such preceding year, and shall in addition to the assessment of such tract, piece or  
31 parcel of land for that year, or in addition to the assessment to or of such person or  
32 persons, corporation or corporations, assess the said piece, parcel or tract of land, or such  
33 person or corporation, the amount and value of the difference as so fixed the preceding  
34 year by the assessors or board of review, and the amount or value as it  
35 appears on such assessment roll, or the roll of such preceding year, noting dis-  
36 tinctly in the assessment roll the year when such alteration was made, and the amount  
37 or difference caused or made by such alteration; and taxes to the amount that should  
38 have been levied and paid on the same shall be levied and collected thereon in like  
39 manner and together with the taxes of the year in which such corrected assessment is  
made, and shall have the same force and effect. And all such lands, or pieces or  
parcels of land shall be subject to such taxes in whosesoever hands they may come, and  
all persons and corporations shall be liable to pay such taxes so assessed on such per-  
sonal property, and such taxes shall be collected in the same manner as other taxes.  
As soon as said tax shall be levied, the common council shall cause the same to be  
copied in a book provided for that purpose, setting opposite to each tract of land and  
each person named such sum or sums, as may be levied upon such lot or against  
such person; the said copy shall be designated as the tax roll and to it shall be ap-  
pended a warrant signed by the mayor and clerk, and sealed with the corporate seal  
of said city directed to the treasurer, requiring and commanding him to collect the  
taxes and assessments in said roll specified. Such tax roll before being delivered to  
the treasurer, shall be compared by the clerk with the assessment roll, and to it he  
shall append his certificate that the same has been so compared by him and that the

40 said assessment roll and the whole thereof has been copied with such tax roll, and  
41 when so certified shall prima facie evidence that the lands and persons therein  
42 named were subject to taxation and that the assessment was just and equal.

Section 3. Upon receipt of the tax roll by the treasurer he shall proceed to collect  
2 the taxes and assessments of said city at the same time as is required by law of town  
3 treasurers to collect taxes.

Section 4. The city treasurer shall upon receipt of the tax roll, publish a notice in  
2 the official paper of the city, specifying that all taxes and assessments whether upon  
3 real or personal property in said tax roll, shall be paid on or before the fifteenth (15)  
4 day of January next thereafter in said year, and that all taxes and assessments not  
5 paid by that day will be collected by the seizure and sale of the goods and chattels of  
6 the person, company or corporation charged with such taxes and assessments, and the  
7 publication of such notices shall be deemed and taken to be a demand, and failure to  
8 pay the taxes and assessments within the time limited in such notice shall be deemed  
9 as a refusal to pay the same. The city treasurer shall charge one per cent. fees for col-  
10 lection of taxes and assessments paid to the fifteenth (15th) day of January in each  
11 year, and shall charge and collect three (3) per cent. upon all taxes and assessments  
12 paid to and collected by him, after that date; provided, that the common council shall  
13 have power to extend the time for collecting such taxes not exceeding forty five (45)  
14 days from the expiration of the original warrant.

Section 5. In case no goods and chattels shall be found out of which to collect taxes,  
2 or any lot or lots, or any piece of land or property, the treasurer shall make out a list of  
3 all the property and taxes remaining unpaid at the time required by law, and the list  
4 so made, with his affidavit thereto attached, stating that the taxes therein contained  
5 had not been collected, and that he had not been able to find goods and chattels out of  
6 which to collect the taxes, shall be called "delinquent list"; and it shall be his duty to de-  
7 liver such delinquent list to the treasurer of the county of Winnebago at such time as  
8 is required by law; and he shall at the same time pay over to the county treasurer of  
9 Winnebago county, all moneys collected by him belonging to said county, and taxes be-  
10 longing to the state of Wisconsin, in the same manner as required by law of town  
11 treasurers.

Section 6. If the city clerk in making out the annual tax roll of said city shall in  
2 any way discover or learn that the city treasurer in any one or more of the three pre-

3 ceding years has failed to collect any tax upon any real estate or personal property or  
 4 both, duly assessed, levied, and charged in the tax rolls of said city for any one or more  
 5 of the said three preceding years to and against any person, company or corporation and  
 6 has also failed to return the same as delinquent tax to the county treasurer of Winnebago  
 7 county, as provided by law, then upon the filing in his office of the affidavit of the city  
 8 treasurer, so failing to collect or return said tax, and the affidavit of the said county  
 9 treasurer, or other proof showing the assessment and levying of said tax, and the fail-  
 10 ure to collect or return the same, the said clerk shall insert the amount of said tax  
 11 with the interest thereon from the first day of January in the year when the same  
 12 should have been paid, in the tax roll of said city, next after the filing of said affi-  
 13 davits or other proofs as aforesaid, in a separate column in said roll, and against the  
 14 same person, company or corporation, and the same property as the original taxes were  
 15 assessed, levied and charged to be collected as other taxes; and the said treasurer shall  
 16 have the same authority to collect said taxes, as other taxes in said roll. In inserting  
 17 the aforesaid tax, the said clerk shall give the year when the same was assessed, levied  
 18 and charged, originally.

Section 7. It shall be the duty of the county treasurer of Winnebago county, and he  
 2 is hereby required, when lots, tracts, pieces or parcels of land have been returned by  
 3 said city treasurer for any general tax of the state, or for any tax or assessment author-  
 4 ized under the provisions of this act, immediately after the sale of said delinquent lots,  
 5 tracts, pieces or parcels of land by him, to pay to the said city treasurer the amount  
 6 which may have been returned delinquent, belonging to said city in cash.

Section 8. All directions hereby given for the assessment of lands, and levying and  
 2 collection of taxes and assessments, shall be deemed only directory, and no error or in-  
 3 formality in any of the proceedings of any of the officers (entrusted) with the same,  
 4 not affecting the substantial justice of the tax itself shall vitiate or affect the validity  
 5 of the tax so assessed.

Section 9. In all cases specified in the provisions of this act, any charge or assess-  
 2 ment shall be carried out on the tax roll in a separate column, or columns, opposite to  
 3 the lot or tract upon which the same may be a lien. The treasurer shall collect or do  
 4 all other acts in regard thereto in the same manner, as in the collection of other taxes.

Section 10. Upon receiving the annual statement of state and county taxes, the  
 2 city clerk shall make out a tax roll of all the real and personal property in aid city, as  
 3 required by the general laws of the state, and shall, upon a uniform percentage, calculate

4 and carry out in one item, opposite to each valuation in said tax roll, the amount re-  
 5 quired to be raised upon such valuation to realize in the said city, the whole amount of  
 6 state, county, school and other taxes so certified, together with all the city taxes, except  
 7 taxes to pay judgments and special assessments and all other taxes including taxes to  
 8 to pay judgments and special assessments in separate columns, opposite the valua-  
 9 tion of the property to be charged. The city clerk shall make a duplicate of said tax  
 10 roll, and upon receiving the county treasurer's receipt prescribed in section 1080 of the  
 11 revised statutes, said clerk shall attach to said duplicate tax roll, a warrant substanti-  
 12 ally in the following form:

13 The State of Wisconsin, to ——— ———, treasurer of the city of Menasha, in the  
 14 county of Winnebago:

15 You are hereby commanded to collect from each of the persons and corporations named  
 16 in the annexed tax roll, and from the owners or occupants named of the real estate de-  
 17 scribed therein, the taxes set down in such roll opposite to their respective names, and  
 18 to the several parcels of land therein described; and in case any person or corporation  
 19 upon whom any such sum or tax is imposed, shall refuse or neglect to pay the same, you  
 20 are to levy and collect the same by distress and sale of the goods and chattels of the per-  
 21 son or corporation so taxed; and out of the moneys so to be collected after deducting  
 22 your fees you are first to pay to the treasurer of said county, on or before the last Mon-  
 23 day of January next, the sum of ——— ——— dollars for state taxes; you are to retain  
 24 and pay out as city treasurer, according to law, the sum of ——— ——— dollars; and the  
 25 balance of said moneys you are required to pay to said county treasurer for county pur-  
 26 poses, on or before the day above specified by which day you are further required to  
 27 make return to said county treasurer of this warrant with said roll annexed, together  
 28 with your doings thereon, as required by law.

29 Given my hand and the corporate seal of said city of Menasha, this — day of —,

30 A. D. 18—.

—— ———, Mayor,

—— ———, Clerk.

33 Said warrant shall be signed by the mayor and clerk, and sealed with the corporate  
 34 seal of said city. The said clerk shall deliver such tax roll and warrant to the city treas-  
 35 urer, on or before the second Monday in December, or as soon thereafter as practicable.

Section 11. The city treasurer upon receipt of such tax roll shall proceed to collect  
 2 the taxes therein named in like manner as town treasurers are, or may be required to

3 do by law, and have the same powers as town treasurers, except as otherwise provided  
4 in this act. The city treasurer shall receive one per centum fees upon all taxes paid to  
5 him on or before the fifteenth day of January, and three per centum fees upon all  
6 taxes collected after that time to be added to the amount of taxes and collected with  
7 the same. He shall also receive one per centum for receiving and disbursing all other  
8 moneys paid into the treasury and disbursed by him, except school money and city  
9 orders. The compensation herein provided for, shall be in full for all services perform-  
10 ed by said treasurer under this act or the ordinances of the city.

Section 12. All taxes and assessments, general or special levied in the city of Me-  
nasha under and by virtue of any law of this state shall be and remain a lien upon  
the lands and tenements upon which they may be assessed, and on all personal property  
upon which such taxes may be assessed from the time of the receipt of the tax roll by  
said city treasurer, and no sale or transfer of such real or personal property, and no  
levy or sale thereof under and by virtue of any judgment, execution or attachment,  
or other legal process, shall affect such lien upon such real or personal estate.

Section 13. All property in said city real and personal and mixed, shall be subject to  
taxation for all purposes authorized by law excepting only such property as is or shall  
be exempt from taxation throughout the state by general laws exempting from taxa-  
tion, but no real estate shall be exempt from special taxes for local improvement pro-  
vided in this act.

Section 14. The assessors shall assess all the taxable property in said city and shall  
make out the annual assessment roll for the said city in accordance with the general  
laws of the state relating to the assessment of property and the duties of assessors and  
said assessment roll shall be equalized and notice thereof given at the time and manner  
required by law, and all other general laws of the state applicable to boards of review  
for the equalization of taxes in towns and cities shall be in force and apply to said city.  
Immediately after such assessment roll is equalized the same shall be verified by both of  
such said assessors as required by law and the assessment roll deposited in the office of  
the city clerk.

Section 15. The assessors shall on or before the third Monday in July annually de-  
liver the assessment roll so completed as provided by the preceding section. And all  
the sworn statements and valuations of personal property, to the clerk of said city,  
and the same shall be preserved in his office. All the general laws of the state relative

5 to the duties and powers of assessors and city clerks in all matters relating to the as-  
 6 sessment of taxes, shall apply to and be in force in said city, except as otherwise pro-  
 7 vided in this act.

## CHAPTER 8.

### IMPROVEMENT OF STREETS.

Section 1. The common council of the city of Menasha, shall have power to es-  
 2 tablish the grade of streets, alleys, gutters, sidewalks, etc., of said city, and to change  
 3 and to re establish such grade as it shall deem expedient; provided, that whenever it  
 4 shall change or alter the grade of any street the city shall be liable to any person who  
 5 shall have sustained damages by such change or alteration of grade for the damages  
 6 so sustained.

Section 2. The common council shall have power to cause sidewalks, curb stones and  
 2 gutters to be built, rebuilt, or repaired, of such material and in such manner as it may  
 3 direct, and to assess the cost thereof against the particular lot or lots in front of which  
 4 such work shall have been done. Such work may be done or required to be done with-  
 5 out any petition therefor, upon the filing with the city clerk of a plan and specifications  
 6 of the work to be so done, and the passage of an order or resolution by the common  
 7 council, describing the location of the lots or lands in front of which such work shall be  
 8 done, and naming the owners thereof, if known, and containing a description of the  
 9 work and naming the time in which it shall be done, which shall not be less than one  
 10 week from the time notice of such order or resolution shall be given, either by service of  
 11 copies thereof upon the owners of such lands personally, or by leaving a copy with  
 12 the occupants of the building on such lot or lots, if they shall be occupied, or by publica-  
 13 tion of such order or resolution in the official paper of the city, if there be one, if not,  
 14 then in some other newspaper published in said city, or posting up in five (5) of the most  
 15 public places in said city at least one week before such work is required to be done, or  
 16 improvement made. The affidavit of the officer serving such order describing the man-  
 17 ner of such service, or the affidavit of the printer, of the publication of such order, shall  
 18 be prima facie evidence of such service. If after the time mentioned for the perform-  
 19 ance of such work in such order, such work or any part thereof shall not have been  
 20 done, the common council may cause such work to be done by contract or by men in  
 21 its employ, and shall charge the particular cost of such work done in front of or contigu-

22 ous to any lot or parcel of land as a special assessment against the respective lot or  
23 lots, in front of or contiguous to which such work shall have been done, and such  
24 assessment shall be collected as other taxes are collected.

Section 3. All sidewalks shall be kept in repair and free and clear from all obstruction at the expense of the lot adjoining or abutting thereon, and of the owner or owners thereof, and in case the owner or occupant shall fail to keep such sidewalk in repair, and free and clear as aforesaid; and the same shall be so out of repair for the space of twenty-four hours, the superintendent of streets shall cause the same to be done, and charge the same thereof to such lot or lots respectively; provided, however, that no sidewalk shall be so repaired at the expense of the lot, when the cost of such repair shall exceed one-half the cost of a new sidewalk of the kind in front of such lot, except in the same manner as required for the building of a new sidewalk. The superintendent of streets after he shall have repaired any such sidewalk, shall make out an itemized statement of the costs of such repairs, specifying the lot or lots, parcel or parcels of land adjacent to which such repairs were done, verified by his oath, and shall deliver the same to the city clerk.

Said clerk shall present all such statements to the council at its first meeting in November of each year, and the council shall levy and assess the amount of such cost of such material and work upon the lot or parcel of land adjacent to which work was done or material furnished, or both, as the case may be, and said amount shall be a special tax against and lien on said property; and the same shall be inserted in the tax roll and collected as other taxes.

Section 4. It is hereby made the duty of every owner of any lot or lots or tracts of land within the said city, and they are hereby required to keep and maintain the sidewalks in front of and adjacent to their respective lots, in good repair and free and clear of all obstructions including ice and snow, and the existence of defects in such sidewalks for the space of twenty-four hours, shall be notice to the owners of adjacent lots of their need of repair, and no other or further notice need be given.

Section 5. The common council shall have power and authority to grade, gravel, plank or pave with any kind of pavement or construct or fix with any kind of material any street or alley in the city of Menasha, and construct and dig all the necessary ditches or gutters, and charge the cost and expense thereof to the center of the street or alley to any lot or lots fronting or abutting on such street or alley when such im-

6 provement is ordered by the common council in the same manner as is provided in  
7 section two (2) of this chapter.

Section 6. Whenever the general interests of the city require deep cutting or extra-  
2 ordinary filling in grading any street, and the owners of the lots or lands fronting on  
3 such deep cutting or filling shall deem themselves aggrieved thereby, and shall repre-  
4 sent to the common council in writing that the expense of such excavation or filling  
5 will exceed the proportion that should be charged upon the adjacent property, the  
6 council may, in its discretion, order such cutting or filling to be done under the direc-  
7 tion of the superintendent of streets, and shall in such order fix the amount justly  
8 chargeable to such lots or lands, and such sum shall be assessed thereon and collected  
9 as other special assessments; provided, that such representation shall be made before  
10 the time fixed for the performance of such work.

Section 7. The expense of all improvements in construction or repair of streets at  
2 their intersection with streets or alleys and across public grounds and to the middle of  
3 streets and alleys adjacent to public grounds, and the building and repairing of  
4 crosswalks, and the laying and repairing of drains to carry the surface water at the inter-  
5 section of streets, the construction and repair of sidewalks, curbstones and gutters,  
6 adjoining any public ground or square, and the construction and repair of sewers  
7 across streets, and alleys and adjacent to public grounds, and the construction and re-  
8 pair of bridges shall be paid by the city at large.

Section 8. The council may cause any streets or parts of streets to be paved or  
2 macadamized at the expense in whole or in part of the adjacent lots, upon a petition in  
3 writing therefor, signed by at least a majority of all the owners of real estate bounding  
4 both sides, and of the owners of at least half the frontage of such street, or part of  
5 street to be so improved. If the council shall determine that such improvement be made  
6 it shall cause to be made by some competent person, a plan and specification of the  
7 work to be done, and an estimate of the average cost per foot of frontage on each lot,  
8 for the construction of the same to the center of the street. Such estimate shall in-  
9 clude the cost of any cutting or filling necessary, and it shall be filed in the office of  
10 the city clerk for the inspection of all parties interested.

Section 9. Before proceeding to execute such proposed improvement, the council shall  
2 consider and determine what proportion of the costs of such improvement should be  
3 paid by the lot owners, owning the respective lots fronting or bounding such streets,

4 which shall be of uniform proportion and shall assess the amount so determined upon  
5 each such lot or tract of land as a special tax, specifying the amount, and shall thereupon  
6 cause notice to be published in the official paper, if there be one, if not, in some news-  
7 paper published in said city, that such assessment has been made, and that a time and  
8 place to be named in such notice, not less than one week from the publication thereof,  
9 the council will meet to review such assessment, that all persons interested will  
10 then be heard in objection to the proposed assessment, and any tax payer of said city  
11 shall be deemed interested. It shall be sufficient to state briefly in such notice the nature  
12 of the proposed improvement, and the locality; and no further or other assessment shall  
13 be necessary. At the meeting mentioned in such notice the council shall hear such ob-  
14 jections as may be offered, and may review and modify such assessment, preserving  
15 uniformity throughout in such a manner as it may deem just, and for the purpose of such  
16 review may adjourn from time to time, as may be necessary; provided, no such assess-  
17 ment shall be increased without notice to the lot owners, if residents of said city.

Section 10. Such assessments as finally adjusted shall thereupon be levied and as-  
2 sessed upon the respective tracts of land as a special tax, and inserted in the first annual  
3 tax roll made out thereafter and collected as other special taxes.

Section 11. In all cases mentioned in this chapter wherein the common council is au-  
2 thorized to cause improvement or repair to be made of any kind, the council may, in its  
3 discretion, cause the same to be done by men in its employ, and may procure the neces-  
4 sary material therefor, or may let the same by contract. If let by contract it shall be  
5 to the lowest possible bidder, and notice of the time within which bids will be received  
6 shall be given by publication in the official paper if there be one, if not, in some news-  
7 paper published in the city, at least one week prior to the expiration of such time, and in  
8 all cases the council may require bonds from contractors in such amount and penalty as  
9 it may direct for the faithful performance of contracts awarded to them.

Section 12. Whenever any sidewalk or part of any sidewalk shall in the judgment  
2 of the common council, declared by a resolution to that effect, be in a dangerous con-  
3 dition to persons passing over it, for want of being repaired or re-made, it shall have  
4 power to order the same to be forthwith repaired or re-made; and thereupon forthwith  
5 to employ fit persons to repair or re-make the same for a fair price, and charge the  
6 expense thereof to the lots, parts of lots or parcels of land, abutting thereon by a spe-  
7 cial assessment and such assessment shall be a valid charge and lien upon such lots,  
8 parts of lots or parcels of land, without any estimate notice, letting or proceeding pre-

9 liminary to the doing of such work, except the resolution of said council so declaring  
 10 such walk to be dangerous.

Section 13. Whenever the superintendent of streets shall deem it necessary to  
 2 remove the snow or ice in front of any lot or piece of land in said city, and the owner  
 3 or occupants thereof shall neglect to remove the same for the space of twenty-four  
 4 hours, the said superintendent shall remove or cause such snow or ice or both to be re-  
 5 moved, and charge the same to the lot or lots, without any notice to any owner or  
 6 occupant of said lot or lots, and it shall be the duty of the said superintendent after he  
 7 shall have removed said snow and ice from in front of any lot or piece of land, when the  
 8 same is completed to make out an itemized statement, duly verified, of the costs of  
 9 such removal of ice and snow, or both, as the case may be, specifying the lot or lots,  
 10 parcel or parcels, of land adjacent to which such snow or ice, or both were so removed,  
 11 and shall deliver the same to its city clerk. Said clerk shall present all such state-  
 12 ments to the city council, on or before the first meeting in November of each year, and  
 13 the council shall levy and assess the amount of such cost of such work upon the lot  
 14 or tract of land adjacent to which such removal of such ice and snow, or either has  
 15 been done, and said amount shall be a special tax, and the same shall be inserted in the  
 16 next tax roll and collected as other taxes.

Section 14. The common council may, whenever it deems it advisable by ordinance,  
 2 provide for a uniform system of sewerage, and by such ordinance or any ordinance  
 3 amending or extending such sewerage, provide for connecting the different sewers in  
 4 the city, built and hereafter to be built and apportion the cost of the same.

Section 15. If a sidewalk on or in front of any lot shall become injured or destroyed  
 2 by the burning of any building or property, or in consequence thereof, and the same  
 3 shall not within a reasonable time be repaired or rebuilt by the owner of such lot, the com-  
 4 mon council may rebuild or repair such sidewalk at the expense of the lot without no-  
 5 tice or letting to the lowest bidder.

Section 16. When the common council shall deem any lot injurious to public health  
 2 by reason of stagnant waters, or from other causes, it may order that such nuisance be  
 3 abated, by draining or filling such lot; or in any other manner, by the owner or occu-  
 4 pant, and upon their failure so to do, the council may abate or cause to be abated, at  
 5 the expense of such lot, by taking the same proceedings as are herein required for the  
 6 building of the sidewalk.

Section 17. Sewers, drains, gutters or ditches may be ordered dug, made, or repaired

2 by the common council at the cost, charge and expense of the lots which it may deem  
 3 benefited thereby, and it shall apportion such cost, charges and expenses among and on  
 4 such lots, in such proportion or amount as it shall deem the same benefited thereby.  
 5 Such work may be done by the city or let by contract to some other party.

Section 18. Lots shall be liable as in this chapter provided, for the improvement of  
 2 the streets to the center of the street on which they abut or join, and the corner lots  
 3 for all sidewalks up to the crossings, or cross walk.

Section 19. All real estate shall be liable for the taxes and assessments provided  
 2 for and authorized to be assessed in this chapter, in manner and form aforesaid; includ-  
 3 ing any real estate belonging to the state of Wisconsin.

Section 20. The city shall not be liable for any damages arising or growing out of  
 2 any sidewalks, streets, drains, sewers, gutters or ditches, or bridges in said city, being  
 3 in a defective or dangerous condition, or out of repair, unless it be shown that previous  
 4 to the happening of the same, one of the aldermen of the city of Menasha, had knowl-  
 5 edge thereof, and no knowledge of such condition of the same shall be presumed, un-  
 6 less the defect existed three weeks before such damages accrued; provided, however,  
 7 that nothing herein contained shall be so construed as to mean that knowledge is to  
 8 be presumed because such three weeks had elapsed.

Section 21. Anything required to be done under any of the provisions of this chap-  
 2 ter by the common council, may be done by order, resolution or ordinance.

Section 22. All work provided for in this chapter shall be done under the supervis-  
 2 ion of the superintendent of streets, unless otherwise provided, and to the acceptance  
 3 of the common council, and in all cases wherein the council is authorized to do any  
 4 work, or cause the same to be done, and to assess the whole or any part of the cost  
 5 thereof upon the adjacent lots, the expense of such work and material used may in the  
 6 first instance be paid out of the general fund.

7 The superintendent of streets, or persons doing any such work, shall keep an accurate  
 8 account of the cost of all labor and materials expended upon improvements or repairs,  
 9 the whole or any part of which is chargeable to the adjacent lands, and before the first  
 10 day of November in each year, shall report fully the same with itemized statements of  
 11 accounts to the council, and if found correct, the council shall levy and assess the amounts  
 12 so chargeable upon the respective tracts and land assessable, therefor, as a special tax,  
 13 and the same shall be inserted in the tax roll for such year and collected as other city  
 14 taxes.

Section 23. All the directions given in this chapter shall be deemed directory only, 2 and no error, irregularity or informality in any of the proceedings under the provisions 3 of this chapter shall in any way affect the validity of the proceedings had there- 4 under.

Section 24. All proceedings had under the provisions of this chapter or attempted to 2 be had under the same, shall in all courts be deemed presumed and taken to have been 3 regular and it shall be taken and presumed that all the provisions of said chapters were 4 complied with until the contrary is shown.

Section 25. The common council shall have power to vacate any plat or part of plat 2 upon petition of all the property holders interested therein; provided, that notice of ap- 3 plication for vacating said plat shall have been published for three successive weeks 4 prior thereto in a newspaper published in said city, or posting up notices in three public 5 places in said city.

## CHAPTER 9.

### OPENING STREETS, ALLEYS, ETC.

Section 1. The common council shall have power to lay out and open public, squares 2 streets and alleys, and to change and widen and extend the same; to construct and open, 3 alter, enlarge or extend drains, canals or sewers, or alter, widen or straighten water 4 courses. For such purposes it may take private property in the following manner: 5 Whenever twenty or more freeholders residing in any ward shall by petition represent 6 to the common council that it is necessary to take certain lands within the wards where 7 such petitioners reside, for the public use for any of the purposes herein mentioned, spec- 8 ifying in such petition the purpose for which said lands were required, and the courses 9 and distances, metes and bounds of the lands proposed to be taken, together with the 10 names and residences of the owners of such premises, if the name shall be known to 11 the petitioners. If the common council shall determine that the prayer of such petition 12 should be granted, it shall cause an accurate survey and plat of such land to be made 13 and filed with the city clerk, and it may purchase or take by donation from such owners, 14 such ground as may be needed, by agreement with the owners, and to take from them 15 conveyances thereof to the city for such use or in fee; but otherwise it shall by resolution 16 declare their purposes to take the same and therein by metes and bounds or other ap- 17 propiate description, describe the lands proposed to be taken, defining separately each

18 tract owned by a distant owner, mentioning the names of each owner so far as known,  
19 and therein fix a day, hour and place, when and where it will apply to the county judge,  
20 or one of the justices of the peace of said city, for the appointment of a jury to appraise  
21 and condemn the same. The provisions herein contained authorizing the city to take  
22 such property by purchase or donation from the owner, shall not be construed as requir-  
23 ing an effort on the part of the council to so obtain the lands, but the council may pro-  
24 ceed in the first instance to condemn the same.

Section 2. It shall thereupon cause to be made by the clerk a notice of the adoption  
2 of such resolution, embracing a copy thereof and notifying all parties interested, that  
3 the council will, at the time and place named, apply to the judge or justice named for  
4 appointment of a jury to determine the necessity of taking such lands and the compen-  
5 sation to be paid therefor. A copy of such notice shall be served on the owner of each  
6 such parcel of land to be taken, residing within the state, and upon each person having  
7 an interest therein, by lien or otherwise, in the manner that a summons in an action in  
8 the circuit court is required to be served, and proof of such service shall be made in  
9 the same manner as of the service of a summons in the circuit court, and shall be  
10 prima facie evidence of the fact therein stated. If the notice cannot be so given as to  
11 all the parcels, then the same shall be also published once in the official paper, and the  
12 affidavit of the printer or foreman of such newspaper shall be prima facie evidence of  
13 such publication. Such notice shall be so served or published, at least five days prior  
14 to the time for such application. If any such owner be a minor or of unsound mind,  
15 the judge or justice before proceeding, shall, on the day fixed for hearing such appli-  
16 cation, appoint for him a guardian for the purpose of such proceeding, who shall give  
17 security to such person to the satisfaction of the magistrate, and act for such person.

Section 3. At the time and place fixed for such hearing, the application, accompanied  
2 by a copy of such resolution and such survey, and by proof of the service of such  
3 notice, as provided in the last section, shall be filed with the judge or justice, who shall  
4 thereupon make a list of twenty-four disinterested freeholders of said city. He shall  
5 hear and decide any challenge for cause or favor made to anyone, and if sustained  
6 shall replace his name with an unobjectional juror until the list shall be perfected.  
7 Thereupon, under direction of such magistrate, each party, the common council, by its  
8 representatives on the one side, and the owners of land or their agents present, or if  
9 none be present, or they disagree, a disinterested person appointed by the judge or  
10 justice, on the other, shall challenge six names, one at a time, alternately, the council

11 beginning. To the twelve jurors remaining, such judge or justice shall issue a precept  
12 requiring them at any hour on a day named, not more than ten nor less than three days  
13 thereafter, to appear before him to be sworn and serve as a jury to view lands and ap-  
14 praise damages, and at the same time shall publicly adjourn the proceedings to the  
15 time and place so named; such precept shall be served by the chief of police of said  
16 city, or sheriff of the county, at least one day before such appointed time, by reading  
17 the same to each juror, or by leaving a copy thereof at his usual place of abode, in the  
18 presence of a member of his family.

Section 4. The jurors summoned shall appear at the time and place named; and if  
2 any be excused by the judge or justice, or fail to attend, he shall appoint other jurors  
3 having the requisite qualifications, in their place, and such appointment shall be en-  
4 dorsed upon or annexed to the precept, and such person shall be forthwith summoned,  
5 and like proceedings shall be had until a jury is obtained. It shall be the duty of every  
6 person appointed as such juror to act, unless excused for reasonable cause by the judge  
7 or justice appointing him, and every person summoned to serve on such jury who shall,  
8 without being so excused, neglect to serve, shall forfeit and pay the sum of fifty dollars  
9 (\$50); no person shall be compelled to serve upon such jury more than once during the  
10 same calendar year.

Section 5. Each of said jurors shall then, and before entering upon the discharge of  
2 their duties, severally take and subscribe an oath to be endorsed upon or annexed to,  
3 such precept, to be administered by said judge or justice: "That he is a resident and  
4 freeholder within said city, and is not interested in the premises proposed to be taken;  
5 that he will well and truly inquire into and determine the necessity for taking the lands  
6 mentioned in the resolution, and if found necessary, the damages occasioned thereby,  
7 and faithfully and impartially discharge their duties as jurors according to law."

Section 6. From the time fixed in the precept for the meeting of the jury, the pro-  
2 ceedings shall be continued before such judge or justice without adjournment, except  
3 from day to day, as necessity shall require, until a jury is appointed and qualified and a  
4 verdict rendered.

Section 7. Under the direction of such magistrate, the jury shall view the lands to be  
2 taken, and shall then sit before him to hear such competent evidence as shall be pro-  
3 vided by any party, and for such purpose, such magistrate shall possess the same pow-  
4 ers as a court in session with a jury, and if there be necessity, may adjourn the sitting  
5 from day to day. Such magistrate shall decide all questions upon the admissibility of

6 evidence. The jury shall render a separate unanimous verdict in writing, signed by  
7 them, in which they shall find whether it be necessary to take such lands, or any part  
8 thereof, for such purpose, describing such as they find necessary to be  
9 taken. If any be found necessary to be taken, then they shall render a  
10 verdict or appraisement of damages, specifying therein the damages of each  
11 owner, stating separately the value of the land taken from each, and the damages  
12 otherwise sustained by each by reason of the taking thereof, and from such last named  
13 sum they shall deduct any special benefit, if any, to be enjoyed by each from such im-  
14 provement; and a majority of such jury may render such verdict or appraisal of dam-  
15 ages and shall sign the same. If the land be subject to lease, contract, mortgage, or  
16 judgment, or there be any estate therein less than an estate in fee, or the buildings  
17 thereon belong to some person other than the owner of the land, the person claiming  
18 such interest may file with the magistrate a notice in writing specifying the interest  
19 claimed, and the jury in such verdict may award to such person the damages which  
20 his interest in such lands sustains by the taking thereof, and deduct the same from their  
21 award to the owner; and any person filing such notice shall have the same right of  
22 appeal as is given to the owner, and in case of failure to appeal shall likewise be con-  
23 cluded by the verdict. Any technical error in such verdict may be immediately cor-  
24 rected with the assent of the jury. The verdict shall be filed by the magistrate. In  
25 case the jury shall fail to find a verdict, the council may upon the same petition, pro-  
26 ceed to obtain the appointment of another jury in like manner. The testimony need not  
27 be reduced to writing, but the magistrate shall indorse upon the verdict the time of filing  
28 the same.

Section 8. After the filing of such verdict if it shall appear therefrom that any dam-  
2 ages have been awarded, such jury shall again view the said premises, under the direc-  
3 tion of the magistrate, and shall then sit before him to hear such competent evidence  
4 relative to any special benefits that may accrue from such improvements to any other  
5 tract of land in the same manner as provided in the next preceding section. The city  
6 on the one hand and any taxpayer or property owner, on the other, shall have a right  
7 to be heard thereon. The jury shall, thereupon, consider and determine what propor-  
8 tion of the whole award of damages, as found by their verdict provided for in the pre-  
9 ceding section, should be assessed upon the property, if any, specially benefited by such  
10 improvements, and shall then apportion and assess the same upon the lands and prem-  
11 ises by them deemed specially benefited, in proportion to the benefits received, and shall

12 make a verdict specifying the proportion of damages to be so assessed, and the particu-  
 13 lar lot or tracts of land determined to be benefited, and the amounts of such benefits  
 14 accruing to each shall be set opposite thereto; and a majority of such jury may render  
 15 such verdict determining the proportion of damages to be specially assessed as benefits,  
 16 and upon what parcels of land, and the amount of each, and shall sign same. Any  
 17 technical error in such verdict may be immediately corrected, with the assent of the  
 18 jury, and their verdict shall be filed by the magistrate, and he shall endorse thereon the  
 19 time of filing the same. The jury shall then be discharged. Any lot owner against  
 20 whom any such assessment is made may appeal from the verdict, as hereinafter pro-  
 21 vided.

Section 9. If there should be any building standing, in whole or in part, upon the  
 2 lands to be taken, the jury shall also in making their verdict of damages, find and de-  
 3 termine, first, the whole value of such building to the owner, aside from the value of  
 4 the land, and secondly, the value of such building to remove, and shall state such de-  
 5 termination in their verdict, and in such cases the award of damages shall be the  
 6 value of the land taken and the damage to the owner by the taking, over and above  
 7 such value less any special benefits, as provided in the second preceding section, together  
 8 with the value of such building to the owner, less its value to remove. The owner of  
 9 such building may, within ten days after the finding of such verdict, file with such magis-  
 10 trate a notice in writing, that he elects to take such building at the value thereof to  
 11 remove, as fixed by the jury, and he shall have such reasonable time to remove it as  
 12 the council shall allow. But if such owner shall neglect to file such notice within the  
 13 time aforesaid, and to remove such building within the time allowed by the council,  
 14 the council shall order such building to be sold at public or private sale, in their dis-  
 15 cretion, and shall direct by whom the sale shall be made. In case of public sale they  
 16 shall prescribe the time and manner of giving notice, and the proceeds shall be paid to  
 17 the owner or deposited with the city treasurer, and be subject to his order.

Section 10. Within ten days after such verdict any land owner whose land has been  
 2 found necessary to be taken or against whose land any assessment has been made, may  
 3 appeal from the award of damages to him, or assessment of benefits, in such verdict, to  
 4 the circuit court of said county, and the council may likewise appeal from the award of  
 5 damages to any owner. The party appealing shall file with such magistrate a notice of  
 6 appeal, specifying whether the appeal is from the whole award to him or assessment  
 7 against him, or any part, and, if a part, what part, and therewith an undertaking with

8 two sufficient sureties, to be approved by the magistrate, to pay all costs that may be  
9 awarded against such appellant on the appeal; and, at the time of filing such notice of  
10 appeal and undertaking shall pay the magistrate for his return to such appeal. Any  
11 person not so appealing shall be forever concluded by such verdict, appraisement of  
12 damages or assessment of benefits. The appeal herein provided for shall be the only  
13 remedy for damages sustained by the acts or proceedings of the said city, or its officers,  
14 in the matters which such verdict should cover and no action at law or in equity shall  
15 be had or maintained for or on account of such acts or proceedings. Upon an appeal  
16 being taken, the magistrate shall transmit to the clerk of the circuit court, within ten  
17 days, the notice of appeal and undertaking and thereto annex a copy of all the papers  
18 in the proceeding, with his certificate thereof, and he shall, after the time for appealing  
19 expire, file with the city clerk annexed together, all the original papers, including the  
20 verdict, with a certificate that no appeal has been taken, except as the fact is, which he  
21 shall briefly specify, and the clerk shall record all such papers.

Section 11. Upon filing such transcript in the circuit court, the appeal shall be con-  
2 sidered an action pending in such court, and be so entered, the land owner as plaintiff  
3 and the city as defendant, and be subject to a change of place of trial and appeal to the  
4 supreme court as other actions. The appeal shall be tried by a jury, unless waived,  
5 and costs shall be awarded against the appellant, if a more favorable verdict be not  
6 obtained; otherwise against the respondent. Upon entry of judgment, the clerk of the  
7 circuit court shall transmit a certified copy thereof to the city clerk.

Section 12. If the verdict of the jury find it necessary to take such lands, or any  
2 part thereof, the council may upon return thereof to the clerk enact an ordinance  
3 according thereto, for laying out, changing, widening, or extending and opening such  
4 street, lane, alley, public grounds, square, or other public place; or constructing, open-  
5 ing, altering, enlarging or straightening any such drain, canal, sewer or water course;  
6 but shall not appropriate the land until the damages awarded the owner or other party  
7 interested, be paid or tendered him, or the amount therefor be set apart for him in the  
8 hands of the treasurer, and an order therefor lawfully executed to him to be deposited  
9 with the city clerk to permanently remain subject to his order, at any time before  
10 causing any such land to be actually taken for such purpose and before the rendition of  
11 any judgment in the circuit court for damages, the council may discontinue all proceed-  
12 ings therefor taken, and the city shall, in that event, be liable for the costs only.

13 All the costs of every such proceeding shall be paid by the city, except when they  
 14 recover costs in the circuit or supreme court.

Section 13. Upon the filing with the city clerk of the verdict and other proceedings  
 2 mentioned in the sections, the council shall proceed to levy and assess upon each tract  
 3 of land mentioned in the verdict of the jury against which any assessment of benefits  
 4 has been made, the amount assessed thereon by the jury as a special tax and the same  
 5 shall be inserted in the tax roll next made out thereafter and collected as other taxes.

Section 14. If on the appeal by any person against whom such assessment is made  
 2 judgment is rendered in favor of the appellant, such judgment shall be for the difference  
 3 between the assessment and the amount determined to be justly chargeable against  
 4 the property affected by such appeal on the trial in the circuit court.

Section 15. The said jurors shall each receive as compensation for his service on  
 2 such jury, two dollars (\$2.00) for each day's service on such jury.

Section 16. Whenever the said common council, with the concurrence of three-  
 2 fourths of the aldermen elected thereto, shall declare by their resolution, that it is  
 3 necessary for the public interest to open a public street, or alley, or take land for any  
 4 public purpose authorized by this act, the said common council shall have power to  
 5 open such public street or alley, or take land for such public purpose, as the case may  
 6 be, without any petition therefor and to proceed thereafter in that behalf, as in cases of  
 7 petition therefor, duly made; provided, that in cases of streets and alley, such resolu-  
 8 tion shall also be approved by the aldermen of the ward in which the land proposed to  
 9 be taken may be situated. The resolution provided for in this section shall declare  
 10 why it is necessary for the public interest so to proceed; and no such resolution shall  
 11 be passed by the common council at the same meeting in which it is first considered, but  
 12 the same shall lie over to a future meeting, and the yeas and nays on the passage of such  
 13 resolution shall be taken and duly entered in the journal of proceedings of the council.

Section 17. Upon the petition in writing of all the owners of lots or lands on any  
 2 street or alley, and not otherwise, the council may vacate any street or alley, or any  
 3 part thereof. At least ten days before acting on such petitions, the council shall  
 4 cause the same to be published in the official paper of said city, with the notice of the  
 5 time the same will be acted upon and the votes of all the aldermen entitled to seats in  
 6 the council shall be necessary to pass any ordinance or resolution vacating a  
 7 street, lane or alley, or any part thereof.

Section 18. Whenever the owner or owners of any land in said city shall desire the continuation of a street or alley, or highway or a new street or alley through or over the same, and shall have filed his or their written consent thereto, and shall waive all damages therefor, specifying the width, course and termination of such street, with the clerk of said city, the common council may by resolution, lay out, establish and name and open said street or alley in accordance with said consent, and said street or alley shall thereafter be subjected to all laws and ordinances of said city applicable to streets and alleys.

Section 19. Whenever complaint shall be made to the common council that any highway, street, or alley in said city has been or shall be encroached upon any by fence, building, or any other fixture, the said council may, by resolution, require and direct the removal of said encroachment and thereupon the mayor of said city shall make an order under his hand requiring the occupant of the land through or by which such highway, street or alley runs, and to which such fence, building or other fixture shall be appurtenant, to remove the same beyond the limits of such highway, street or alley, within twenty days thereafter and he shall cause a copy of such order to be served upon such occupant, and every such order shall specify the width of such highway, street or alley, the extent of the encroachment, and place or places in which the same may be with reasonable certainty.

Section 20. If the fence, building or other fixtures causing such encroachment shall not be removed within said twenty days after the service of such order, and such occupant shall not have denied such encroachment as provided in the next succeeding section herein, such occupant shall forfeit the sum of one dollar for every day after the expiration of said time during which such encroachment shall continue; and in such case if such encroachment shall continue; and in such case if such encroachment shall not be removed within thirty days after the service of such copy, in addition to the collection of said penalty or forfeiture, the common council may by resolution, authorize and direct the superintendent of streets of said city to forthwith remove such encroachment or encroachments; and it shall thereupon be lawful for and the duty of said superintendent of streets, without delay, to remove or cause to be removed such fence, building or other fixture, beyond the limits of such highway, street or alley as specified in the order mentioned in the next preceding section.

Section 21. If the occupant upon whom a copy of such order shall be served shall, within ten days after the service thereof in writing, deny such encroachment, and file

3 the same or a copy thereof with the city clerk, the said clerk shall thereupon make out  
4 and serve upon such occupant a notice at a time and place therein named, to be not less  
5 than twenty-four hours after said service, application will be made to a justice of the  
6 peace of said city, to be named therein for the selection of six disinterested freeholders  
7 of said city, to inquire into the premises at the time and place therein designated, the said  
8 justice shall take out a list of eighteen disinterested freeholders of said city, from which  
9 six shall be selected and struck in the same manner that juries are selected and struck  
10 in justices' courts; the said justice shall thereupon issue his precept directed to the chief  
11 of police, deputy sheriff, or any constable of the county, commanding him to summon  
12 the six freeholders thus selected to meet at a certain day and place not less than two  
13 days after the issuing thereof, to inquire into said alleged encroachment, and should  
14 either party not be present at the selection of said jury, said constable shall give such  
15 absent party at least one day's notice of time and place at which such freeholders are to  
16 meet.

Section 22. On the day specified in the precept the jury so summoned shall be sworn  
2 by such justice well and truly to inquire, whether any encroachment has been made,  
3 as described in the order of said mayor, and by whom; and the witnesses produced by  
4 either party shall be sworn by the justice and the jury shall hear the proofs and allega-  
5 tions which may be produced and submitted to them, and in case any person so sum-  
6 moned as juror shall not appear, or shall be incompetent, his place may be supplied by  
7 a talesman as in other cases.

Section 23. If the jury find that any such encroachment has been made, they shall  
2 make and subscribe a certificate in writing of the particulars and extent of such en-  
3 croachment and by whom made, and shall file the same in the office of the city clerk;  
4 and the occupant of the land, whether such encroachment shall have been made by  
5 him or by any other person, shall remove the fence, building or other fixtures causing  
6 such encroachment within twenty d. after the filing of such certificate, and in de-  
7 fault of such removal shall forfeit and pay a penalty of one dollar (\$1) for each day  
8 after the expiration of said time, in addition to the recovery of said penalty, the com-  
9 mon council may proceed to cause such encroachment to be removed, as provided in  
10 section 20 of this chapter. Any person who shall replace any encroachment, after the  
11 same shall have been removed by the officers of the city, as provided in this chapter,  
12 shall be deemed guilty of misdemeanor and upon conviction thereof, shall be punished

13 by a fine not exceeding one hundred dollars (\$100.) or by imprisonment in the county  
14 jail not exceeding three months, or both, in the discretion of the court.

Section 24. If the jury find that any encroachment has been made as aforesaid, the  
2 occupant shall pay the cost of such inquiry, and if the same shall not be paid in ten  
3 days the justice shall issue an execution for the collection thereof, directed to the chief  
4 of police of the city, sheriff or deputy sheriff, or any constable of the county, com-  
5 manding him to levy such costs and his fees thereon, of the goods and chattels of such  
6 delinquent, and make return thereof to such justice within thirty days from its date,  
7 and the justice, constables, jurors and witnesses shall be entitled to the same compen-  
8 sation as other similar services in trials before justices of the peace.

Section 25. If the jury find that no encroachment has been made they shall so certify,  
2 in which case, the city shall be liable to pay the costs of the proceedings including the  
3 fees of witnesses of said occupant who shall have been sworn in said matter, and the  
4 common council shall allow the same as other accounts against said city.

Section 26. In all cases where lands in the city shall be subdivided in lots and  
2 blocks, or where streets, alleys, or public grounds shall be donated or granted to the  
3 public, the owner or owners thereof shall, in platting the same, cause the streets and  
4 alleys in such plat to correspond in width and general direction with the streets and  
5 alleys through the lots and blocks in said city adjacent to the lot or tract so platted,  
6 and shall submit such maps or plats thereof to the common council of said city for  
7 their approval; and if such plat or map shall be approved by the common council it  
8 shall be lawful for the party or parties making such plat to record the same and evi-  
9 dence of such approval in the manner prescribed in the revised statutes of this state  
10 concerning town plats; but except such plats shall be approved by resolution adopted  
11 by said common council, a copy of which, duly certified by the city clerk shall be  
12 affixed to said plat, it shall not be lawful for the register of deeds of Winnebago  
14 county to receive such plat or map for record, or to record the same, and the same  
15 shall have no validity, and the person or persons neglecting or refusing to comply  
16 with the requirements of this section shall forfeit and pay a sum not exceeding one  
hundred dollars (\$100.00).

Section 27. All streets and alleys which have been heretofore laid out, or which may  
2 be hereafter laid out by the common council or otherwise, and which shall have been  
3 opened and used or worked and improved for four years successively, shall be held to

4 be public streets and alleys, and no defect or irregularity in the proceeding of opening  
 5 the same or in the direction thereof, shall affect the same.

## CHAPTER 10.

### FIRE DEPARTMENT.

Section 1. The common council, for the purpose of guarding against the calamities  
 2 of fire, shall the power to prescribe the limits within which wooden buildings or build-  
 3 ings of other materials that shall not be considered fire-proof, shall not be erected,  
 4 placed, raised, enlarged or repaired and to direct that all and any buildings within the lim-  
 5 its prescribed shall be made and constracted of fire-proof materials, and to prohibit the  
 6 repairing or rebuilding of wooden buildings within the fire limits whenever the same  
 7 shall have been damaged to the extent of fifty per cent. of the value thereof, and to  
 8 prescribe the manner of ascertaining such damage and to prevent and prohibit the mov-  
 9 ing of any wooden building into or within such limits, and to prescribe the penalties  
 10 for the violation of any resolution or ordinance passed under this section.

Section 2. The common council shall procure fire engines and other apparatus used  
 2 for the extinguishment of fires, and have charge and control of the same, and shall pro-  
 3 vide for and secure houses and other places for keeping the same, and shall have power  
 4 to appoint a chief engineer, define his duties, fix his salary and remove him at pleasure;  
 5 to organize fire, hook, ladder and hose companies, and disband the same; to purchase  
 6 horses and necessary apparatus and fuel for steam engines, and to provide for the ap-  
 7 pointment of a necessary number of competent persons to take the care, management of  
 8 the steamers, engines, horses, and other fire apparatus, to prescribe their duties and to  
 9 summarily remove such persons at pleasure of the common council; to prescribe the  
 10 duties of firemen and their compensation, and to make rules and regulations for their  
 11 government, and to impose reasonable fines and forfeitures upon them for a violation of  
 12 the same. Every fire company organized by the common council shall not exceed for  
 13 hand engines, forty able-bodied men and for steam engines twenty able bodied men,  
 14 and for hook and ladder companies twenty-five able-bodied men between the ages of  
 15 eighteen and fifty years, and they may elect their own officers not otherwise herein pro-  
 16 vided for and shall be formed only by voluntary enlistment. Every member of each  
 17 company hereby authorized to be formed shall be exempt from service on juries and

18 from military duty, during the continuance of such membership, except in case of insur-  
19 rection and invasion.

Section 3. Whenever any person shall refuse to obey any lawful order of the chief  
2 engineer, the mayor and aldermen, fire warden, chief of police, or any policeman at any  
3 fire, it shall be lawful for the officer giving any such order to arrest or direct orally any  
4 policeman, constable or any citizen to arrest any such person and to confine him tem-  
5 porarily in the police station until such fire shall be extinguished and in the same  
6 manner such officer or any of them may arrest or direct the arrest and confinement of  
7 any person at such fire who may be intoxicated or disorderly, and if any person shall  
8 refuse to arrest or aid in arresting any person who shall be intoxicated or disorderly,  
9 he shall be liable to such penalty as the common council shall prescribe, not exceeding  
10 twenty dollars (\$20.00).

Section 4. Only actual residents and persons approved by the common council of  
2 the city of Menasha shall hereafter be admitted as a member of any company organ-  
3 ized under this act. And upon removal from the city, of any member of any such  
4 company, and in case of his absence from the city for a space and term of two months  
5 at any one time, he shall immediately cease to be a member of his said company and  
6 of the fire department of the city of Menasha.

Section 5. All the expense of the fire department shall be hereafter a city charge, and  
2 the taxes therefor to be assessed and collected as other city taxes.

Section 6. The common council may by contract or otherwise construct and maintain  
2 in said city, reservoirs to supply with water the city fire department by sinking artesian  
3 wells or fountains, or may construct reservoirs to be filled in any other manner and may  
4 purchase lands upon which to sink wells and reservoirs, deeds to be given to the city of  
5 Menasha, and may sell and deed such property when a majority of said council may see  
6 fit. And the common council may pass all the necessary ordinances for the pro-  
7 tection of same and prescribe penalties for the injury or destruction to any of said prop-  
8 erty.

Section 7. The common council shall appoint one fire warden for each ward who  
2 shall perform such duties as the common council may prescribe, and they may, at  
3 any time enter into any building, house, store, barn or enclosure for the purpose of in-  
4 specting the same.

Section 8. The treasurer of the fire department shall receive and pay out all moneys  
2 belonging to said department, and shall secure the faithful performance of his duty by

3 his bond to the said city in such penal sum as shall be required with sureties to be ap-  
4 proved by the common council. Such moneys only to be paid out on order signed by  
5 the chief engineer and countersigned by the clerk of said department.

Section 9. There shall be elected by the members of each company aforesaid, an-  
2 nually at their annual meeting a clerk or secretary who shall, on or before the first Mon-  
3 day in May in each year return to the city clerk a list containing the name of each  
4 member of their respective companies, and when any member of either of said com-  
5 panies shall cease to be a member thereof by resignation, expulsion or otherwise, notice  
6 thereof shall be given to the city clerk.

Section 10. The city clerk is hereby required to keep a record of the members of  
2 the several companies organized under this chapter, and such record shall consist of  
3 the returns made by the several clerks or secretaries as above provided and no person shall  
4 be exempt from jury duty unless the name is entered on such list. In case any per-  
5 son, shall from any cause cease to be a member of either of said companies, the clerk  
6 shall note that fact on the list thereof, and shall return to the county clerk of the  
7 county of Winnebago a list of all persons who are members of either or all of said  
8 companies exempt from jury duty, on or before the day now appointed, or which may  
9 hereafter be appointed for the annual meeting of said board, and said board shall not  
10 place the name of such persons on the jury list for the ensuing year.

Section 11. There shall be paid to the treasurer of the city of Menasha for the benefit  
2 of the fire department of the city on or about the first day of February of each year, by  
3 every person who shall act in said city as agent for, or in behalf of any individual or  
4 association or associations of individuals, whether incorporated by the laws of this state  
5 or by the laws of any other state, territory or country, to effect insurance against loss  
6 or injury by fire, the sum of two dollars upon each one hundred dollars (\$100), and at  
7 that rate upon the amount of all premiums which during the year or part of the year  
8 ending on the next preceding first day of January, shall have been received by such agent  
9 or person or company, or by any other person or persons for him or it, which shall have  
10 been agreed to be paid for any insurance effected or agreed to be effected or promised  
11 by him, or such agent, or otherwise, or by such company against loss or injury by fire.  
12 No person shall, in said city of Menasha, as the agent or otherwise, for any individual  
13 or individuals, association or corporation agree to effect or effect any insurance upon  
14 which the duty mentioned in the next preceding article, is required to be paid, or as  
15 agent or otherwise procure such insurance to be effected, unless he shall have first exe-

16 cuted to said city of Menasha, and deposited with the clerk a bond, to be approved by  
17 the mayor of said city of Menasha, and deposited with the clerk of said city, the penal  
18 sum of three hundred dollars (\$300), with sureties thus approved by said mayor, con-  
19 ditioned that he will render to said clerk of the city, on or before the  
20 first day of February next, a just and true account, verified by oath,  
21 that the same is true and just of all premiums which during the year ending on the first  
22 day of January next preceding such report shall have been received by him or by any  
23 other insurance against loss or injury by fire in said city, which shall have been ef-  
24 fected or promised by him or agreed or promised by him to be effected for any indi-  
25 vidual or individuals, association or corporation, and that he will on such first day of  
26 February pay to the treasurer of said city of Menasha, for the use and benefit of the  
27 fire department two dollars (\$2.00) upon every hundred dollars (\$100.00) on premiums  
28 collected and at that rate upon the amount of such premiums, each and every such  
29 agent shall annually file such bond with said city clerk on the first secular day of Jan-  
30 uary in each year; provided, that in lieu of an annual bond, any such agent may file a  
31 bond, with like conditions in the penal sum of one thousand dollars (\$1000.00) which  
32 shall be a continuing bond while such agent shall engage in the insurance business in  
33 said city, and any person who shall in said city effect, agree to effect, promise or pro-  
34 cure any insurance specified in the preceding section, without having given such bond  
35 shall forfeit and pay for each offense and for each insurance so effected the sum of one  
36 hundred dollars (\$100.00) and such sum shall be recovered as other penalties or for-  
37 feitures accruing under this act; and said city may maintain an action on said bond,  
38 or against such agent, to recover all moneys required by the previous section of this  
39 act to be paid into the city treasury.

Section 12. Any person who shall pay any premium or agree to pay any premium  
2 for insurance on property within said city to any person, association or corporation,  
3 who shall not have filed the bond hereinbefore provided for, shall forfeit and pay three  
4 times the amount of the percentage upon such premium which should be paid into  
5 the treasury as aforesaid, to be recovered as other forfeitures under this act.

Section 13. It shall be competent for the common council to provide by ordinance,  
2 the organization and management of volunteer fire companies, and to appropriate from  
3 the general fund such sums as shall be deemed requisite for the aid of such companies  
4 for procuring apparatus and outfit, and maintaining and housing the same, and to

5 provide suitable penalties for the violation of any of the provisions of the ordinances  
 6 passed under this section, and shall be competent for the said common council to pro-  
 7 vide for the establishment or continuance of a paid fire department to be entirely under  
 8 the control of the city government, and maintained at the sole expense of the city; and  
 9 to provide for the appointment and compensation of as many firemen as shall from  
 10 time to time be necessary.

## CHAPTER 11.

### BOARD OF EDUCATION.

Section 1. All territory within the present corporate limits of the city of Menasha,  
 2 and all territory which may hereafter be attached to, and incorporated in the limits of  
 3 said city, shall constitute one school district for the better regulation and management  
 4 of the public schools of said city.

Section 2. The commissioners of common schools herein named, and the superin-  
 2 dentent thereof, shall be styled the "board of education of the city of Menasha," a  
 3 majority of whom shall constitute a quorum, and shall be a corporate body in relation  
 4 to all powers and duties conferred on them by virtue of this act. The superintendent  
 5 of schools in said city shall be ex officio president of the board of education, and in  
 6 case of a tie, shall be entitled to a casting vote.

7 Said board of education shall appoint one of their number clerk, and fix his compen-  
 8 sation, which shall not exceed fifty dollars (\$50.00) per year, and who shall hold his  
 9 office during the pleasure of said board. The said commissioners shall receive no com-  
 10 pensation for their services.

Section 3. The said superintendent of schools and the said commissioners of the  
 2 common schools so elected as aforesaid, shall, within ten days after election, take the  
 3 oath of office prescribed by the constitution of the state, and file the same with the  
 4 city clerk.

Section 4. The clerk of said board shall keep a record of the proceedings thereof, and  
 2 perform such other duties as the board may prescribe, which record or transcript there-  
 3 of, certified by the superintendent and clerk, shall be received in all courts as prima  
 4 facie evidence of the facts therein set forth, and such records and all the books and ac-  
 5 counts of said board shall at all times be subject to inspection of the city council, and of  
 6 any committee thereof.

Section 5. The city council of said city shall have power and it shall be their duty to  
2 raise from time to time, by tax upon real and personal estate in said city which shall be  
3 liable to taxation, in addition to the amount of school moneys now or hereafter appro-  
4 priated or provided by law for the common schools in said city, such sums as may be de-  
5 termined and certified by said board of education to be necessary or proper for any or  
6 all the following purposes:

1st. To purchase, lease or improve sites for school houses.

2nd. To build, purchase, lease, enlarge, alter, improve and repair school houses and  
2 their out houses and appurtenances.

3rd. To purchase, exchange, improve and repair school apparatus, books, furniture  
2 and appendages; but the power herein granted shall be denied to the furnishing of class  
3 or text books for any scholar whose parents or guardian shall be able to furnish the  
4 same.

4th. To procure fuel and defray the contingent expense of the district library of said  
2 city.

5th. To pay the wages of teachers due after the application of public moneys, which  
2 may by law be appropriated and provided for that purpose; provided, nevertheless, that  
3 no tax shall be levied for such purposes oftener than once in each year; and provided  
4 also, that the amount to be raised for teachers' wages, and for contingent expenses in  
5 any one year, shall in no case exceed four dollars for each person that draws public  
6 money, nor less than three dollars; that the amount to be raised in any one year for the  
7 repairing of school houses and the appurtnances shall not exceed one thousand dollars  
8 (\$1,000.00), and for buying sites and erecting new school houses, shall not exceed five  
9 thousand dollars (\$5,000.00), and all sums certified to the common council by the board  
10 of education, for repairs to school houses above one hundred dollars (\$100.00) for any one  
11 school house, and all sums certified for the building of new school houses, and all sums  
12 certified for purchasing, changing, improving and repairing school apparatus and furni-  
13 ture and appendages exceeding one hundred dollars (\$100.00), shall be approved by a  
14 vote of a majority of the whole number of aldermen before any tax shall be  
15 levied for said repairs or for building said new school house or purchasing said appara-  
16 tus or furniture

Section 6. The city council shall cause the tax or taxes herein provided for to be  
2 levied and collected annually on all such real and personal property or capital of any  
3 kind within said city as is subject to taxation by the laws for levying taxes for the state

4 for the time being, said taxes to be levied and collected in the same manner as annual  
5 taxes are levied and collected in said city.

Section 7. All moneys to be raised pursuant to the provisions of this act, and all  
2 school moneys by law appropriated to, or provided for said city, shall be paid to the  
3 treasurer of said city, who, together with the sureties of his official bond, shall be ac-  
4 countable therefor in the same manner as for other moneys of said city. The said  
5 treasurer shall also be liable to the same penalties as for any official misconduct in rela-  
6 tion to the other moneys of said city.

Section 8. The treasurer of said city shall not pay out any moneys in his hands, re-  
2 ceived by said city either as school moneys, or collected or received by him in  
3 any manner as school moneys, by virtue of any of the provisions of this act, excepting  
4 upon an order drawn upon him and signed by the superintendent and clerk of said  
5 board of education, and no such order shall be drawn except by virtue of a resolution  
6 or majority vote of the said board.

Section 9. The said board may cause a suit or suits to be prosecuted in the name of  
2 the city of Menasha, upon the official bond of the treasurer or of any collector of said  
3 city, for any default, delinquency or official misconduct in relation to the collection, safe  
4 keeping or payment of any moneys in this section mentioned.

Section 10. The said board shall have power, and it shall be their duty:

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

2d. To purchase or hire school houses and rooms, and lots and sites for school  
2 houses, and to fence and improve them, as they deem proper; provided, the amount nec-  
3 essary has been appropriated by the common council of the city.

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

4th. To purchase, exchange, improve, and repair school apparatus, furniture and  
2 appendages, and to provide fuel for the schools and to pay their contingent expenses and  
3 the expenses of the district library.

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

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

7th. To pay the wages of such teachers out of the school moneys, which shall be appropriated and provided in said city so far as the same shall be sufficient, and the residue thereof from the money authorized to be raised for that purpose by section five (5) of this chapter, by tax upon the city.

8th. To defray the necessary contingent expenses of the board, including the salary of the clerk; provided, that the account of such expenses shall be first audited and allowed by the city council.

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

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

11th. To prepare and report to the city council such ordinances and regulations as may be necessary or proper for the protection, safe keeping, care and preservation of school houses, lots and sites and appurtenances and all other property belonging to the city, connected with, or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations; and annually to determine and to certify to said city council the sums in their opinion necessary or proper to be raised under the section five (5) of this chapter, specifying the sums required for each of the purposes therein mentioned, and the reason therefor.

12th. The said board shall adopt, and at their discretion modify or repeal by laws, rules and regulations for their government, and for the organization, discipline and management of the public schools of said city, and generally adopt all such measures as shall promote the good order and public utility of said schools; provided, that such by-laws, rules and regulations shall not conflict with the constitution and by-laws of this state.

Section 11. It shall be the duty of said board in all expenditures and contracts, to have reference to the amount of money that shall be subject to their order during the

3 then current year, for the particular expenditure in question and not to exceed such  
4 amount.

Section 12. The said board of education shall be the trustees of the district library  
2 in said city, and all the provisions of law which now are or may hereafter be passed  
3 relating to the district school libraries, shall apply to said board in the same manner  
4 as if they were trustees of an ordinary school district; they shall also be vested with  
5 the discretion as to the disposition of moneys appropriated by any law of the state, for  
6 the purchase of libraries, which is therein conferred upon the inhabitants of school  
7 districts. It shall be their duty to provide library room and the necessary furniture  
8 therefor, and to appoint a librarian; to make all purchases of books for said library,  
9 and from time to time to exchange or cause to be repaired the damaged books belong-  
10 ing thereto.

Section 13. It shall be the duty of the said board at least fifteen days before the an-  
2 nual election for city officers in [each year, to prepare and report to the city council  
3 true and correct statements of the receipts and disbursements of moneys under and in  
4 pursuance of this act, during the preceding year, in which account shall be stated un-  
5 der appropriate heads:

6 1st. The money received from the city council under the ffth (5th) section of this  
7 chapter.

8 2nd. The school moneys received by the treasurer of the city from the county  
9 treasurer.

10 3rd. Moneys received by direct tax.

11 4th. All other moneys received by the treasurer subject to the order of the board,  
12 specifying the sources.

13 5th. The manner in which sums of money shall have been expended, specifying the  
14 amount paid under each head of expenditures, and the city council shall ten days be-  
15 fore such election, cause the same to be published in at least one of the newspa-  
16 pers published in said city, if there be one.

Section 14. The said board shall be subject from time to time to the rules and regu-  
2 lations made by the state superintendent of the common schools, so far as the same  
3 may be applicable to them, and not inconsistent with the provisions of this act.

Section 15. The superintendent shall be the executive officer of the board of edu-  
2 cation, shall examine all teachers making application for schools (examination to be  
3 public and in presence of the board), shall grant certificates to such persons so examin-

4 ed, as shall be deemed by him and the majority of the board suitably qualified, and  
 5 shall carry into effect the ordinances of the city council, and the rules and regulations  
 6 of the board, in reference to the common schools; he shall also be especially charged  
 7 with the care and custody of the several school houses of the city, and, under the di-  
 8 rection of the board, shall superintend the building, enlarging, improving, furnishing  
 9 and repairing of all of the school houses ordered to be erected by them, and the making  
 10 of all repairs and improvements on and around the same. In addition to the foregoing  
 11 duties, he shall visit the common schools of the city [at least twice during each term  
 12 and report their condition to the board, with such suggestion for their improvement as  
 13 he may deem proper; he shall also perform such other duties with respect to such  
 14 schools as the board may assign him. The amount of his compensation shall be  
 15 determined by the city council and the manner of its payment.

Section 16. It shall be the duty of the superintendent, between the first and fifteenth  
 2 days of October in each year, to make and transmit to the state superintendent of pub-  
 3 lic instruction, a report in writing, bearing date on the first day of October in they ear  
 4 of the transmission, stating:

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

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

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

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

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

Section 17. The board may allow the children of all non-residents to attend any of  
 2 the schools of said city upon such terms as said board by resolution shall prescribe, fix-  
 3 ing the tuition therefor.

Section 18. The board of education of said city shall establish and maintain a school of mixed grades. Said school shall be open to all persons of the school age residing in said city. The course of study for said school shall be such as shall be prescribed by the board of education of said city.

Section 19. The title of all school houses, sites, and all school property shall be vested in the city of Menasha, and the same, while used for school purposes, shall not be subject to taxation for any purpose whatever, and shall be exempt from levy and sale on any warrant or execution. Whenever the board of education shall report to the common council recommending the sale of any school houses, sites or property, the common council may dispose of the same, and direct the proper officers to execute a conveyance thereof; but no such sale or conveyance shall be made, except the board of education shall first report to such council, recommending such sale; and all the proceeds of any such sale shall be paid and kept by the city treasurer, and appropriated to the purchase of other school houses, sites, or for other school purposes, as the board of education shall direct.

Section 20. The common council shall have power to borrow from time to time such sum or sums of money, not exceeding fifteen thousand dollars in any one year, as the board of education shall recommend, and said common council shall deem necessary to be used by the board of education, under the direction of said council, in the purchase of lands for school house sites, and in the erection and construction or enlargement of school houses and buildings, and furnishing the same; and to issue bonds of the city or certificates of appropriation or indebtedness therefor, payable at such time or times as the common council may direct, not more than twenty years after date, and bearing interest at a rate not greater than five (5) per cent. per annum, such bonds or certificates of appropriation or indebtedness to be signed by the mayor and countersigned by the city clerk, with the seal of the city attached; provided, however, the power herein given shall be exercised, subject to the limitation of municipal indebtedness prescribed by the constitution.

## CHAPTER 12.

### OF PROSECUTIONS AND FINES.

Section 1 Justices of the peace elected under this act, in addition to the powers, duties, and jurisdiction vested in, and required of them by the statutes and laws of the

3 state of Wisconsin, shall have power to hear and determine all charges for offenses  
 4 against any provision of this act, or any act amendatory thereof and all charges for the  
 5 violation of any ordinance, by-law, police or health regulations made in pursuance of  
 6 and by authority herein conferred.

Section 2. The city of Menasha in its corporate name may sue for, and recover any  
 2 and all fines, penalties, and forfeitures under said city charter, and the acts amendatory  
 3 thereof, or under the ordinances, by-laws, or police, or health regulations made in pur-  
 4 suance thereof, any general law of the state to the contrary notwithstanding, and such  
 5 action shall be commenced by complaint substantially in the following form:

6 State of Wisconsin,  
 7 Winnebago County,      } ss.  
 8 City of Menasha.

9 ..... , being duly sworn, complains on oath to .....  
 10 ..... justice of the peace, of said city, that .....  
 11 did on the ..... day of ..... 18...., violate the .... section of an ordinance  
 12 (by-law or resolution, describing it by its title), which said ..... is now in  
 13 force, as this complainant verily believes, and prays that said .....  
 14 may be arrested and held to answer to the said city of Menasha therefor.

15 Subscribed and sworn to before me this ..... day of ..... 18....

Section 3. It shall be sufficient to give the number of the section or sections, and the  
 2 title of the ordinance, by-laws, regulation or resolutions, or of the laws violated in such  
 3 complaint and said complaint may be sworn to before any officer authorized to admin-  
 4 ister oaths in the courts of this state. Upon the filing of such complaint in the office  
 5 of any justice of the peace of said city, he shall issue a warrant thereon substantially as  
 6 follows:

7 State of Wisconsin,  
 8 Winnebago County,      } ss.  
 9 City of Menasha.

10 To the sheriff or any constable of said county, and to the chief of police of the city  
 11 of Menasha, greeting.  
 12 Whereas..... has this day complained to me in writing, on oath,

13 that..... did on the .....day of.....18..., violate  
14 the ..... section or sections of an ordinance (by-law, regulation, or law describ-  
15 ing it by its title) which said ..... is now in force and effect, as said com-  
16 plainant verily believes.

17 Therefore, in the name of the state of Wisconsin, you are hereby commanded to  
18 to arrest the body of said ..... and him forthwith bring before  
19 me, a justice of the peace of said city, to answer to said city of Menasha, on the com-  
20 plaint aforesaid.

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

22 .....

23 Justice of the Peace.

Section 4. Upon the return of the warrant the court may proceed summarily with  
2 the case, unless it be continued by consent or for cause. If the cause be adjourned, the  
3 defendant, if required by the court so to do, shall recognize with security, for his ap-  
4 pearance, in such sum as the court shall direct, or in default thereof, may be put in  
5 charge of the officer, who made the arrest, or be committed to the common jail of  
6 Winnebago county. The complaint made as aforesaid shall stand in lieu of a declara-  
7 tion, and the plea of not guilty shall put in issue all subject matter which pertains to  
8 the defense of the action.

Section 5. A printed copy of an ordinance, by-law or resolution passed by the city  
2 council and published in a newspaper or in pamphlet or book form, shall be prima  
3 facie evidence of its due passage and publication, and may be received in evidence.  
4 After issue joined, and before the commencement of the trial thereof, either party may  
5 demand that the case may be tried by a jury of six men. Upon such demand of a jury,  
6 the justice shall direct a proper officer to write down the names of eighteen persons of  
7 the county qualified to serve as jurors in courts of record, subject to like qualifications.  
8 From such list of names, each party, commencing with the party demanding such  
9 jury, may strike alternately six names; and in case of absence of either party or his  
10 refusal to strike out, the justice shall appoint some person to strike out such names;  
11 parties may agree to try a cause with a less number of jurors than six. The practice  
12 in the trial of causes before justices of the peace wherein the city of Me-  
13 nasha is plaintiff, shall be subject to all the rules of law and evidence applicable to  
14 those governing courts of justices of the peace under the general laws of the state of  
15 Wisconsin, unless otherwise herein provided. And either party may chal-

16 lenge jurors for causes known to law, and any such jurors excused for cause or  
 17 any other reason, may be supplied in the manner provided for in the laws of this state,  
 18 applicable to the trial of causes in justice's court. And if no jury be demanded it shall  
 19 be deemed a waiver of a jury trial. Each juror shall receive for his services one dollar  
 20 per day, and the same fees for travel as allowed jurors in courts of record in this state.

Section 6. Witnesses and jurors shall attend before the justice court in all city and  
 2 criminal prosecutions without the payment of fees in advance or a tender thereof, upon  
 3 the process of the court duly served, and in default thereof their attendance may be en-  
 4 forced by attachment. In case the jury, after being kept a reasonable time shall fail to  
 5 agree, they shall be discharged. And thereupon the court shall adjourn the cause to a  
 6 day certain, and issue a new venire as aforesaid. In city prosecutions the finding of the  
 7 court or jury shall be either guilty or not guilty. If guilty, the court shall render judg-  
 8 ment thereon against the defendant for the fine, penalty or forfeiture contained in the  
 9 ordinance, by-law or resolution, for the violation of which the person or persons shall  
 10 have been adjudged guilty, and for the costs of suit; but if not guilty, the costs shall be  
 11 taxed against the city. Executions issued upon judgment obtained for violation or  
 12 non-observance of ordinances or by-laws of the city, may contain a clause directing the  
 13 imprisonment of the defendant in the common jail of Winnebago county for such a  
 14 time as shall have been provided by the ordinance under which the judgment shall be  
 15 rendered, in case of the non-payment thereof by the defendant, and all fines, penalties,  
 16 and forfeitures when collected, shall be paid into the city treasury for the use of the city.  
 17 The execution upon any judgment recovered in any such action may also require that  
 18 in case nothing shall be found from which the amount can be collected, the defendant  
 19 shall be taken and imprisoned in the common jail of the county of Winnebago for a  
 20 term not exceeding ninety days, unless the judgment be sooner paid and the term of  
 21 such imprisonment shall be inserted in the execution and commitment to perform hard  
 22 labor during the term of such imprisonment. In case nothing can be found from which  
 23 the amount can be collected, the defendant shall be imprisoned in the common jail of  
 24 said county according to the terms of the execution.

25 Such execution may be in the following form;

26 State of Wisconsin,  
 27 Winnebago County, }  
 28 City of Menasha } s.s.

28 The state of Wisconsin to the sheriff or any constable of said county of Winnebago,

29 the chief of police or any policeman of said city, to the keeper of the common jail of  
30 said county:

30 Whereas, the said city of Menasha, on the ..... day of ..... 18.... recov-  
31 ered a judgment before the undersigned, a justice of the peace, in and and for said city  
32 and county, against ..... for the sum of ..... dollars,  
33 together with ..... dollars cost of suit for violation of (here insert the number of  
34 section, chapter or title of the ordinance and offense set forth in the complaint).  
35 These are therefore in the name of the state of Wisconsin to command you to levy  
36 distress on the goods and chattels of said ..... excepting such as the law  
37 exempts, and make sale thereof according to law in such case made and provided, to  
38 the amount of said sums together with your fees and twenty-five cents for this execu-  
39 tion, and the same return to me within thirty days to be rendered to the city of Me-  
40 nasha, for said judgment and costs; and for want of such goods and chattels whereon  
41 to levy to take the body of the said ..... and him convey and deliver unto  
42 the keeper of the common jail of said county, who is hereby commanded to receive and  
43 keep said ..... in safe custody in the common jail, and at hard labor  
44 for the term of ..... unless the aforesaid sum and all legal expenses  
45 be sooner paid and satisfied, or until he be discharged thence, by due course of  
46 law.

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

48 ..... Justice of the Peace.

Section 7. The form of the commitment may be substantially the same as that of ex-  
2 ecution aforesaid, leaving out all that relates to the levy and sale and return of writ:  
3 The defendant in all city prosecutions under this act may appeal to the county court  
4 of Winnebago county from any judgment rendered against him or her, if within  
5 twenty-four hours thereafter he file a notice of appeal, together with a bond in such  
6 sum as the justice may require, conditioned for his appearance at the next regular  
7 term of the county court, of Winnebago county, which bond may be in form now  
8 required of defendants on appeal in criminal cases before justices of the peace, under  
9 the laws of this state. Upon any appeal being taken and allowed, the justice of the  
10 peace shall stay all further proceedings in the case; and the defendant if in custody,  
11 shall be discharged, and the justice of the peace shall within twenty days thereafter  
12 transmit the papers in the case so appealed with a transcript of his docket to the clerk  
13 of the county court.

Section 8. The jail fees and officers' fees for commitments in prosecutions in behalf of the city, shall be audited and allowed by the city council, when the same cannot be collected of the defendant before his discharge, and said city council may by resolution direct the justice of the peace, to discharge from the city jail any person confined for a judgment due said city; but such discharge shall not operate as a release of the judgment unless said city council shall so direct in their resolution.

Section 9. Upon filing a certified copy of such resolution attested by the clerk of the city council, the justice of the peace shall order such defendant discharged from custody, and make an entry of such discharge upon his docket; an execution may issue or be renewed by indorsements from time to time before or after the return day thereof, and before or after the commitment of the defendant until the judgment is satisfied or released. But after the defendant shall have been committed no execution shall be issued against the body of the defendant, nor, if previously issued shall authorize the taking of the body of the defendant thereon.

It shall be the duty of the chief of police, policemen and constables of the city of Menasha, and they are hereby authorized and required, to summarily arrest without warrant, and take before any justice of the peace, of said city, any person who shall be found within the corporate limits of said city in a state of intoxication, or who shall be guilty of any boisterous revelry or obscenity, or any breach of the peace, by making any improper noise or disturbance, or indecent exposure of his person, or by firing guns, or fighting or threatening to fight, or in any other manner shall be engaged in the violating any ordinance of said city made for the preservation of the peace and good order thereof, and said justice shall have power to hear, try and determine all such offenses. And any person convicted of any offense specified in this act where no other punishment is specified by law, or by any ordinance of said city, shall be punished by fine of not less than three dollars, nor more than fifty dollars, or by imprisonment in the common jail of Winnebago county not less than five days, nor more than ninety days in the discretion of the justice, 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 payment of any such fine or costs, the justice shall commit the defendant to such common jail for such number of days not exceeding ninety nor less than five as he may deem proper.

But in case any person shall be committed for the non-payment of any such fine, or costs, he shall be discharged upon payment of the same, to-

29 gether with the costs and expense of his imprisonment to the sheriff or other  
30 officers having charge of such police station or common jail.  
31 Any officer making any arrest under the provisions of this act may, if necessary, com-  
32 mit the person arrested to such police station without process, and such person shall  
33 be delivered up to such officer by the keeper of such police station on demand and with-  
34 out process; provided, that if such officer does not demand the person so committed  
35 within twenty-four hours (Sundays excepted) after such committal, the officer having  
36 charge of such prison shall discharge the person so arrested from confinement.

37 All of the general provisions of the law concerning the trial of criminal offenses, the  
38 fees of the officers and proceedings in which upon trial the justice finds he has not final  
39 jurisdiction of the case, shall govern trials under this act, unless otherwise provided in  
40 this act; provided, that in all convictions under this act where a punishment for the  
41 offense is prescribed in the general statutes of this state, or in any ordinance of said  
42 city, the penalty as prescribed by such statute or ordinances shall be imposed upon the  
43 person so convicted. In all cases which by the provisions of this act, no other punish-  
44 ment is provided, the common council shall have power to pass ordinances, by-laws or  
45 regulations, and for the violation of which they may fix a penalty therefor which shall  
46 not exceed a fine of fifty dollars (\$50.00) or by imprisonment not exceeding ninety (90)  
47 days for any one offense, and may also provide that in default of payment of any judg-  
48 ment rendered for such violation or omission, defendant may be imprisoned in the  
49 common jail of Winnebago county, not exceeding said ninety (90) days.

Section 10. All the general laws of the state of Wisconsin, relative to the proceed-  
2 ings in justice's courts in civil or criminal proceedings shall apply to the courts of such  
3 justices elected, under this act, and all general provisions of law concerning the trial of  
4 criminal offenses, and the conducting of criminal prosecutions, appeals from the judge-  
5 ments of the justice, the fees of officers, and proceedings in which upon trial, the justice  
6 finds he has not final jurisdiction of the case shall govern. When an act or omission  
7 declared to be an offense by the general laws of the state, is also made an offense by  
8 the provisions passed pursuant to this act a conviction or an acquittal in a prosecution  
9 under the general law shall be a bar to a prosecution under this act or such ordinance.  
10 The person accused shall have the same right to a removal of the case for prejudice  
11 as provided by the general laws of the state, except without the payment of fees for  
12 such removal.

Section 11. The city of Menasha shall be entitled to the use of the common jail of  
 2 said county, for the commitment thereto, of any person found guilty of violating any  
 3 of the ordinances, by-laws or resolutions of said city of Menasha under this act.

### CHAPTER 13.

#### BOARD OF HEALTH.

Section 1. It shall be the duty of the mayor of the city of Menasha to appoint an-  
 2 nually, on the third Tuesday in April, or within one week after entering upon the  
 3 duties of his office, a committee consisting of four (4) aldermen one from each ward,  
 4 who shall be known as the board of health of said city, and whose duty it shall be to  
 5 examine into and consider all measures necessary for the preservation of the public  
 6 health in said city, and to see that all ordinances and regulations in relation thereto be  
 7 observed and enforced.

Section 2. Said board shall choose one of their members president, who shall pre-  
 2 side at all meetings of said board and shall perform such other duties as are herein  
 3 prescribed or may be required of him by any ordinance or resolution of the common  
 4 council of said city.

Section 3. The clerk of said city shall be the clerk of said board, and shall keep a full  
 2 record of all the acts, orders, resolutions, rules, regulations and proceedings of said board,  
 3 in a book to be provided for that purpose, and copies of any such acts, orders, resolu-  
 4 tions, rules, regulations and proceedings made from such record thereof, and certified  
 5 by said clerk under the corporate seal of said city shall be received as evidence in all  
 6 courts and places.

Section 4. The common council shall have power to appoint and at pleasure to re-  
 2 move a health officer for said city, to define his general duties, and in case of necessity,  
 3 to provide for the necessary assistance to him, and to fix the compensation of such  
 4 appointees and employes. The board shall have power to authorize such health officer  
 5 to exercise any or all of the powers conferred on them, and all directions and orders of  
 6 the health officer made under such authority of the board of health, shall have the  
 7 same force and effect as if made by the said board.

Section 5. The said board of health and health officer, or any person acting under  
 2 their orders, shall have authority to enter into and examine at any time, all buildings,

3 lots and places of all descriptions within the city for the purpose of ascertaining the  
 4 condition thereof so far as the public health may be effected thereby.

Section 6. The board of health shall give all such directions and adopt all such measures  
 2 for cleansing and purifying all such buildings, lots and other places, and for causing  
 3 the removal therefrom of all nauseous substances producing a disagreeable smell or  
 4 tending to cause sickness or disease, as in their opinion shall be deemed necessary,  
 5 and they may do or cause to be done whatever in their judgment shall be needful to  
 6 carry out such measures. Every person who shall disobey any orders of the board  
 7 of health which shall have been personally served upon him requiring him to abate or  
 8 purify any premises owned or occupied by him in the manner or at the time de-  
 9 scribed in the order, shall, on complaint of the board of health, or any member  
 10 thereof, or any person serving such order before any justice of the peace of said city,  
 11 be liable to arrest and summary trial and punishment by fine not less than ten dollars  
 12 (\$10.00) nor more than fifty dollars (\$50.00), or by imprisonment not exceeding three  
 13 months, or by both such fine and imprisonment in the discretion of the court.

Section 7. It shall be lawful for the board of health, in all cases where they may  
 2 deem it necessary for the more speedy execution of their orders, to cause any such  
 3 nuisance or nuisances to be removed at the expense of the city, and also to cause any  
 4 such nuisance or nuisances which may exist upon the property of non-resident owners  
 5 upon property, the owners of which cannot be found or are unknown and cannot be  
 6 ascertained, to be abated or removed in like manner at the expense of the city, and the sum  
 7 or sums so expended in the abatement or removal of such nuisance or nuisances in such  
 8 cases shall be a lien in the same manner as any tax upon real estate, upon the lots or  
 9 premises from or upon which such nuisances shall be abated or removed; the board of  
 10 health by their president shall certify to the city clerk the description of such property,  
 11 and the cost of abating or removing such nuisance or nuisances thereon, and the city  
 12 clerk shall insert the amount of such cost in the next tax roll of said city thereafter as  
 13 a special tax to be collected, as other taxes in said roll are collected and payment thereof  
 14 may be enforced in like manner as other special taxes upon real estate are levied and  
 15 collected in said city; provided, that the common council shall, from time to time, on  
 16 application of said board of health, appropriate and set apart out of the general fund  
 17 of said city, such means as the council in its discretion shall deem necessary for the  
 purposes of this chapter; and the expenses which the said board are authorized by this

18 section to incur, shall be paid exclusively out of the funds so provided by said city,  
19 and said board shall not be authorized to create any liability on the part of said city in  
20 excess of the sums which shall have been appropriated and set apart as aforesaid for  
22 their use.

Section 8. It shall be the duty of the board of health, by resolution to direct any bedding, clothing, putrid or unsound beef, pork, fish, hides, or skins of any kind, or any other articles found within said city, which in their opinion will be dangerous to the health of the inhabitants thereof, to be destroyed or buried, and they may employ such persons as they may deem proper to remove or destroy such articles, and every person who shall in any manner resist or hinder any person so employed, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than three dollars (\$3) nor more than one hundred dollars (\$100), or imprisonment not exceeding three months, or both. It shall also be their duty to procure suitable places for the reception of persons sick of any pestilential or infectious disease, and in all cases where sick persons cannot otherwise be provided for, to procure for them proper medical and other attendance and provisions, and to forbid and prevent any communication with any house or family infected with any contagious disease except by physicians and nurses.

Section 9. It shall be the duty of the board of health, on complaint being made to them, or whenever they shall deem any business, trade, or profession, carried on by any person or persons, or corporation in the city of Menasha, detrimental to the public health, to notify such person or persons or corporation to show cause before the board of health, at a time and place specified in such notice, why such business, trade or professions should not be discontinued or removed, which notice shall not be less than three days (except that in cases of epidemic or pestilence, the board of health may, by general order, direct a shorter notice, not less than twenty-four hours), and may be served by leaving the same at the place of business, trade or residence of the parties to be affected thereby. Cause may be shown by affidavit, and if, in the opinion of the board of health, no good and sufficient cause be shown why such business, trade or profession should not be discontinued or removed, the board shall order the said parties to discontinue or remove the same within such time as the board may deem reasonable and necessary, and the order of the board shall be final and conclusive.

Section 10. Any person or persons failing or refusing to obey such lawful order of the board of health, shall be deemed guilty of a misdemeanor, and upon conviction thereof

3 shall be punished by a fine not less than ten dollars (\$10) nor more than one hundred dol-  
4 lars (\$100), or by imprisonment of not more than three months, or by both such fine and  
5 imprisonment; and such person or persons shall be subject to like punishment for each  
6 and every day that he, she or they shall continue such business, trade or profession after  
7 the expiration of the time specified in the order of the board of health, for the discontin-  
8 uance or removal of the same.

Section 11. In all trials for the violation of the provisions of this chapter, the ex parte  
2 affidavit of service of any order, notice or requirement of said board of health, purport-  
3 ing to be made by the person who made such service, and stating the time, place and  
4 manner of service, shall be deemed and taken as *prima facie* evidence of due service of  
5 such order, notice or requirement, in all trials in any court.

Section 12. All fines mentioned in this chapter shall be collected as other fines, and  
2 when so collected shall be paid into the city treasury and credited to the contingent  
3 fund.

Section 13. The board of health during the prevalence of Asiatic cholera, or of any  
2 epidemic disease, shall have power, when by them it is deemed necessary, to take  
3 possession of and occupy, as temporary hospitals, any building or buildings in said city;  
4 but the city of Menasha shall pay for the use of such property so taken, a just compen-  
5 sation.

Section 14. It shall be the duty of each and every practicing physician in the city of  
2 Menasha:

3 1st. Whenever required by the board of health of said city to report to said board  
4 at such times and in such forms as they may prescribe, the number of persons attacked  
5 with any pestilential, contagious or infectious disease, attended by such physicians for  
6 the twenty-four hours next preceding such report, of any such pestilential, contagious  
7 or infectious disease.

8 2nd. To report in writing to said board of health every patient he shall have, labor-  
9 ing under any pestilential, contagious or infectious disease within twenty-four hours  
10 after he shall ascertain or suspect the nature of such disease.

11 3rd. To report in writing to the board of health, when by them required, the death  
12 of any patient who shall have died of any disease within twenty-four hours thereafter,  
13 and to state in such report the specific nature and type of such disease.

Section 15. Any practicing physician who shall neglect or refuse to perform the du-  
2 ties required of him by or in any section of this chapter, shall be considered guilty of

3. misdemeanor, and on conviction thereof, shall be punished by a fine of not less than  
 4. ten dollars (\$10) nor more than one hundred dollars (\$100) for each offense.

Section 16. The common council of said city shall, in making their annual estimates  
 2. and levying for the expenses of the city government, estimate and provide such sums  
 3. as may be necessary for the compensation of such officers and all other employes which  
 4. the said board of health are authorized to appoint by this chapter, and for all other  
 5. necessary expenses incurred by said board in the performance of the duties prescribed  
 6. in this chapter and such expenses shall be audited and allowed and paid as other ex-  
 7. penses of said city.

Section 17. The common council of the city of Menasha shall have power to further  
 2. define the duties of the board of health, and to pass such ordinances in aid of the pow-  
 3. ers of the board of health as may tend to promote and secure the general health of the  
 4. inhabitants of said city.

Section 18. It shall be the special duty of the members of the police force of said  
 2. city, and of all magistrates and civil officers, and all citizens of the state to aid, to the  
 3. utmost of their power, the board of health and the officers mentioned in this chapter,  
 4. in the performance of their respective duties, and on requisition of the president of said  
 5. board of health officers, it shall be the duty of the police of said city to serve the notices  
 6. of said board, and to perform such other duties as such board may require.

## CHAPTER 14.

### BONDED INDEBTEDNESS.

Section 1. The outstanding and existing indebtedness against the town of Menasha  
 2. upon the unpaid bonds, with the coupons attached, heretofore issued by said town of  
 3. Menasha to the Wisconsin Central railroad company and the Milwaukee & Northern  
 4. railroad company, shall be apportioned between said town and city in the ratio of one-  
 5. fourth ( $\frac{1}{4}$ ) to said town and three-fourths ( $\frac{3}{4}$ ) to said city, and shall be paid by said town  
 6. and city in such pro rata shares; provided, said city shall not be required to pay any  
 7. portion of such bonded indebtedness where it has already provided and paid its pro  
 8. rata share thereof, or to pay any larger proportion of said coupons so attached to  
 9. said bonds than the proportion herein above named, and upon the payment of the same  
 10. shall be discharged from any further liability or payment upon said coupons, and all

11 sums heretofore paid by said city on said coupons shall be credited to said city in dis-  
12 charge of its obligations. And the said town and city of Menasha shall respectively provide  
13 for the payment of, and pay their and each of their pro rata shares of such indebted-  
14 ness as aforesaid, which remains unpaid, and a legal obligation upon said town and  
15 city to pay at all times, when and as the same shall become due and payable, and each  
16 one of said corporations, town and city, shall be liable to the other for all costs and  
17 damages incurred by either one, in consequence of the failure of the corporation to  
18 provide for and pay its pro rata share of indebtedness as aforesaid.

Section 2. If said town of Menasha shall fail to provide for, and pay its pro rata  
2 share of any of the aforesaid bonded indebtedness, for any cause whatever, and the  
3 said city of Menasha shall have provided for or shall provide for, and be ready and  
4 willing to pay its pro rata share of such indebtedness, the said town of Menasha shall  
5 be liable to the city of Menasha for all costs and damages which it may sustain by rea-  
6 son of the non-payment by said town of its share of such indebtedness, and shall,  
7 alone defend any and all suits, actions or proceedings that may be instituted in any  
8 court against said town as sole defendant, or against said town and city as joint de-  
9 fendants, or against said city as sole defendant, to enforce payment of the same, and  
10 shall save said city harmless from any and all costs, damages and judgments, and  
11 from payment of any sum whatever, arising or growing out of the same.

Section 3. If the said city of Menasha, shall fail to provide for and pay its pro rata  
2 share of any of the aforesaid bonded indebtedness, for any cause whatever, and the said  
3 town of Menasha shall have provided for, or paid, or shall provide for, and be ready and  
4 willing to pay its pro rata share of such indebtedness, the said city of Menasha shall be  
5 liable to the town of Menasha for all costs and damages which it may sustain by reason  
6 of the non-payment by said city of its pro rata share of such indebtedness and shall alone  
7 defend any and all suits, actions or proceedings that may be instituted in any court  
8 against said town as sole defendant, or against said town and city as joint defendants,  
9 to enforce payment of the same and shall save said town harmless from any and all  
10 costs and damages, and judgments, and from the payment of any sum whatever arising  
11 or growing out of the same.

Section 4. If any of the aforesaid bonded indebtedness of said town shall not be  
2 paid at maturity, the holder of the same may institute and maintain any joint action  
3 suit or proceeding against said town and city, to enforce payment thereof, and each  
4 shall be liable for its pro rata share of the costs and expenses incurred therein; provid-

5 ed, that if either said town or city shall have before any such action or proceeding  
6 shall be commenced, purchased, paid or taken up its pro rata share of any such bonded  
7 indebtedness, or if it shall after suit is commenced and before judgment, tender to the  
8 person owning and holding any of said bonds or cupons, its pro rata share of the amount  
9 due thereon if tendered before suit commenced, and if after suit commenced, its pro  
10 rata share of the amount due thereon and costs incurred in said action up to the time  
11 of said tender, and if said tender shall be refused, no action shall be maintained against  
12 the party making said tender, when the same was made before suit commenced; and  
13 when made as aforesaid after suit commenced, shall be dismissed as to the party mak-  
14 ing said tender. Or either party may pay to the plaintiff in any such action after judg-  
15 ment, or to the clerk of the court in which judgment may be rendered, its pro rata  
16 share of said judgment as herein provided, and upon such payment being made, such  
17 judgment shall be discharged, as to the party making said payment. The said party  
18 making said tender or said payment as aforesaid, shall not be liable to the party making  
19 no tender or payment for any costs or proceedings in said action.

Section 5. In all cases where certificates of appropriation or interest bearing  
2 orders have heretofore been issued to borrow money, to purchase and take up any such  
3 bonded indebtedness, under and in pursuance of the laws incorporating said city and  
4 the several amendments thereto, and which were provided to be paid by a special tax to  
5 be levied in each year specified in the resolution authorizing the issuing of the same, the  
6 said common council may, and it is hereby made its duty to levy a special tax or taxes  
7 to pay the same, according to the terms of such resolution and said certificates of ap-  
8 propriation, whenever the same or any portion thereof shall become due. Said special  
9 tax or taxes may be levied at any time, and shall be assessed and levied upon the last  
10 equalized assessment of the real and personal property of said city, previous to the levy-  
11 ing of any such special tax. And immediately after the said special tax shall be levied  
12 as aforesaid, the clerk of said city shall assess and make out upon a tax roll made from  
13 such assessment, such tax in the same manner as provided by law for the assessing, cal-  
14 culating and making out taxes in other cases; and upon completion of said tax roll, the  
15 said clerk shall immediately make out a duplicate copy of such tax lists or roll to which  
16 shall be appended a warrant as provided in and by the charter of said city, so far as the  
17 same shall be applicable, signed by the mayor and clerk of said city, and sealed with  
18 the corporate seal of said city, and shall deliver said tax list and warrant to the treas-  
19 urer of said city, and thereupon such treasurer shall, at once, proceed to collect

20 the taxes and assessment specified and made out in such tax list, in the same  
21 manner as provided for the collection of taxes in other cases, and shall be  
22 possessed of the same powers and rights. And he shall have for collecting such taxes  
23 one per cent. for ten days from the date of the warrant, and two per cent. thereafter.  
24 Such warrant shall be returnable to the county treasurer of Winnebago county, in forty  
25 days from its date, and at the expiration of such time, the treasurer of said city shall  
26 return such tax list and warrant to said county treasurer, with a list of all lands, lots  
27 and personal property upon which the taxes have not been paid, with the taxes as-  
28 sessed thereon, and all such taxes not then collected and so returned to the county  
29 treasurer shall draw interest after such return at the rate of twenty per cent. per an-  
30 num up to the day of the sale of lands for taxes. And provided any such tax may be  
31 paid prior to such sale, by paying the amount of such tax with interest at the rate of  
32 twenty per cent. per annum and two per cent. for collection, and all costs thereon to  
33 that date. And the county treasurer shall possess the same powers and rights in col-  
34 lecting such taxes so returned as in other cases, and shall proceed to advertise and sell  
35 all lands on which such taxes shall remain unpaid, at the same time, and in the same  
36 manner, and with the same effect, as provided by law for the sale of lands for taxes,  
37 and all such taxes returned to the county treasurer and collected by him shall be, by  
38 him, paid over to the treasurer of said city with the interest collected thereon.

Section 6. The common council of said city may, by resolution, passed by a ma-  
2 jority of all the members of said council, assess and levy said special taxes at the same  
3 time and in the same manner as other annual city, school, state and county taxes are  
4 assessed and levied, and determine that said special taxes shall be inserted for col-  
5 lection in the annual tax roll of said city as other taxes. And upon the passage of  
6 said resolution, the city clerk shall make out and calculate said special taxes and insert  
7 the same in a separate column, in said annual tax roll for collection to be collected at  
8 the same time and in the same manner as other taxes in said roll. All the laws of  
9 the state, relative to the collection and return of taxes, and the sale of lands for the  
10 non-payment of the same, shall govern and apply to the collection and return of  
11 said special taxes and the sale of lands for the non-payment of the same, as herein pro-  
12 vided for.

Section 7. Nothing herein contained shall render said city of Menasha liable upon  
2 any such bonded indebtedness, either as principal or interest, where it has already paid

3 its pro rata share of such indebtedness, and no action thereon shall be commenced or  
 4 maintained against said city of Menasha, but provided that this act shall not affect  
 5 any suit commenced or pending by the town of Menasha against any of the holders of  
 6 such bonded indebtedness, to determine its validity, but said city of Menasha shall not  
 7 be liable for any costs therein, when it shall have provided, taken up, or paid its pro  
 8 rata share of such indebtedness.

## CHAPTER 15.

### MISCELLANEOUS PROVISIONS.

Section 1. No person shall be an incompetent judge, justice, witness or juror by  
 2 reason of his being a resident or freeholder of the city of Menasha, in any proceeding  
 3 or action in which the city shall be a party in interest.

Section 2. All ordinances, by-laws, rules or regulations now in force in the city of  
 2 Menasha, and not inconsistent with this act, shall remain in force under this act until  
 3 altered, modified or repealed by the common council after this act shall take effect.

Section 3. All property, real or personal, now or at any time hereafter belonging to  
 2 said city, or to either of the wards thereof, or any department thereof, shall be exempt  
 3 from levy and sale under, and by virtue of any execution; nor shall any real or per-  
 4 sonal property of any inhabitant of said city, or of any individual or corporation there-  
 5 of, be levied on or sold under, or by virtue of, any execution issued to satisfy or collect  
 any debt, obligation or contract of said city.

Section 4. The said city may lease, purchase and hold real or personal estate,  
 2 sufficient for the public use, convenient or for necessities of said city, and may improve,  
 3 sell and convey the same. All property, real and personal or mixed belonging to the  
 4 city of Menasha, shall be and continue to be, vested in the corporation created by this act.

Section 5. No general laws of this state contravening the provisions of this act, shall  
 2 be considered as repealing, amending or modifying the same, unless such purpose be ex-  
 3 pressly set forth in such law.

Section 6. Chapter 127 of the general laws of the state of Wisconsin, for the year  
 2 1874, and the several acts amendatory thereof, and all acts and parts of acts relating to  
 3 the government of said city, inconsistent with or contravening the provisions of this act  
 4 are hereby repealed; provided, the repeal of said acts shall not revive any acts or parts  
 5 of acts heretofore repealed, and shall not in any manner affect, injure or invalidate any

6 contracts, grants, license or right accrued or established in favor of, or against said city,  
7 or any proceeding, suit or prosecution had or commenced in any civil case previous to the  
8 time when such repeal shall take effect; but every such act, right, grant, license or pro-  
9 ceeding shall remain as valid and effectual as if the provisions so repealed had remained  
10 in force; but the subsequent proceedings shall conform to the provisions of this act when  
11 applicable.

Section 7. No offense committed and no penalty or forfeiture incurred, previous to the  
2 time when any of the acts aforesaid shall be repealed, shall be affected by such repeal  
3 except that when any punishment, forfeiture or penalty shall have been mitigated by the  
4 provisions of this act, the provisions of this act shall apply to, and control any judg-  
5 ment to be pronounced after this act shall take effect for any offense committed before  
6 that time.

Section 8. If any election by the people or common council shall, for any cause not  
2 be held at the time or in the manner herein prescribed, or if the council shall  
3 fail to organize, as herein provided, it shall not be considered reason for arresting, sus-  
4 pending or absolving said corporation; but such election or organization may be had at  
5 any subsequent day, by order of the common council, and if any of the duties enjoined  
6 by this act or the ordinances or by-laws of the city to be done by any officer at any speci-  
7 fied time, and the same are not then done or performed, the common council may ap-  
8 point another time at which the said acts may be done and performed.

Section 9. All that part of the Fox river within the limits of said city, shall be kept  
2 under the exclusive jurisdiction of said city, and the common council of said city are  
3 hereby empowered to build and construct or cause to be built and constructed new  
4 bridges over said river at such point or points as they may deem necessary and for the  
5 best interests of the city, and to maintain and support all such bridges which the city  
6 may own now or may build hereafter at the expense of said city.

Section 10. All city and ward officers, elective and appointive, shall hold their respect-  
2 ive offices for the term for which they shall have been respectively elected or appointed  
3 unless they shall be sooner removed as provided in this act or a vacancy has otherwise  
4 occurred, and until their successors shall be elected or appointed and qualified.

Section 11. The general laws for the preservation of bridges and the punishment by  
2 such laws provided for the wilful and malicious injuries done thereto, are hereby ex-  
3 tended to and shall include all the said bridges and shall apply to any wilful or malici-  
4 ous damage which may be done to either of them by any person or persons whatever;

5 and the common council may, from time to time, make such by-laws and ordinances  
6 as they may deem necessary for the preservation of such bridges, and enforce the same  
7 by adequate penalties. In case of any damage done to any of said bridges, by  
8 any vessel or water craft, or by the master or any person in command thereof, such  
9 vessel or water craft may be proceeded against under the law to provide for the col-  
10 lection of demands against boats or vessels.

Section 12. When any suit or action shall be commenced against said city, the serv-  
1 ice thereof may be made by leaving a copy of the process by the proper officer, with  
2 the mayor, and it shall be the duty of the mayor forthwith to inform the common  
3 council thereof, or to take such other proceedings as by ordinances or resolutions of  
4 said council may be in such case provided.

Section 13. The common council of said city may, at any time appoint four com-  
1 missioners, one from each ward, who, with the assistance of the city surveyor, or such  
2 other assistant surveyors as the council may appoint, shall cause a new and accurate  
3 survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public  
4 grounds, wharves and blocks, and shall cause to be established such permanent land  
5 marks as they may deem necessary, and to cause an accurate plat or plats thereof to  
6 be made and certified by the said mayor and commissioners, which shall be filed in the  
7 office of the city clerk, and a copy thereof shall be recorded in the office of the register  
8 of deeds of Winnebago county.

Section 14. The survey and land marks so made and established shall be prima  
1 facie evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds,  
2 wharves and blocks, in all cases in which they shall be drawn into controversy, in all  
3 courts of this state.

Section 15. When the city of Menasha shall deed or lease any real estate, or any in-  
1 terest therein, owned by said city, the party of the first part shall be the city of  
2 Menasha, and the person or persons authorized to execute such deed or lease need not  
3 be named in the body thereof.

Section 16. The mayor of said city is hereby authorized, when the common council  
2 shall, by ordinance or resolution, for that purpose, describing the real estate and inter-  
3 est to be conveyed, order and direct him to do so, to execute a deed or lease of such real  
4 estate, or interest therein belonging to the said city, the said deed or lease shall be  
5 signed by the mayor of said city, and countersigned by the clerk, and sealed with the

6 corporate seal of said city, and duly witnessed and acknowledged, as is provided by  
7 law for the execution of deeds and leases.

8 Section 17. When any such deed or lease is so executed, the city clerk shall attach  
2 to such deed or lease a true and attested copy of such ordinance or resolution, and the  
3 same shall be recorded by the register of deeds with the said lease or deed, and such  
4 copy so attached and recorded, shall be, in all courts of this state, *prima facie* evidence  
5 of the authority of such mayor to make and execute such deed or lease.

6 Section 18. The common council by resolution may forbid any and all persons in  
2 said city, who are or may be licensed to sell strong, spirituous, ardent or intoxicating  
3 liquors, from selling or giving to any person, naming him, who in the opinion of the  
4 council is drinking or using spirituous, ardent or intoxicating liquors to such excess as  
5 to make or render such person disorderly or liable to be disorderly; and if any person  
6 licensed as aforesaid, shall sell or give to any such person, any strong, ardent or spirit-  
7 uous liquors, or allow any other person or persons on his premises to sell or give to such  
8 person, or to any other person for him, any spirituous, ardent or intoxicating liquors of  
9 any kind whatever, the council may declare the license of such person forfeited, and such  
10 person, or any other person who shall give, sell, buy or procure for such licensed person  
11 any strong, ardent or spirituous liquors or beer, shall be liable to a penalty of twenty five  
12 dollars (\$25.00), and which shall be sued for and recovered, with costs, of such persons  
13 violating this section, in an action wherein the city shall be plaintiff, in the same man-  
14 ner as for the violation of city ordinances hereinbefore provided in this chapter.

Section 19. The common council of the city of Menasha is hereby authorized to cause  
2 this act, together with any other acts or parts of acts of the legislature of Wisconsin re-  
3 lating to or affecting said city, and also any ordinances, by-laws, resolutions, rules or  
4 regulations of said city or any of its departments, and any other acts, resolutions, con-  
5 tracts or other documents relating to or affecting said city to be printed or published in  
6 book or pamphlet form, and the same shall be admitted and may be read in evidence in  
7 all courts in legal proceedings from such printed books so published by order of said  
8 common council, and such books shall be deemed *prima facie* evidence of the contents  
9 and due passage, and shall be sufficient publication of all such acts or ordinances,  
10 by-laws, rules, resolutions or regulations.

Section 20. The common council shall, at the first regular meeting of the new council  
2 in each year, or as soon thereafter as may be, order the city clerk to advertise for pro-

3 posals for all the printing and publication necessary to be done by the city, except as  
 4 otherwise provided herein; and said printing and publication shall be let to the lowest  
 5 bidder, who shall be styled the city printer; provided, that said printing shall be let to  
 6 the printer of some newspaper published in the city. The city printer or printers, im-  
 7 mediately after the publication of any notice, ordinance or resolution, which by this act  
 8 is required to be published, shall file with the clerk of said city, a copy of such publica-  
 9 tion, with his or their affidavit, or the affidavit of his or their foreman, of the length of  
 10 time the same has been published, and such affidavit shall be conclusive evidence of  
 11 the publication of such notice, ordinance or resolution. In letting the city printing the  
 12 common council shall have the right to reject any and all bids.

Section 21. The board of review shall meet at the office of the common council on  
 2 the fourth Monday of June each and every year, at nine o'clock in the forenoon, and  
 3 shall proceed in all respects as town boards of review are required to proceed so far as  
 4 the same is applicable, reviewing, correcting and equalizing the assessment rolls of the  
 5 several wards of the city. The mayor shall be president of the board of review, and  
 6 the city clerk, the clerk thereof.

Section 22. When the assessment roll shall be completed, the assessors shall give one  
 2 week's notice in the official paper, if there be one, if not, in some paper published in said  
 3 city, and shall fix a time and convenient place where they will hear any objections of  
 4 parties deeming themselves aggrieved by such assessment, and after hearing the same,  
 5 the assessors shall make such alterations or reductions as justice or equity shall re-  
 6 quire; provide, the hearing of such objections shall not be more than one week from  
 7 the expiration of such notice.

Section 23. Any person appointed or elected for, or to any of the offices under this  
 2 act, before entering upon the duties thereof shall subscribe, take and file with the city  
 3 clerk an oath, that he will honestly and faithfully discharge the duties of his office, and  
 4 all the officers so elected or appointed except mayor, aldermen, city attorney, fire war-  
 5 den, firemen and assessors, shall give bond or bonds to the city of Menasha, in such  
 6 penal sum with such conditions, such surety, and qualifications, as the common coun-  
 7 cil may require, to be approved by the council. The council may from time to time  
 8 require new, further or additional bonds from any such officer, and upon his neglect to  
 9 give same, may remove him from office; provided, that the city treasurer shall not be  
 10 deemed to have qualified until he shall have given a bond to the city, approved by the

11 council. All officers shall qualify within ten days after notice of their election or ap-  
12 pointment.

Section 24. It is hereby made the duty of the common council of the city of Menasha,  
1 to assess, levy and collect all taxes necessary to take up and pay all certificates of ap-  
2 propriation or interest bearing orders outstanding against the city, issued by the city,  
3 to take up bonded indebtedness in bonds issued by the town of Menasha, to the Wis-  
4 consin Central Railroad company, and the Milwaukee & Northern Railroad company;  
5 as the said orders become due also to assess and levy and collect all taxes necessary to  
6 pay all other legal and existing indebtedness against said city, as the same becomes due.  
7

Section 25. Whenever a vacancy shall occur in the office of mayor, any alderman  
2 or justice of the peace, it shall be the duty of the common council, within ten days  
3 after such vacancy shall occur, to order a special election to fill said vacancy.

Section 26. All city and ward officers, elected and appointed, shall qualify as provided  
2 in this act, within ten days after notice of their election or appointment, and whenever  
3 any officer shall fail to qualify as herein provided, his office shall be declared vacant.

Section 27. The city may acquire, purchase, hold and own lands for cemeteries or  
2 burial places for the interment of the dead, either within or without the limits of said  
3 city, as the common council may deem necessary for the public welfare and suitable  
4 for the convenience of the inhabitants, and may prohibit the interment of the dead  
5 within said city, or may limit such interment to such cemeteries or burial places as the  
6 council may prescribe; and the council may require and cause any bodies buried within  
7 the city to be taken up and buried elsewhere.

Section 28. The common council of said city shall have the power to pass such ordi-  
2 nances, rules and regulations for the laying out, improving, improving and ornament-  
3 ing such cemeteries, and for the protection and regulation of the same and all  
4 property therein, and to provide by ordinance for the punishment of any person who  
5 shall violate any of such rules, regulations or ordinances, the same as if such cemete-  
6 ries were situated within the limits of such city.

Section 29. Whenever the common council shall deem it proper and for the best  
2 interest of said city, it may sell, dispose of, and convey any lands and real estate  
3 that has heretofore been purchased for cemetery purposes, or that is now or hereafter  
4 shall be owned and held by said city for such purposes; provided, such lands that  
5 shall be actually occupied by interred bodies, shall not be so sold until such city shall

6 have arranged for the interment of such bodies, and shall have caused their removal.

Section 30. All forfeitures and expenditures accruing to the city, for any violation  
2 of this act, or of any of the ordinances, by-laws, rules, and regulations of the city,  
3 and all moneys received for licenses, shall be paid into the city treasury, and become  
4 a part of the general fund, except as otherwise provided by this act.

Section 31. This act is hereby declared to be a public act, and shall be liberally con-  
2 strued in all courts of this state.

Section 32. This act shall take effect and be in force from and after its passage and  
2 publication in the official state paper, without other publication mentioned in chapter  
3 20 of the revised statutes of Wisconsin.

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