

[No. 240, S.]

[Published March 18, 1880.]

CHAPTER 173.

AN ACT to amend chapter eighty-nine of the laws of 1877, entitled an act to incorporate the city of Chilton.

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

Amended.

SECTION 1. Section two of chapter two of said chapter eighty-nine of the private and local laws of 1877, entitled "an act to incorporate the city of Chilton," is hereby amended by inserting after the word "clerk" in the sixth line, and the word "clerk" in the ninth line of said section, the word "surveyor."

Amended:

Section 2. Section three of said chapter two is hereby amended by striking out after the word "mayor" in the second line of said section, the words "treasurer, clerk," and after the word "alderman" in said line of said section, the words, "or marshal," and by inserting after the word "justice" in the said second line of said section, the word "or."

Inspectors of election.

SECTION 3. Section six of said chapter two is hereby amended so as read as follows: Section 6. The mayor and the junior alderman from each ward, and the city clerk, shall be inspectors of all elections for city officers held in said city; the city clerk and one of the aldermen, who is designated by the board of inspectors, shall act as clerks of such elections. In absence of any of the inspectors named, those inspectors present may appoint an elector or so many electors as may be required to fill such vacancy or vacancies. The clerk of said city at all elections hereafter held in said city for city officers, shall provide three ballot boxes, one to be marked "first ward," one marked "second ward," and one marked "third ward," and at such elections the inspectors shall deposit each elector's ballot in the box marked for the ward in which such elector shall reside. Each ballot may have written or printed thereon the names of all persons voted for at large in said city, and also for any ward officer for the ward in which the elector resides. *Provided, however,* that at all elections hereafter held in said city, at which no ward officer is to be elected, one ballot box may be used for all the ballots cast in said city at such an election.

Ballot boxes.

When one ballot box for city may be used.

SECTION 4. Section fourteen of said chapter two is hereby amended by striking out, after the word "Tuesday," in the second line of said section, the words "after the first Monday."

SECTION 5. Section three of chapter three of said chapter eighty-nine, is hereby amended so as to read as follows: 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 council, and shall possess the same powers that town clerks possess by law, to issue transcripts from the record 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, to take acknowledgments of deeds, and all other instruments in writing, and to use the seal of the city as his official seal for such purposes, and receive such compensation in fee therefor as is allowed by law to notaries public, and such further fee or salary as the common council shall provide by ordinance or resolution.

Duty of city clerk.

SECTION 6. Section seven of chapter three of said chapter eighty-nine, is hereby amended by striking out all the words after the word "resolution," in the eighth line of said section, and substituting therefor the following: "Of the common council of the city at a meeting of said council held previous to the election of said officers, in the month of March in each and every year, and shall not be increased or diminished during the term for which such officer or officers shall have been elected."

Of salaries.

SECTION 7. Section fourteen of said chapter three is hereby amended by striking out the words "at the beginning of his official year," at the end of said section, and by substituting therefor the words "at the time when the salary or fee of other officers is fixed."

Amended.

SECTION 8. Section sixteen of said chapter three is hereby amended by adding thereto, "and it shall be the further duty of said street commissioner to report to the city clerk on each and every day when he is at work or has men employed to do work on the streets or alleys, bridges, crossings or sidewalks of said city, at the expense of said city, the number and names of such employes, the kind of work performed by them, on what

Duty of street commissioner.

streets or alleys they performed such services, together with what materials he procured, how many teams he employed for each day (if any) and all other information the common council may from time to time require of him.

Amended.

SECTION 9. Section seventeen of said chapter three is hereby amended by striking out the words after the word "him," in the twenty-second line of said section, "as he and the common council can agree upon at the beginning of his official year," and by substituting therefor the words, "as the common council may determine at the time when the fee or salary of other city officers is fixed."

Office and duties of surveyor

SECTION 10. Said chapter three of said chapter eighty-nine is hereby amended by adding thereto the following section: Section 18. •The city surveyor shall keep his office at some convenient place within the city, and the common council shall prescribe his duties and fix his fees and compensation for any service performed by him. All surveys, plans, profiles and estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of all parties interested, and when required by the common council, he shall file copies of plans, profiles and estimates with the city clerk, and all books and papers appertaining to said office shall be delivered over by the surveyor, at the expiration of his term of office, to his successor or the common council.

Of ordinances, regulations and by-laws.

SECTION 11. Section four of chapter four of said chapter eighty-nine is hereby amended so as to read as follows: Section 4. All laws, ordinances, regulations and by-laws, passed by an affirmative vote of a majority of the common council, shall be signed by the mayor and countersigned by the clerk of the city, and shall be published in a paper or papers, selected by the common council, and shall be recorded by the city clerk in books provided for that purpose, and shall take effect and be in force from and after its passage and publication.

Amended.

SECTION 12. Section three of chapter seven of said chapter eighty-nine is hereby amended by striking out the words "when so desired by the owners thereof," in the sixteenth line of said section, and by inserting after the word "buildings," in the fourteenth line of said section, the words "or any other improvements."

Repealed.

SECTION 13. Section six of chapter eight of said chapter eighty-nine is hereby repealed.

SECTION 14. Section one of chapter ten of said chapter eighty-nine is hereby amended so as to read as follows: Section 1. When three freeholders of said city shall petition the common council for an ordinance, resolution, order or by-law, for the repairing, construction or reconstruction of any sidewalk, sewer, gutter, or for the improving of any street or streets by grading, graveling, etc., at the expense, in whole or in part, of the owners of the lots or parcels of land abutting or fronting such sidewalk, sewer, gutter or street, shall, on its being introduced at a meeting of the common council, be laid upon the table for at least seven days, and the owners of the property adjoining the proposed sidewalk, sewer, gutter or street, shall be notified within twenty-four hours, and any such ordinance, order, resolution or by-law shall not be passed or adopted sooner than seven days after the introduction thereof, nor shall such ordinance, order, resolution or by-law take effect until said owners of adjoining lots shall be notified of the passage of said ordinance, by-law or resolution, nor shall any such ordinance, order, resolution or by-law be passed by the common council, when it appears, by remonstrance or otherwise, that a majority of the owners of the property fronting or abutting such sidewalk, sewer, street or gutter, shall be against the passage of such ordinance, order, resolution or by-law, except such ordinance, order, resolution or by-law be passed by an affirmative vote of two-thirds of the members of the common council.

Repairing of streets, sidewalks, etc.

SECTION 15. Section twenty of chapter eleven (the second) of said chapter eighty-nine is hereby amended so as to read as follows: Every male inhabitant in the city of Chilton 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 annually perform one day's labor on the streets or public highways of said city, or shall in lieu thereof pay into the city treasury annually the sum of one dollar and fifty cents each, as poll tax. It shall be the duty of the city clerk, during the month of April of each year, to make out a list of all persons liable to said tax in the city of Chilton, and said clerk shall, on the last Monday of April of each year, deliver a copy of said list to the street commissioner of said city, and the said street commissioner shall forthwith or as soon as practicable, notify the persons named on such list on what day they or either of them may perform such labor. On or before the fifteenth day of June of each

Poll tax.

Duty of street commissioner.

and every year, the said street commissioner shall make a report to the city clerk and name therein all the persons having performed such labor, and within ten days thereafter the city clerk shall furnish a list of all persons delinquent in the payment of their poll tax as aforesaid, and the said city marshal shall forthwith demand of each person named in said list the payment of one dollar and fifty cents, and shall if not paid within five days after such demand by him made, prosecute such delinquent person in the name of the city of Chilton, and in case judgment shall be rendered against the defendant or delendants, and he or they shall refuse or neglect to pay such judgment immediately after the rendition of the same, he or they shall be imprisoned in the county jail of Calumet county, or in the lock up of the city of Chilton, ten days. The money collected as herein provided for shall be paid by the said city marshal into the city treasury within ten days after such collection, and there be kept as a distinct fund, and shall be expended for the benefit and improvement of the streets of said city of Chilton. The mayor, city clerk and chief engineer 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 list shall be delivered to the street commissioner aforesaid.

Penalty for non-payment of poll tax.

Board for determining liability to pay poll tax.

Renumbered.

SECTION 16. The second chapter ten and the second chapter eleven of said chapter eighty-nine are hereby renumbered, and shall hereafter be known and designated as chapter twelve and chapter thirteen.

Repealed.

SECTION 17. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 226, S.]

[Published March 17, 1880.]

CHAPTER 174.

AN ACT relating to fees and costs, and to amend the revised statutes of 1878.

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

Fees for assisting clerk of circuit court.

SECTION 1. Section three thousand seven hundred and seventy-four of chapter one hundred and fifty-one of the revised statutes is hereby amended by adding to