

agency of the said city, in the city of New York, and shall each be for the principal sum of one thousand dollars, or five thousand dollars, or ten thousand [dollars], and may have coupons or interest warrants attached thereto for the semi-annual payment of the interest thereon, or they may be registered bonds or part coupon bonds and part registered bonds, as the common council may determine. Said bonds shall be delivered to the said commissioners of the public debt of said city, and shall be sold and disposed of by said commissioners at not less than par, and the proceeds thereof used solely for the purpose of paying the bonds of the said city, issued to aid in the construction of the Milwaukee and Beloit and Milwaukee and Superior railroads, or by said commissioners exchanged for said railroad bonds at not less than par.

Construction of section four of this act.

SECTION 24. Section four of this act shall not be construed as repealing any of the provisions of chapter 159, of the laws of 1876, entitled, "An act to authorize the improvement of streets in the second ward of the city of Milwaukee, and to authorize the levy of a special tax therefor in said ward."

SECTION 25. All provisions of law contravening the provisions of this act are hereby repealed.

When act to take effect.

SECTION 26. Section 1 of this act shall take effect on the first day of January, 1877. All other provisions and parts of this act shall take effect and be in force from and after the passage and publication of this act.

Approved March 11, 1876.

CHAPTER 312.

[Published March 17, 1876.]

AN ACT to revise the charter of the city of Chippewa Falls.

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

CHAPTER I.

General corporate powers.

SECTION 1. All that district of country in the county of Chippewa, hereinafter described, shall be

and remain a city by the name of Chippewa Falls, and the people who now, or who may hereafter, inhabit said district, shall be a municipal corporation by the name of the city of Chippewa Falls, and shall have the general powers possessed by municipal corporations at common law, and also the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and of being contracted with, suing and of being sued, pleading and of being impleaded with, in all the courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

CHAPTER II.

SECTION 1. The south half of section number thirty-one (31), and the southwest quarter of section thirty-two (32), in township number twenty-nine (29) north, range number eight (8) west, also the east one-half of section number one (1), and lots one (1) and two (2), in section twelve (12), in township number twenty-eight (28), range number nine (9), all of section number six (6), except lot number one (1) therein, also lot number four (4), in section number seven (7), and lots five (5) and six (6), and the west half of the northwest quarter, and the northeast quarter of the northwest quarter of section number five (5), all in township number twenty-eight (28) north, and of range eight (8) west, and the northwest quarter of the northeast quarter, and lots seven (7) and eight (8), in section five (5), township twenty-eight (28) north, and of range eight (8) west, and also the southeast quarter of section thirty-two (32), in township twenty-nine (29) north, and of range eight (8) west, shall be included within, and constitute the territory comprising the city of Chippewa Falls. City boundaries.

SECTION 2. The city shall be divided into four (4) wards. All that portion lying north of the Chippewa river, and east of Bridge street, and south of Columbia street, and of the highway running easterly therefrom, shall constitute the first ward. All that portion lying north of the Chippewa river, west of Bridge street, and south and west of a line running on Columbia street, to the westerly limit of the original plat of the village of Chippewa Falls, thence north to Mansfield addition, thence west to the city Ward boundaries.

limit, shall constitute the second ward. The remainder of the city shall be divided by a line running on Bridge street, until it intersects the quarter line at its end, thence north to the city limit. All west of said line, not included above, shall constitute the third ward, and all east of said line, not included above shall constitute the fourth ward.

CHAPTER III.

Annual elections.

SECTION 1. The annual election for city and ward officers shall be held on the first Tuesday in April in each year, at such place as the city clerk shall designate in each ward; and the polls shall be kept open from nine o'clock in the forenoon until sundown, and the city clerk shall give ten days' notice of the time and place, and of the officers to be elected at each and every such election.

Elective city officers.

SECTION 2. The elective officers of said city shall be a mayor, treasurer, city clerk, city attorney, city physician, and one assessor, who shall hold their respective offices for the term of one year, and until their successors are elected and qualified, and all of said officers shall be qualified voters and freeholders in said city.

Elective ward officers.

SECTION 3. The elective officers of each ward shall be one supervisor, three aldermen, one justice of the peace, one constable, and one fire warden, all of whom shall be qualified voters and freeholders in said ward in which they were elected. The supervisor, constable, fire warden and aldermen shall hold their offices for one year, the justice for two years, and until their successors are elected and qualified. All other parties necessary to the proper discharge of the duties herein conferred, shall be appointed by the mayor, subject to the approval of the aldermen, who with the mayor and city attorney, shall have power to remove for due cause any of their own number, or any other officer of the city, upon a two-thirds vote of all, first giving the officer seven days notice of the reasons for his removal, and a fair and just trial by attorney, or otherwise, as he may desire, justices of the peace excepted.

Appointive officers.

Election to fill vacancy.

SECTION 4. An election shall be called and ten days notice thereof given by the city clerk, as soon as a vacancy may occur in any of the above elective offices, and the vacancy filled by such election shall be as valid as if filled at a general city election.

SECTION 5. All elections shall be conducted by the aldermen of each ward, and by two clerks elected from the bystanders, upon election morning, and if the aldermen, or either of them, are not present, their places may be filled by election from the persons present, who shall proceed to discharge the duties of clerks and inspectors in the same manner as is provided by statute for town meetings.

How elections
to be conduct-
ed.

SECTION 6. All elections shall be by ballot, and all persons qualified to vote at a general election, and who have resided in the city one year and in the ward thirty days next preceding the election, and who shall have paid their poll tax as required by law for the year next preceding the election, shall be entitled to vote for any officer to be elected.

Qualification
of voters.

SECTION 7. The same oath, with the further statement that the deponent has resided one year in the city, thirty days in the ward next preceding the election, and is a resident of the ward where the vote is offered, that is now provided for a vote at a state election, and that he has paid his poll [tax] as required by law, shall entitle the deponent to the privilege of voting, and of holding any office hereby created, city attorney excepted, and if false, to the same penalties; and the penalty for illegal voting and for unlawful conduct of clerks and inspectors shall be the same as that provided for by statute done at a general state election.

Oath of elector

SECTION 8. A plurality of votes shall elect, and when an election shall be closed, the canvassers shall proceed to count the votes cast for each and every legal candidate voted for, and shall make a return thereof to the city clerk, within three days, and shall publicly proclaim the result of the election, and on the fourth day after the election, the city clerk, city attorney and the mayor, shall proceed to canvass the said votes by said returns, and shall file in the office of the city clerk a written statement of the whole number of votes cast for each office, and the number cast for each candidate therefor, duly subscribed by a majority or all of said board of canvassers.

Canvass of
votes.

SECTION 9. The names of all officers voted for, shall be written or printed on one ballot, and in case the highest number of votes shall be equal for two candidates, they shall cast lots in presence of the mayor, who shall thereby determine the election.

Tie vote to be
decided by lot.

When annual election to be held.

SECTION 10. The first election under this act, shall be held on the first Tuesday of April, 1876, and elections shall be held annually thereafter.

Election of aldermen.

SECTION 11. The present aldermen of the city shall hold their offices for the time they were elected, and the city clerk shall ascertain the wards in which they now reside, and their respective time to serve, and shall so notify and call the election; and an alderman shall be so elected, that the term of all aldermen in each ward, shall expire in one year therefrom.

CHAPTER IV.

Officers of city to file bonds.

SECTION 1. The mayor and each officer of said city (aldermen and justices excepted), shall, within ten days after notice of his election, and before he enters upon the duties of his office, execute to the city, and file in the office of the city clerk a bond, conditioned to faithfully, honestly and impartially discharge the duties of their said office according to law, in such sum as the aldermen in council may direct, and any voter of the city may prosecute said bond in his own name, or in the name of the city, and recover any damages occasioned to him or to the city, by reason of the breach thereof, or the city may, through its attorney, prosecute the same, provided there shall be but one recovery for each breach of said bond, and the suit first begun shall have priority of right to recover, and such officer shall also file with the city clerk his oath of office, and therein be sworn to faithfully, honestly and fairly discharge the duties of the same.

Mayor—his powers and duties.

SECTION 2. The mayor shall be the chief executive officer of the city, the head of the police, and shall see that the city ordinances are faithfully executed and obeyed. He shall preside over the aldermen when assembled in council, and shall give them such information as he may deem proper, from time to time, affecting the welfare of the city, and shall have power to call out the several constables and police force of the city, and such other force as he may deem necessary, in case of riot or other disturbance. The mayor shall have a vote in council only in case of a tie, but may veto any ordinance or resolution passed by the aldermen in council, by filing his written objections thereto with the city clerk, within seven days of the passage of the same; and the same shall thereupon be void and inoperative, until two-thirds of all

the aldermen elect from the city, shall vote for its passage, in which case it shall be as valid as if approved. The aldermen in council may at any time in the absence of the mayor, elect one of their body an acting mayor, who in his absence shall have the same powers as the mayor would have if present. Acting mayor.

SECTION 3. The city clerk shall perform all the duties required by law to be performed by him. He shall be keeper of the books, records and papers, and the corporate seal of the city, and the records of the proceedings of the aldermen in council, and shall possess the same powers that town clerks possess by law, to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like manner and effect. He shall draw and countersign all orders on the city treasurer, and keep a record of the same. He shall file in his office all chattel mortgages left with him to be filed, and the renewals thereof, and keep the same, receiving the same fees allowed by law to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks, and the said clerk shall possess authority to administer oaths. Duties of city clerk.

SECTION 4. It shall be the duty of the city attorney in addition to the other duties herein imposed, to conduct all suits instituted to collect penalties for the violation of city ordinances, all suits in behalf of the city, as well as to defend the city in suits brought against it, and to give his legal opinion in all cases where the city is interested, when demanded. He shall, at the time of his election, be an attorney of a court of record. Duties of city attorney.

SECTION 5. The city treasurer shall perform all the duties required of him by law, collect all city, county and state taxes, pay over the moneys in his hands according to law. He shall keep in a proper book an account of all moneys received, and of all moneys paid out, and the same shall at all times be open to the inspection of the voters of said city. He shall make reports monthly, and render an itemized account to the common council of all sums received, when and by whom the same was paid, and also of all moneys by him paid out, which shall be published in the city paper, such reports to state the amount of money on hand. The treasurer of the city of Chippewa Falls in no case shall receive more than three per cent. on the sums by him collected for taxes. Duties of city treasurer.

Duties of assessor.

SECTION 6. The assessor shall perform all the duties heretofore incumbent upon him, and in the time and manner required by law, and with the mayor, treasurer, and city clerk, shall constitute the board of equalization, who shall equalize the assessment, in the same manner, and at the same time, as the board of the towns of this state are required to by law.

Board of equalization.

City physician.

SECTION 7. The city physician shall have charge of all the sick under the care of the city, and render for them such medical and surgical aid as their condition requires, and as in his judgment becomes necessary for their restoration to health, and shall discharge such other and further duties concerning the sanitary condition of the city, as the mayor and aldermen may impose. His salary shall be fixed at the first meeting of the common council.

Powers and jurisdiction of justices of the peace.

SECTION 8. Justices of the peace shall have the same jurisdiction and power as justices of the peace by the statutes of this state, and in addition thereto, they shall have jurisdiction to hear all complaints and to try and determine all actions arising under this charter, both civil and criminal, and under the lawful ordinance of the mayor and aldermen passed in council; *provided*, that the mayor shall have power, if he shall deem it expedient, to appoint one of the said justices to try all cases and actions arising under this charter, and the ordinances of this city, who thereupon shall have exclusive jurisdiction to try such actions, unless the same shall be removed for causes known to law to the next nearest justice, who in such case shall determine the same. The bonds of justices and constables shall be approved by a majority of the aldermen of the city, and shall qualify otherwise as provided by statute of this state.

Powers of constables.

SECTION 9. The constables shall possess the same powers as constables of towns, by the laws of this state, and also all the powers of police officers under the charter and ordinances of the city of Chippewa Falls, and shall have power to arrest, without process, any person engaged in the commission of any criminal offense, against the laws of this state, or any violation of the ordinances of the city, in view of the same, and shall at all times be subject to the order of the mayor in aiding to keep the peace and suppress riots or other disorderly conduct.

Duties of fire wardens.

SECTION 10. The fire wardens shall perform such duties as shall be prescribed by the mayor and aldermen in council, to prevent fires, to keep the streets.

lanes and alleys clean and free from nuisances, and the sidewalks in such condition as shall be at all times safe for travel; and they shall report to the mayor all cases of cholera, small-pox, or other contagious and dangerous diseases within their respective wards.

SECTION 11. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he was elected or appointed.

Council may require further duties of officers and fix compensation of same.

SECTION 12. The common council, at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders. The city printer or printers, immediately after the publication of any notice, or ordinance or resolution or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit or the affidavit of his or their foreman of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

Official paper and city printing.

CHAPTER V.

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 Chippewa Falls do ordain," &c. The common council shall meet at such time and place as they, by resolution, shall direct. A majority of the aldermen shall constitute a quorum.

Common council.

Meetings and
proceedings of
council.

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday of April, and thereafter stated meetings at such times as they shall appoint, and the mayor may call special meetings, by notice to each of the members, to be served personally, or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have the power to compel the attendance of absent members.

General powers
of council.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all the other property in the city, and shall likewise, in addition to the powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of trade, commerce and health thereof, and so enforce as they shall deem expedient; declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of law; *provided*, that they be not repugnant to the constitution and laws of the United States, or of this state; and for these purposes, shall have authority, by ordinance, resolution or by-laws: 1st. To license, regulate, suppress and prohibit the exhibitions of common showmen or shows of any kind, or exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys; and to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state or at common law, and may grant licences for and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spiritous, vinous or fermented liquors, and may prohibit and suppress the same; *provided*, that the license for so dealing in or vending spirituous, vinous or fermented liquors shall not be less than one hundred dollars or more than three hundred dollars, except druggists licenses, which shall in no case exceed twenty-five dollars (\$25), and that all such licenses hereafter granted shall run from the first day of May

Granting of
licenses.

in each year; *provided, however*, that when any such license may be applied for, after that date, the same may be granted to expire on the said first day of May of each year, on the applicant paying pro rata therefor, but no license shall be granted for a longer term or period than one year. 2d. To restrain, prohibit and suppress all description of gambling, and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending or giving away or dealing in any spiritous, fermented or vinous liquors, unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers. 3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinance of the city of Chippewa Falls, by reason of him or her being implicated in any such offense, but the testimony of such witness shall in no case be used against such witness. 4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome nauseous house or place, to cleanse, remove or abate the same from time to time as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city. 5th. To direct the location and management of slaughter houses, and markets, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder or other combustible materials. 6th. To prevent the encumbering of streets, sidewalks, lanes or alleys, with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, pine-wood or any other material or substances whatever. 7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city. 8th. To restrain the running at large of cattle, horses, swine, sheep, poultry and geese, and to authorize the distraining of the same. 9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large

To restrain gambling.

To prevent riots and abate nuisances.

To distrain animals running at large.

contrary to the ordinances. 10th. To prevent any person from bringing, depositing or having within said city any putrid carcasses or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises, any such substance, putrid or unsound beef, or pork, fish, hides, skins, or substances of any kind, and in default, to authorize the removal thereof by some competent officer, at the expense of such person or persons. 11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants; to erect lamps, and to regulate, license and to suppress omnibus drivers, hackmen, coachmen, cartmen, draymen and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen and all others who may pursue like occupations in this city; and to provide for lighting the streets, public grounds, and public buildings, with gas or otherwise. 12th. To establish and regulate boards of health; provide hospital and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and exempt burial grounds, set apart for public use, from taxation. 13th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. 14th. To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks. 15th. To prevent the shooting of fire arms or crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the council dangerous to the city or property therein, or annoying to any citizen thereof. 16th. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. 17th. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses or other establishments, and to establish and regulate the police of the city. 18th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations. 19th. To license and regulate butchers' stalls, shops and stands for the sale

To regulate charges of hackmen.

To restrain drunkenness and obscenity.

of game, poultry, butchers' meat, butter, fish and other provisions. 20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same, to appoint fish inspectors as herein provided, and to appoint a lumber and shingle inspector.

21st. To compel the occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto; and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant. 22d. To regulate, control and prevent the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. 23d. To regulate the time, place, and manner of holding public auctions and vendues. 24th. To appoint watchmen and prescribe their duties. 25th. To provide by ordinance a standard of weights and measures, and for the punishment of the use of false weights and measures. 26th. To protect trees and monuments in said city. 27th. To prescribe and regulate the construction of sewers within the city. 28th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from any incumbrances, and to protect them from injury. 29th. To alter or change the name of any street in the city. 30th. To make, ordain, amend, and repeal all such ordinances, by-laws, and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act; or which may be vested in any officer of said city by any ordinance thereof.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall, within fifteen days after their passage, respectively, be published in the official paper or papers of said city once before the same shall be in force, and within fifteen days thereafter they

Police regulations.

How ordinances, etc., to be passed and made effective.

shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations, or by-laws shall be recorded, the publication thereof, respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication; and such record of such law, ordinance, regulation, or by-law, and the proof of such record, certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation, or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor, taken by ayes and noes, which vote shall be recorded in full by the clerk.

What to be
deemed nuisances.

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

Council shall
make settle-
ment with city
officers.

SECTION 6. The common council shall examine, audit, and adjust the accounts of the clerk, treasurer and all other officers or agents of the city, at such time as they may deem proper; and also at the end of each year, and before the time for which the officers of the said city are elected or appointed, shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, funds and moneys, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account, or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of

such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

SECTION 7. The corporate authority of said city shall be vested in one principal officer, styled a mayor, in one board of aldermen, consisting of three members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers, as may be created under this act.

Corporate authority—in whom vested.

CHAPTER VI.

SECTION 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city, which shall be collected in money or in orders drawn upon such fund, respectively; and all orders shall be payable to the person or to the order of the person in whose favor they may be drawn, or bearer.

How money to be paid out.

SECTION 2. The common council of said city shall annually levy upon the taxable property of said city to defray the current and lawful expenses of said city a tax sufficient to defray the same.

Council to levy tax.

SECTION 3. The common council of said city shall not have power to issue any bonds or other evidences of debt, payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one year, orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act; *provided*, that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose, not exceeding three thousand dollars in any one year; and the said taxes when so levied, shall be collected at the same time as other city taxes are collected.

Limit of power of council to create debt.

Council may
levy special
taxes for pay-
ment of inter-
est.

SECTION 4. Special taxes may also be levied by the city council at any regular meeting, for the purpose of paying the interest or principal of any outstanding bonds now due, or hereafter to become due, issued by the city of Chippewa Falls, or which may hereafter be issued by said city, by authority of law: *provided, however*, no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on such bonds, at the time such tax shall be collected, by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes; said taxes, when so levied, shall be collected at the same time other city taxes are collected.

Accounts to be
verified.

SECTION 5. No account shall be allowed by the common council, unless the same is verified by the owner thereof, or some person in his behalf.

Appeal to cir-
cuit court.

SECTION 6. When the claim of any person against the city shall be disallowed in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court for the county of Chippewa, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety, to be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant by the court, and no more.

City clerk to
give notice of
appeal to may-
or and alder-
men and make
return of pro-
ceedings.

SECTION 7. The city clerk upon such appeal being taken, shall immediately give notice thereof to the mayor and aldermen, or shall take such measures as by ordinance or resolution of said common council, he may be required to do, and shall make out a brief return of the proceedings in the case, before said council, with their decision thereon, and shall file the same, together with the bond and all the papers in the case in his possession, with the clerk of the circuit court for the county of Chippewa, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner: *provided, however*, that whenever an appeal is taken from the allowance made by said common council, upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appel-

lant shall pay the cost of appeal which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered, judgment shall be rendered against appellant for the amount of such excess.

SECTION 8. No action shall be maintained by any person against the city of Chippewa Falls upon any claim or demand other than a city bond or order unless such person shall first have presented his claim to the common council of said city.

No action to be maintained until claim has been presented

SECTION 9. The determination of the common council disallowing in whole or in part, any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an appeal shall be taken from the decision and determination of such common council as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; *provided, however,* that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be so construed as to prevent the institution and maintenance of an action by said claimant against said city.

Determination of council to be final.

CHAPTER VII.

SECTION 1. The common council shall have power to lay out streets and alleys, and to widen the same as follows: Whenever ten or more freeholders residing in any ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside for the public use for the purpose of laying out streets or alleys or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be, or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper or papers four weeks successively, at least once in each week.

Power of council to lay out and widen streets and alleys.

Occupants of lands to be notified.

What notice to contain.

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

Appointment of jurors to view premises.

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

Constable to serve precept.

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

Substitution of jurors.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Oath of jurors.

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

Jurors shall view premises, hear testimony and make report of their proceedings.

SECTION 7. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to

administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively and which shall state whether in their judgment it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings confirming said report and directing the same jurors within twenty days thereafter, or such future time as shall be necessary, to again view said premises, for the purpose of ascertaining and determining the amount of the damages to be paid, to the owner or owners of said property proposed to be taken, and to assess and return, within the time limited, such damages to the common council; and after the jurors shall have made their report, as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors, in the place of any who shall neglect or refuse to serve, in ascertaining the amount of compensation, as above, and all the jurors before entering upon the discharge of their duties, in the premises, shall severally take an oath before some competent officer that they are freeholders in said city, and are not interested in the premises to be taken; and that they will faithfully and impartially discharge the trust reposed in them.

Jurors to determine damages.

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

When land is occupied by building.

SECTION 9. At least ten days personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all parties interested shall be given by publication in the official paper or papers of said city three successive weeks, once in each week; such notice shall specify the building and the award of the jurors. It shall require the parties interested to ap-

Notice of determination to be given.

pear by a day therein named or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken, with the land appropriated, or their intention to remove such building. He shall have such time for this purpose as the common council may allow.

Sale of building.

SECTION 10. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days notice of such sale. The proceeds shall be paid to the owner or deposited to his use.

Jurors to view premises and appraise value thereof.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their judgment, be injured or be benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the actual value in money of the real estate so proposed to be taken, and the injury arising to them, respectively, in consequence of the taking thereof, which shall be awarded to such owners, respectively, as damages. In the estimates of the damages to the land, the jurors shall include the value of the building or buildings, (if the property of the owner of such lands), as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section eight (8) of this chapter.

When property belongs to different persons.

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

Award to be returned to council.

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

Appeal from assessment.

SECTION 14. Any person whose property is taken, or against whom any assessment is made, may, within ten days from the return of the jurors to the com-

mon council, appeal from said assessment of damages, to the circuit court of Chippewa county. by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section six (6), of chapter five (5), of this act, and such appeal shall be tried by the court and jury, as in ordinary cases. The common council shall also have the right to appeal by filing with the clerk a notice thereof, within ten days as aforesaid.

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

When lands may be taken.

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

When damages not paid within one year. proceedings to be void.

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

When deposit may be made.

SECTION 18. When the whole of any tract or lot or other premises, under lease or other contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties touching the same, or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged.

When whole of land under lease or contract.

SECTION 19. When only a part of a lot or tract of land or other premises so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements, respecting the same upon the confirmation of such report, shall be absolutely discharged, as to the part thereof taken,

When part of land under lease or contract.

but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for, or in respect to the same.

When owner is an infant or under legal disability.

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

Survey and profile to be made.

SECTION 21. Whenever any public ground, street, or alley, shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

CHAPTER VIII.

Assessment of property for taxation.

SECTION 1. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as they may be altered by this act; *provided, however,* that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as they may, from time to time, deem advisable.

Assessor to hear objections of parties aggrieved.

SECTION 2. When the assessment roll shall be completed, the assessor shall give one week's notice thereof, in the official paper or papers and shall fix a time and convenient place, where he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same the assessor shall make such alterations as justice or equity shall require; *provided,* the time of hearing

such objections shall not be more than one week from the expiration of such notice.

SECTION 3. Within one week after the time limited for the hearing of such objections, the assessors shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same may alter and add to, take from and otherwise revise and correct the same: *provided*, however, the board of equalization shall not have the power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessors.

Board of equalization.

SECTION 4. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year assess upon the lot or tract so omitted, for such year or years, that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had, if made the year when the same was omitted, and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had not the same been omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted in whosoever hands they may have come. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying of the same but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be levied in such manner as they shall by ordinance direct; *provided*, that if the defeat [defect] was in the assessment the same shall be again assessed at such time as the common council shall direct, and the said tax or assessments so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

Assessment of back taxes.

When tax set aside by reason of informality.

SECTION 5. The mayor, treasurer, city clerk and assessor shall constitute the city board of equalization, and shall meet at the office of the city clerk on

Board of equalization—how constituted and duties of.

the first Monday of July, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing, correcting and equalizing the assessment rolls of the several wards in the city.

Levy of tax by council. SECTION 6. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk. Thereupon the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied.

Changes of assessment to be recorded. SECTION 7. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

Taxes to be lien on property. SECTION 8. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lauds and tenements upon which they may be assessed, from the time of the confirmation of such assessment roll, and on all personal property of any person or body politic, assessed for personal taxes, from the delivery of the warrant for the collection thereof, until such taxes shall be paid; and no sale or transfer of such real or personal estate shall affect said lien; any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon real or personal property.

Duty of city clerk on reception of assessment roll. SECTION 9. It shall be the duty of the city clerk immediately upon the reception of the corrected assessment rolls, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with all the city and other local taxes, adding thereto two per cent. for the expense of collection, in an additional column prepared for that purpose in the assessment roll, setting down opposite the several sums set down, as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

Duplicate copy of roll to be delivered to treasurer. SECTION 10. The city clerk shall immediately make out a duplicate copy of such assessment roll when thus completed, and deliver the same to the treasurer, on or before the second Monday in December in each year.

SECTION 11. To each assessment roll so delivered a warrant, under the hand of the city clerk and the corporate seal of said city, shall be annexed, substantially in the following form:

STATE OF WISCONSIN—

To the city treasurer of the city of Chippewa Falls, in the county of Chippewa.

You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down on such roll opposite to their respective names, and to the several parcels of land therein described, and in case any person and corporation upon whom any such tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, after deducting your fees you are first to pay the treasurer of said county, on or before the last Monday of January next, the sum of —, for state taxes, and the further sum of —, for county taxes, and the balance of said money you are required to retain and pay out according to law; and in case said taxes and assessments shall not be paid the fourth Monday of February next, you are required to return the same to the county treasurer of the said county of Chippewa.

Given under my hand and the corporate seal of the city, this — day of —, 18—.

— —, City Clerk.

SECTION 12. The said assessment roll and warrant thereto attached, shall be *prima facie* evidence in all courts, that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

SECTION 13. All the general laws of this state, which are now or may hereafter be in force, relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city, in the same manner as is required by law of the town treasurers to collect taxes, except as herein provided.

SECTION 14. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city, that such tax list (describing for what purpose such taxes are lev-

Form of warrant to be attached to roll.

Assessment roll to be evidence in courts

General laws of state to apply in collecting taxes.

Treasurer to give notice of taxes due.

ied), has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing the date of said notice. If the taxes are not paid within said time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale, by posting up not less than three written notices in as many public places in said city.

Fees of treasurer.

SECTION 15. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, one per cent. upon all taxes collected by or paid to him prior to the first day of January in each year, and three per cent. upon all taxes or assessments paid to or collected by him after the said first day of January; and in case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; the city treasurer shall collect the fees hereinbefore prescribed, and shall keep in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer from any source whatever, and such book shall be open at all reasonable times to the inspection of any person, and the city treasurer shall, when required, make report to common council, duly certified on oath, of all fees or other moneys received and paid out by him as treasurer, and he shall receive no other or further compensation for his services as treasurer than as hereinbefore provided, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties.

When state tax to be paid.

SECTION 16. The treasurer shall on or before the third Monday of January, in each year, pay to the county treasurer the state tax assessed upon the lots and tracts of land and personal property in said city.

Proceedings not to be vitiated by informality.

SECTION 17. All the directions hereby given [for] the assessing of lands and the levying and collecting of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

Charges to be paid before suit to set aside tax

SECTION 18. No person shall be permitted to institute any proceedings to set aside any assessment, or

special tax hereafter levied or assessed upon any lot or tract, or to set aside, or set up, or interpose any objections to the title derived by virtue of any tax deed executed in consequence of non-payment of such taxes, and of the sale of premises therefor, unless such persons shall first pay or tender to the proper party, on deposit, for his use, with the city treasurer, the amount of all state, county and city taxes that remain unpaid upon such lot or tract, together with the interest and charges thereon.

or tax deed can be commenced.

SECTION 19. In case the city treasurer is unable to collect any tax assessed upon any personal property, and payable by any person named in the tax list, he shall proceed in all things according to chapter eighteen of the revised statutes of this state, and the acts amendatory thereto, in bringing such delinquent person before some justice of the peace, and such proceedings shall be had, as are provided by said chapter eighteen, and as are prescribed by chapter one hundred and ninety-eight, of the general laws of 1860, and any act that may be hereafter passed, amendatory to said acts, or in addition thereto.

How delinquent personal tax to be collected.

CHAPTER IX.

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

Fire limits.

SECTION 2. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets and in such manner and time as they shall

Power of council to compel precautions against fires.

prescribe; and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to regulate and prevent the use of fire-works and fire-arms; to compel the occupants and owners of buildings to have scuttles in the roof and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city, to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and provide penalties for violation of any resolution or ordinance passed under this section.

Organization
of fire compa-
nies.

SECTION 3. The common council shall have full power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer and assistant engineers, who shall be appointed by the council, and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed, shall be exempt from highway work and poll tax, and from serving on juries and military duty, except in case of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years, in either of such companies, shall be forever thereafter exempt from poll tax, and military and jury duty, except as [in] cases before mentioned.

Half of penal-
ties to be paid
to fire depart-
ment.

SECTION 4. One-half of the net proceeds of all the fines and penalties recovered and collected for the breach of any ordinance, by-law or regulation, made in pursuance of this chapter, shall be paid by the city treasurer to the fire department.

Arrest for dis-
obedience of

SECTION 5. When any person shall refuse to obey the lawful order of any engineer, fire warden or al-

derman of the city, the mayor, or any police officer, at any fire, it shall be lawful for the officer giving such order, to arrest or direct, orally, any constable or watchman, or any citizen, to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars (\$20).

SECTION 6. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty (30) members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Chippewa Falls, and are hereby vested with all the power and authority which now is, or may hereafter be, vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Such company may, from time to time, adopt such by-laws as they deem necessary, not inconsistent with the laws of the state or the ordinances of said city. The members thereof shall not be entitled to any compensation for service rendered in their official capacity. They shall, in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city; and shall perform such service as may be necessary for the peace and good order of the same.

SECTION 7. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as shall be required, and with sureties to be approved by the common council. Such moneys

orders, and for disorderly conduct.

Council may organize sack company.

Treasurer of fire department.

shall only be paid out on orders signed by the chief engineer, or acting chief engineer, and countersigned by the clerk of said department.

Election of officers by fire companies.

SECTION 8. There shall be elected by the members of each company aforesaid, annually at their annual meetings, a clerk or secretary, and a treasurer, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the name of each member of their respective companies, and when any member of either of said companies shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

City clerk to keep record of fire companies.

SECTION 9. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks, or secretaries, as above provided; and no person shall be exempt from jury duty, unless the name is entered on such list. In case any person shall, for any cause, cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Chippewa, a list of all persons who are members of either or all of said companies, exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meetings of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

CHAPTER X.

Actions to be brought in name of city.

SECTION 1. All actions of civil form brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws or other regulations made in pursuance thereof, shall be brought in the name of the city of Chippewa Falls. It shall be lawful to declare, in the complaint, that the defendant is indebted to the plaintiff in the sum forfeited, or the penalty incurred, by provisions of this act, by-law, or ordinance, under which the claim is made.

Prosecutions to be commenced by summons.

SECTION 2. In all prosecutions for violation of any of the provisions of this act, or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant, as in criminal cases before justices of the peace, under the general statutes of the state for the time being.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form: Form of summons.

County of Chippewa, City of Chippewa Falls.

The State of Wisconsin, to the sheriff or any constable of the city of Chippewa Falls:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, one of the justices of the peace, in and for said city, at my office in said city, on the — day of —, 18—, at — o'clock in the — noon, to answer to the city of Chippewa Falls, in a plea of debt, to the damage of said city, one hundred dollars (\$100) or under.

Given under my hand, at the said city, this — day of —, 18—. C. D., Justice of the Peace.

SECTION 4. Such summons shall be made returnable, and be served in the same manner as is now, or hereafter may be, prescribed by the laws of the state, or [for] the commencement of actions before justices of the peace, by summons, and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state, for the time being, relative to actions commenced by summons, and triable before justices of the peace. How summons to be made returnable.

SECTION 5. When action is commenced by summons, the complaint may be substantially in the following form: Form of complaint.

The City of Chippewa Falls against A. B.

In Justice Court, before C. D., Justice.

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

SECTION 6. In all cases where oath is made for a warrant, it shall be substantially in the following form: Form of oath for warrant.

City of Chippewa Falls against A. B., in justice's court, before C. D., justice of the peace, Chippewa county—ss.

E. F., being duly sworn, says, on oath, that A. B., on the — day of —, 18—, at said city, did violate (section —, of chapter —, of an ordinance (or by-law), or regulation), describing it by its title, which (—) is now in force, and was then and there guilty of (here name the act constituting the offense), as deponent verily believes, and prays that A. B. may be arrested and held to answer to said city therefor. Subscribed and sworn to before me this — day of —, 18—.

— —, Justice of the peace.

Upon filing with the justice such complaint, the justice shall issue his warrant, containing the statement of the offense, charged in usual form, and the same proceedings and trial shall be had as in cases under the statutes for the recovery of penalties.

Printed copy of ordinance, etc., to be evidence.

SECTION 7. A printed copy of an ordinance, by-law, or regulation, passed by the common council, and published in an official newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, shall be prima facie evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before the courts of this state.

Witnesses and jurors to attend without prepayment of fees.

SECTION 8. Witnesses and jurors shall attend before a justice of the peace in all actions for the violation of any ordinance, by-law or regulation of said city without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment.

No jury allowed in city prosecutions. How same conducted.

SECTION 9. In city prosecutions, for the violation of any ordinance, by-law or regulation, of said city, no jury shall be allowed either party, and the findings of the court shall be guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty, or forfeiture prescribed in this act, or in the ordinance, by-law, or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution, as in cases of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant; and shall in either case determine and enter upon his docket the length of time

the defendant shall be imprisoned, which in no case shall exceed six (6) months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

County of Chippewa, }
 City of Chippewa Falls, } ss.

The State of Wisconsin, to the sheriff or any constable of said county, and to the keeper of the common jail of said county, greeting: Form of execution.

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

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

C. D., Justice of the Peace.

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

SECTION 10. In all cases where the fine or judgment is more than five dollars (\$5.00), the defendant may appeal from such judgment to the circuit court of the county of Chippewa, provided such defendant within twenty-four hours, pay to the justice his costs, one dollar (\$1.00) for returns, and one dollar (\$1.00) State tax, and enter into a recognizance, with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him, Appeal to circuit court.

and shall, forthwith, cause the summons or warrant and return, together with the proceedings and copy of the entries on his docket, in the action together with the recognizance, to be filed in the office of the clerk of said court, and the city may appeal from any such judgment, as in other cases before justices of the peace.

Appeal to be tried by jury.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in a manner provided by law, in said circuit court, at the next term thereof, after the day of judgment of the justice shall be rendered; and no notice of trial shall be required to be given, to, or by either party.

When judgment of justice is affirmed.

SECTION 12. If the judgment of the justice of the peace shall be affirmed, or if, upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided by this act or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them, and their sureties, for such penalty, together with the costs in both courts, and enforce the same by execution, as in actions of tort.

Residence not to make incompetent as juror, &c.

SECTION 13. No person shall be an incompetent judge, justice, or juror or witness by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Present ordinances, etc., to remain in force.

SECTION 14. All ordinances and regulations now in force in the city of Chippewa Falls, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council after this act shall take effect.

Actions, etc., vested in city.

SECTION 15. All rights, actions and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Service of process against city.

SECTION 16. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city; and it shall be the duty of said mayor or clerk so served forthwith to inform the common council thereof, or to take such demand or proceeding, as by ordinance or resolution of said council may be in such case provided.

Penalties to be paid into city treasury.

SECTION 17. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit

of said city, except as provided in chapter nine of this act.

SECTION 18. All fire-engines, hose, carts, hooks and ladders, and wagons therefor, and all other apparatus and implements used to extinguish fires, and all houses or buildings owned or occupied by said city, or such engines, hose, hose-carts, hooks and ladders and other apparatus and implements, shall be exempt from attachment or execution issued in any action, or on any judgment wherein the said city shall be a party.

Fire apparatus
exempt from
taxation.

SECTION 19. No real or personal property of any inhabitant of said city, or any individual or corporation, shall be levied on, or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or on any judgment against said city.

Private prop-
erty not to be
taken for debt
of city.

SECTION 20. In all cases where a defendant shall be convicted of any violation of any ordinance, or police regulations of said city, the court before whom the same is tried, shall have power to sentence the defendant to a term of imprisonment in the county jail of Chippewa county, as provided by such ordinance or regulation, for any period not exceeding six months.

Power of court
to sentence to
imprisonment.

SECTION 21. The mayor shall have power to grant pardons or commutations after convictions, for all offenses against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such actions to the council at its next meeting, with the reason therefor.

Power of may-
or to grant par-
dons.

CHAPTER XI.

SECTION 1. Every ordinance, resolution or by-law, provided for the repairing, construction or reconstruction of any sidewalk or gutter, or for the grading, repairing or improving of any street at the expense in whole or in part, of the owners of the lots or parcels of land abutting or fronting on such sidewalk, gutter, or streets, shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution, or by-law shall not be passed or adopted, sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the council had relative thereto, at the meeting when such ordinance, resolution, or by-law was introduced shall

How ordinan-
ces, &c., to be
passed.

have been published in the official newspaper of the city.

Power of council to establish and change grade of streets

SECTION 2. The common council of the city of Chippewa Falls shall have power to establish the grade of the streets of said city, and to change and re-establish such grade as they shall deem expedient; *provided*, that whenever they shall change, or alter the grade of any street, any person who shall claim to have sustained damages, by such change, or alteration of grade, shall have his right of action against the city, for the recovery of such damages; but no suit shall be commenced against the city therefor, until application has been made to the common council to pay such damage; and said council shall have refused or neglected for three months to pay or settle the same.

Improving and cleansing of streets.

SECTION 3. It shall be the duty of the city constables to see that all the ordinances of the city, relating to the obstructions and cleansing of the sidewalks, streets, alleys, public grounds, reservoirs, gutters, drains, waters and water courses in said city, are duly observed and kept. The committee on streets shall have a general supervision over all works let by contract, for the improvement of streets, or sidewalks in said city, unless the common council shall otherwise provide.

Construction of sidewalks.

SECTION 4. Sidewalks shall be constructed, reconstructed, or repaired, upon the proper established grade of any street, in said city, of such width, in such manner, of such materials, and in such time as the common council, by ordinance, resolution or order, shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid in the manner, of the material, or at the time so directed, the common council may cause the same to be constructed forthwith, at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city, at least for three days, of time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed, by contract, sufficient to pay the cost of constructing the same; *provided*, that no such con-

tract shall be let until twenty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order, requiring the construction of such sidewalk, by the publication of the same at least five days in the official paper of the city.

SECTION 5. The common council shall have power by a vote of two-thirds of all the members of the common council, to order the building, construction, reconstruction, or repair of sidewalks in the city of Chippewa Falls, in such manner as they may deem proper. The city clerk shall receive all proposals for constructing or repairing sidewalks, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder, provided such bid is a reasonable one, subject to such provision in the case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering repair of sidewalks, and levying and collecting special taxes on the respective lots, to pay for the same, shall be the same as herein provided, as in the case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from the city under any circumstances, until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair, and so remain for the space of twenty-four (24) hours, which in the opinion of the street committee will not cost to exceed the amount of five (5) dollars, in front of any lot, to repair the same, he shall be authorized, and it is hereby made his duty to cause the same to be immediately repaired, and when the same is completed he shall make out an itemized bill of the costs of such repair, specifying the lot and block or piece or parcel of land, in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Chippewa Falls, for payment, and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for ten (10) days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of said

Work to be let by contract to lowest bidder.

Street committee authorized to make certain repairs.

lot, piece or parcel of land does not reside in the city of Chippewa Falls, the said committee shall return said account to the common council, with his certificate, stating that fact, and the council shall thereupon levy a special tax to pay the same, in the manner in this section provided.

Council may order certain improvements without giving notice to property owners.

SECTION 6. The common council of said city shall have power, and may, in its discretion, by a vote of two-thirds of its members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or gutter, or the making of improvement on or along any street or highway in said city limits, which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract, sufficient to pay the cost of constructing the same, without giving notice requiring the owner or owners of such lot or lots or pieces of ground to construct the same.

Council may make contract for repair and cleansing of streets.

SECTION 7. The common council of the city of Chippewa Falls shall have the power, by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading, paving, and repairing, and cleansing all streets and parts of streets, alleys, public grounds, reservoirs, gutters and drains, in the manner hereinafter mentioned, and direct and control the persons employed thereon.

To what source expense of improvements chargeable.

SECTION 8. The costs and expenses of surveying streets, alleys, drains, and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to and payable by the city. The cost and expense of opening, grading, or graveling, planking, paving of streets and alleys, shall be chargeable to the lots or lands fronting on such street or alley; so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land and the center of such street or alley; *provided*, that the common council may order such cost and expense to be paid by the lots or lands fronting such streets or alleys, by a pro rata tax, based upon the last assessment made prior to such order by the common council. Drains and gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which said drain or gutter shall be constructed *provided, however*, that when drains or gutters are constructed through alleys,

no lot shall be assessed therefor, except those situated in the block through which such drains or gutters may be constructed; *and provided further*, that in all cases when improvements of work of any kind are chargeable, by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city in proportion to the width of the street, alley or public ground.

SECTION 9. Whenever the common council shall determine to make any public improvement as authorized by this chapter, they shall cause to be made an estimate of the whole expenses thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and in case grading of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof, across each street, alley, or public ground, aforesaid, and such estimate shall be filed in the office of the city clerk, for the inspection of the parties interested, before such work shall be ordered to be done. The common council may authorize the letting of such work by contract, to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part as aforesaid, all bids for doing the same to be approved by the council, and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time, and under such conditions, and to give such security for the performance of such work as they shall direct; such contract, when approved by the council, to be executed on the part of the city, by the mayor, and countersigned by the city clerk, notice of the time and place of receiving such bids to be published for ten days in the official paper of said city. The common council instead of letting such work by contract to the lowest bidder, may, by an affirmative vote of two-thirds of the members of the council, order the grading, repairing or improving of any street, or the making of any public improvement, to be done directly by, and under the supervision of the street committee, at the uniform expense in whole or in part, of all the lots or parcels of land abutting or fronting on such street or public improvement.

SECTION 10. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots and lands fronting on such deep cutting or filling shall deem

How council
to proceed in
making im-
provements.

When deep
cutting or ex-
traordinary
filling is re-
quired.

themselves aggrieved thereby, and shall represent to the council in writing that the expense of such excavation or filling will exceed the proportion that should be justly or equitably charged upon the property assessed therefor, the council shall require any constable to summon five freeholders, not residents of the ward nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises within five days therefrom, and if in their opinion the cost of such work will exceed the amount that should be justly and equitably charged upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcel of lands respectively, and what lots or parcels of land on the streets so to be improved, will be benefited by such deep cutting or filling and how much, or what portion shall be chargeable to them, and to make a report thereof in writing within ten days after such examination to the common council and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same, in the same manner as herein provided; in case such owners shall not do such work, the remainder shall be assessed upon the lots benefited by such improvement, in proportion to their respective benefit, as determined by said jury. The sum so assessed shall become a lien upon the premises assessed and shall be collected therefrom, as a special assessment, in same manner as other special assessments for improvements are collected; *provided*, that should said jury find that said petitioners were not entitled to any division of the expense so assessed upon their lots or parcels of land, then the expenses of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same upon the filing of the petition; *provided*, also, that the petition of no owner feeling himself aggrieved shall be received unless the same be presented within twenty days after the publication of the notice requiring the same to be done; *and providing further*, that when it shall appear to the common council that any such lands belong to non-residents, infants, or persons laboring under legal disability, who shall not be represented by any agent, or guardian, or not to be benefited by the making of streets in front of such lots or lands, to the amount of costs

Assessment to
be lien on
property.

and expenses thereof; it shall then be the duty of the said council to cause to be summoned a jury, as herein provided.

SECTION 11. All work provided for in this chapter shall be done under the supervision of the street committee, and shall be approved by them before it shall be accepted by the council.

Work to be done under supervision of street commissioner.

SECTION 12. Whenever any work has been done under contract, as provided in this act, and the work shall have been approved by the mayor, street committee and city surveyor, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor, and the nature thereof, and the description of lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by indorsement thereon, and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots of land respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof; and if the notice to do the work required shall have been given as herein prescribed, no informality in the proceedings not affecting the validity of the assessment, shall invalidate or vitiate the same; *provided*, that in no event where work is ordered to be done at the expense of any lot or parcel of land shall the city be held responsible for or on account thereof, or for any proceedings for the collection of the pay therefor.

When work done certificate to be issued to contractor.

CHAPTER XII.

SECTION 1. The mayor and council of the city of Chippewa Falls shall, at their first regular meeting after this charter shall go into effect, elect, as school commissioners, one person from each ward of said city who shall hold office until the first Monday in July, 18—, and one other person from the city at large who shall hold office until the first Monday in July, 18—; and annually thereafter the said mayor and council shall, at their regular meeting in May, elect one school commissioner from each ward, who shall hold office for two years, and each alternate year after 18—, one from the city at large, unless sooner remov-

School commissioner.

ed for misconduct or other sufficient cause, by a vote of two thirds of the appointing power. The terms of office of said commissioners who shall be elected after the first election shall commence on the first Monday of July in each year; *provided*, that all members of the school board now in office shall hold their respective offices for the full term for which they were elected, and until their successors are duly elected and qualified.

Board of education.

SECTION 2. The school commissioners elected under the provisions of section one of this chapter, shall form the "board of education of Chippewa Falls," and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the mayor and council to supply by appointment any vacancy which may occur from time to time, in the number of said school commissioners, by resignation or otherwise.

President of board of education.

SECTION 3. The board of education shall, at its first regular meeting, and on the first Monday in July of each year thereafter, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order, subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teachers' and janitors' wages, and other incidental and necessary expenses of said board of education; and in suits brought by or against the school district, he shall appear in behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board; *provided*, that on all questions, appropriations of money, or the adoption of new text-books, the vote shall be taken by ayes and noes; and on any other questions the ayes and noes shall be called when any member shall request it; *provided further*, that in the absence of the president, the board shall elect a president pro tempore.

Meetings of board.

SECTION 4. The board of education shall have at least one regular meeting in each month, at such time and place as may be directed by them; and they may have special meetings at such other times as they may deem necessary, or when called together by the president; but no such special meeting shall be legal unless each member of the board shall have first been served with notice in writing, of the time and place of such meeting.

SECTION 5. The duties of the board of education shall be as follows: 1st. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and the amount of salary to be paid each; and to hire and make contracts with teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by said board of education, or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the clerk, and the other copy delivered to the teacher. 2d. To arrange and determine terms and vacations in all public schools, to establish uniformity in the school system, and to require and secure uniformity in text-books, and to adopt or reject text-books at will. 3d. To establish rules and regulations for the schools, not in conflict with the constitution or laws of this state; but the mayor and council may, in their discretion, do away with, annul, or abrogate any such rule or regulation by a two-thirds vote of the whole number of aldermen in the city. 4th. To make contracts for all fuel, stationery and articles of furniture required for the use of the schools; to make all necessary repairs on school-houses, not exceeding one hundred dollars in value for any one school-house; to make contracts for all incidentals required for carrying on the school-houses, such as lighting fires, sweeping school-rooms, &c; and such contracts, when executed, shall be paid by orders drawn on the city treasury, payable out of the school fund, which orders shall be signed by the president of the board of education and countersigned by the clerk of said board. 5th. The said board shall annually on or before the first day of November, in each year, submit a statement to the mayor and council, showing the amount of teachers' wages that have accrued and become due during the year; and the amount of all other indebtedness accruing on contract or otherwise, that has been made by order of the board; and for that purpose they cause entries to be made in a book or books provided by the city, of contracts made with the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said boards, at the time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the

Duties of board

To employ teachers and arrange terms.

To establish regulations for schools.

To make contracts.

To make statement.

proceedings of said board; and they shall at the same time submit for the consideration of the council, a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages, and other items separately and specifically. Nothing in this section contained shall prevent the mayor and council from taking into consideration the amount to be received from the school tax during the ensuing year.

Making repairs building school houses, etc.

SECTION 6. Whenever repairs to a larger amount than one hundred dollars shall, in the opinion of the board, be required for any one school-house, they shall cause a statement to be made, showing the repairs required, and an estimate of the cost thereof, to be laid before the mayor and council; and whenever, in their opinion, another school-house or houses shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs; on the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a two-thirds vote of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased, or building or buildings erected; and it shall be the duty of said board to enter into contracts for making such repairs or for the erection of such buildings, or the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

Payment of teachers and janitors.

SECTION 7. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasurer, payable out of the school funds for teachers' and janitors' wages, and all other expenditures authorized by this act.

Members of board not to be interested in contract.

SECTION 8. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made, in which any member of said board shall have such interest, shall be absolutely void.

City clerk to act as secretary of board of education.

SECTION 9. The city clerk shall, in addition to his other duties, act as secretary of the board of education.

CHAPTER XIII.

SECTION 1. All work for the city or either ward, including all printing and publishing, may, in the discretion of the council, unless otherwise ordered, be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting the contracts.

How work for city to be done

SECTION 2. No money shall be appropriated for any purpose whatever, except such as are expressly authorized by this act. The office of mayor and alderman shall be filled by their incumbents without fee or salary, and no mayor or alderman shall be parties to any contract with the city, or be paid any money by or from the city treasurer, for or on account of contract with said city, during the term of office for which they were elected, or for any service or bargain made with the city during the same.

What purposes money to be appropriated for.

Mayor and aldermen to receive no fees or benefits.

SECTION 3. All sums of money necessary for grading streets and building sidewalks, not chargeable to individuals, shall be collected from the property assessed, by general levy.

How money for street improvements to be raised.

SECTION 4. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent land marks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of register of deeds of the county of Chippewa.

New survey and platting of city.

SECTION 5. The surveys and land marks so made and established shall be prima facie evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves, and blocks, in all cases in which they shall be drawn into controversy in all courts in this state; and alleys through the lots and blocks in said city adjacent to said lot or tract so platted, and before making such plats as required by law, it shall be the duty of such person or persons, or corporations making such plats, to submit the same to the common council of said city for approval; and if said plat shall be approved by the common council, the said person or persons, or corporation, may cause said plat or plats to be recorded according to law; but except such plat be approved by a resolution adopted by

Survey and land marks to be evidence.

Recording of plat.

the said council, a copy of which, duly certified by said clerk, shall be affixed to or entered on such plat, it shall not be lawful for the register of deeds of the county of Chippewa to receive such plat for record, or to record the same; and the person or persons neglecting or refusing to comply with the requirements of this act, shall forfeit and pay a sum not less than one hundred nor more than one thousand dollars; and the register of deeds who shall record such plat without a copy of the resolution aforesaid approving the same being entered on or affixed thereto, shall forfeit a sum not less than fifty nor more than one thousand dollars.

Establishment of grades and making of profiles.

SECTION 6. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys, and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Chippewa county, and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be afflicted or injured in consequence of the alteration of such grade.

City may hold property.

SECTION 7. The city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same, while owned, occupied or held by said city, shall be exempt from taxation.

How new additions to be platted.

SECTION 8. Every individual or company of individuals, or body corporate, owning a lot or tract of land within the corporate limits of the city of Chippewa Falls, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets.

Conveyances to be made in name of city.

SECTION 9. When the city of Chippewa Falls deeds or leases any real estate or any interest therein owned by said city, the party of the first part shall be the city of Chippewa Falls, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Who to make and sign conveyances.

SECTION 10. The mayor of said city is hereby authorized, when the common council shall by ordinance or resolution for that purpose describe the real estate and interest to be conveyed under and direct him so to do, to execute a deed or lease of such real estate or

interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk, and sealed with corporate seal of said city, and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

SECTION 11. If any election by the people for common council shall for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or dissolving said corporation, but such election or organization may be had at any subsequent day by order of the common council, and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said action may be done and performed.

When election not held at prescribed time.

SECTION 12. The mayor, with the approval of the aldermen, may appoint as many police officers and night watchmen as he may deem necessary to the welfare of the city, whose appointment shall be either written or printed and countersigned by the city clerk; and such police officers and watchmen shall have all the powers of a constable within the city of Chippewa Falls.

Appointment of night watchmen.

SECTION 13. No voter shall be eligible to or hold more than one office under this charter at the same time.

No voter eligible to two offices.

SECTION 14. Any officer removing from the city or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. Ward officers shall hold their offices in the ward for which they were elected.

When office to be deemed vacant.

SECTION 15. All acts or parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed, but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contracts, acts or suits, claims, penalties or demands that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said acts, or any former act incorporating said city, or any of them; but the same

Repeal of conflicting acts. Repeal not to invalidate contracts.

shall exist and be enforced and carried out, and be completed as fully and effectually to all intents and purposes, as if this act had [not] been passed.

Poll tax—how
to be collected.

SECTION 16. Every male inhabitant in the city of Chippewa Falls, over twenty-one years of age and under fifty, except active members of the fire department and those otherwise exempt by the general laws of this state, shall pay into the city treasury, annually, the sum of one dollar and fifty cents each, as a poll tax. It shall be the duty of the assessor of Chippewa Falls, during the month of April of each year, to make out duplicate lists of all persons liable to said tax in the city of Chippewa Falls, and said assessor shall, on the last Monday of April of each year, deliver one of said lists to the city clerk, and one to the treasurer of said city of Chippewa Falls. The said treasurer shall thereupon immediately proceed to collect the same, and all persons liable to pay such tax, who shall have not paid the same after demand, either personal or by written notice left at their usual place of abode, on or before the first day of June of each year, shall be liable to and shall pay a penalty of two dollars, in addition to said poll tax, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Chippewa Falls. The process in each case shall be by warrant, as provided for in chapter nine, of this act, entitled, "actions to recover penalties, etc.;" and in case judgment shall be rendered against the defendant in such action and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail ten days. The moneys collected as herein provided for, shall be kept as a distinct fund, and shall be expended for the benefit and improvement of the streets of the city of Chippewa Falls. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax and all persons claiming to be exempt from such tax, must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property; *provided*, that if any person shall desire to, he shall be permitted to perform one day's work upon the streets of the city in the ward in which he resides, and the certificate of the street committee that such person has performed one full day's labor

shall be received by the city treasurer in full discharge of such tax.

SECTION 17. This act shall take effect and be in force from and after its passage.

Approved March 11, 1876.

CHAPTER 313.

[Published March 24, 1876.]

AN ACT to revise, consolidate and amend the charter of the city of Racine, approved August 8, 1848, and the several acts amendatory thereof.

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

TITLE I.

BOUNDARIES.

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

General corporate powers.

SECTION 2. The territory included within the following boundaries and limits shall constitute the "city of Racine," to-wit: Beginning at a point three miles due east from the northeast corner of the fractional southeast quarter of section four, in township number three north, of range number twenty-three east, in the county of Racine, run thence west along the quarter lines of sections four and five to the northwest corner of the east half of the southeast quarter

City boundaries.