

of north line of the southeast quarter of the southeast quarter of section twenty-three; thence north along east bank of Rock river, thirty-eight and one-half rods to the north line of the southeast quarter of the southwest quarter; thence east along north line twenty-two rods; thence south thirty-nine and one-half rods to a point nineteen and one-half rods east of beginning; thence west nineteen and one-half rods to the place of beginning, all in township twelve north, or range sixteen east, known as the town (of) Williamstown, in said county, shall be included in and constitute the limits of the city of Mayville; provided, that any cemetery grounds of any church society shall not be a part of the territory of said city.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.  
Approved March 23, 1887.

[No. 455, A.]

[Published March 24, 1887.]

## CHAPTER 119.

AN ACT to incorporate the city of Marinette.

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

### CHAPTER I.

#### CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country in the county of Marinette and state of Wisconsin, hereinafter described, shall be a city by the name of Marinette, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation by the name of the city of Marinette, and shall have the general powers possessed by municipal corporations at common law; and in addition thereto shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succes-

Corporat  
name.

sion and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal and may alter the same at pleasure.

City boundaries.

SECTION 2. The following described territory shall constitute the city of Marinette, to-wit: All that portion of the county of Marinette, in the state of Wisconsin, bounded by the line commencing at a point where the north and south section line on the west side of section one, in township thirty north of range twenty-three east continued northerly, intersects the north boundary line of said county in the Menominee river, and running thence south to the southwest corner of the northwest quarter of section twelve in said township and range; thence east to the southeast corner of said northwest quarter of said section twelve; thence south to the southwest corner of the southeast quarter of said section twelve; thence east to the northwest corner of section eighteen, in township thirty, north of range twenty four east; thence south to the east and west quarter line of said section eighteen; thence east on quarter lines to the shore of Green Bay; thence east to the boundary line of said county of Marinette, and thence northerly and westerly, on the boundary line of said county up to the Menominee river, to the place of beginning.

Ward boundaries.

SECTION 3. The said city shall be divided into five wards, as follows:

The First ward shall comprise all that portion of said city lying east of a line commencing at a point where the north and south quarter line of section eight, township thirty north, of range twenty-four east, intersects the southern boundary of said city, and running thence north on said quarter line to the center line of Fifth street in the Menominee River Lumber Company's first addition to the village of Menekaunee, and thence northeasterly along the center line of said Fifth street, and said line extended to the northern boundary of said city.

The Second ward shall comprise all that portion of said city lying between the west boundary of the First ward and a line starting at a point where the division line between the mill premises of the H. Witbeck Co. and the mill premises of the Ham-

ilton and Merryman Co., continued northeasterly intersects the northern boundary of said city, and running thence southwesterly on said division line to the center of Sawdust street; thence southwesterly along center of sawdust street to center of Menekaunee avenue; thence southeasterly along center of Menekaunee avenue to the center of Eleventh street; thence southerly along center line of Eleventh street to the west line of section eight aforesaid, and thence south along west lines of sections eight and seventeen to the south boundary of said city.

The Third ward shall comprise all that portion of said city lying between the west line of the Second ward and a line starting at a point on the Wisconsin state line where the center line of Wells street, continued northerly, intersects the same; thence southerly along center of Wells street to center line of Garfield avenue; thence west on center line of Garfield avenue to center line of Pierce avenue; thence south on center line of Pierce avenue and a continuation thereof to southern boundary line of said city.

The Fourth ward shall comprise all that portion of said city lying west of the west line of the Third ward and south and east of a line starting at the point where the west line of the Third ward intersects the south shore of the Menominee river, and running thence westerly along said shore to the center line of the wagon bridge across said river; thence southwesterly along said center line continued to the center of Hall avenue; thence west on Hall avenue to the center of the main track of the Chicago & Northwestern railway, as the same is now located and constructed, and thence southwesterly along the center of said main track to the boundary line of said city.

The Fifth ward shall comprise all that portion of said city lying north and west of the northwest boundary line of the Fourth ward.

## CHAPTER II.

### ELECTIONS.

SECTION 1. The elective officers of said city shall be a mayor, a city clerk, a treasurer, an as-

Elective off-  
cers.

essor, and three justices of the peace, all to be elected from the city at large. Each ward shall elect two aldermen to be members of the common council of said city, a supervisor to represent it on the county board of Marinette county, and a school commissioner to represent it on the school board of said city. Justices of the peace, aldermen and school commissioners, shall each hold office for the term of two years, and until his successor is elected and qualified; every other elective officer, unless otherwise provided by law, shall hold his office for one year and until his successor is elected and qualified.

Appointive officers.

SECTION 2. The appointive officers of said city, to be appointed by the common council thereof, shall be a city marshal, a city attorney, a chief engineer of the fire department, fire wardens, a city surveyor, superintendent of streets, commissioner of the poor, a city physician, and such other officers as may be necessary for the proper management of said city to be appointed by the common council.

Shall be freeholders.

SECTION 3. The mayor, city treasurer, assessor aldermen and supervisors, shall be free holders in said city, and all the city and ward officers aforesaid shall be qualified voters and residents of the city and of the ward for which they may be elected.

Elections shall be by ballot.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election; when two or more candidates for an elective office shall receive an equal number of votes for the same office the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall elect, except in case of a tie on any officer balloted for at the first city election, and then the election shall be determined as is hereinafter provided. The votes of each voter for the different elective officers shall be upon one ballot and shall be deposited in one ballot box.

#### FIRST ELECTION.

First election, when held and where.

SECTION 5. The first election for said city of Marinette for the election of city and ward officers shall be held in the respective wards of said

city, on the first Tuesday of April, 1887, as follows: Ten days' previous notice of such election shall be given and signed by the chairman of the town board of the town of Marinette, stating the time and places of holding such election, and the officers to be elected, which said notice shall be once published in the "North Star" and in the "Marinette and Peshtigo Eagle," two newspapers printed and published in the said city of Marinette, and shall be posted up in at least two public places in each of the wards of said city. The polling places for said first election shall be as follows: First ward, in that certain one-story frame building situate one door east of "Loughrey Hotel" in Menekaunee, in said ward. Second ward, in that certain hall known as "Shæfer and Cota's Hall," in the second story of the building occupied by said Shæfer and Cota for a meat-market in said ward, and situate on lots five and six, block twenty-eight, section B, Menomonee River Lumber Company's first addition to the village of Menekaunee in said city. Third ward in the town hall of Marinette. Fourth ward, in that certain frame building situate one door south of Busha's blacksmith shop, on the easterly side of Pierce Avenue in said ward, said building being the same as formerly occupied by the Singer Sewing Machine Company. Fifth ward, in the large front room up stairs over Moore's livery barn, on the north side of Dunlap square in said ward. The polls shall be open at nine o'clock in the forenoon and close at five o'clock in the afternoon, and no adjournment shall be had at noon. At the time of opening the polls the electors present at the different polls, shall choose viva voce, from the qualified resident electors present three inspectors of election and two clerks of election, and the persons so chosen to act as inspectors and clerks shall, before entering upon the duties of their office, take and subscribe the oath required of inspectors and clerks of general elections which said oath shall be administered by some circuit court commissioner, notary public, or justice of the peace in and for Marinette county. At the closing of the polls the inspectors shall then and there count the votes and ascertain the number of votes for each candidates or person voted for, and shall forthwith make a certified re-

turn thereof, duly signed, stating therein the number of votes cast for each person and the office designated, and the whole number of votes cast, and shall forthwith deliver or cause to be delivered such return together with the poll lists kept by the clerks, to the county clerk of Marinette county. In case of any neglect or failure of any inspector or clerk to comply with the provisions of this section the same fine or penalty shall be imposed and collected in the same manner as is provided for like neglect or failure on the part of inspectors or clerks in the annual city elections under this act. On Thursday morning at nine o'clock after said election, the county clerk together with two justices of the peace of the town of Marinette, to be by said clerk named, shall meet and canvas said returns and declare the result of said election as it appears from the same, and shall thereupon forthwith give notice in writing to each person elected of his election. The county clerk shall retain in his possession such returns, poll lists and the records of their doings thereon until the city clerk elect shall have qualified and entered upon the discharge of the duties of his office, and he shall thereupon forthwith deliver to such city clerk said returns and poll lists and the records of the doings of said canvassing board, and said county clerk shall upon such delivery take and subscribe an oath or affidavit, that the returns, poll lists and records so delivered by him to said city clerk are the identical returns and poll lists received by him from said inspectors of election and election clerks and the whole thereof; that the same or any part thereof has never been out of his possession or custody since they were received by him, and that they have not been altered, changed, or tampered with in any respect; and that the records so delivered by him are the records kept and proceedings had by said canvassing board and the whole thereof. Such city clerk shall thereupon file said returns, poll lists and records in his office, and record the same in such manner and in such book, as the common council shall provide. When in the first election two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the

county clerk and the two justices of the peace composing said canvassing board, at such time and place and in such manner as such board may direct, but not to exceed three days after such returns and poll list shall have been delivered to them. The county clerk and justices of the peace aforesaid shall receive the same compensation for their services as is allowed by law to the county canvassing boards on canvassing the returns from general elections in this state.

#### ANNUAL ELECTIONS.

SECTION 6. The annual election for city and ward officers shall be held on the first Tuesday in April in each year, at such place in each ward, as the common council shall designate, and the polls shall be kept open continuously from nine o'clock in the forenoon until five o'clock in the afternoon. The city clerk shall give ten days' previous notice of such election by publishing the same at least once in the newspaper doing the city printing and by posting the same up in at least three public places within said city. Such notice shall state the time and places of holding such elections, and the officers to be elected, both at large and for the several wards. Any informality in noticing or conducting any election, or canvassing or returning the votes shall not avoid or invalidate the election.

Annual elections, when held.

SECTION 7. Whenever a vacancy shall occur in the office of mayor or alderman, more than ninety days previous to the annual city election, the city clerk shall forthwith give notice of a new or special election to fill such vacancy, and such election shall be noticed, conducted, and returns thereof made and canvassed in the same manner as the regular charter election of said city. When such vacancy shall occur in said offices within ninety days preceding the annual city election, the same shall be filled by appointment by a majority vote of the common council. When any vacancy shall occur in the office of supervisor on the county board, the alderman from the ward in which such vacancy occurs, whose term of office shall first expire shall fill such vacancy and be ex-officio supervisor for his ward until the next charter election. Any vacancy happening in any other

Vacancies, how filled.

office shall be filled by the common council by appointment. The person elected or appointed to fill any vacancy shall hold his office, and discharge the duties thereof for the unexpired term, and with the same rights, and subject to the same liabilities as the persons whose office he is elected or appointed to fill

Qualified electors.

SECTION 8. No person, except he is a qualified elector of the state of Wisconsin, and shall have resided in the ward where he offers his vote for and during the thirty days next preceding such election, shall be deemed a qualified elector of said city and said ward.

How the election shall be conducted.

SECTION 9. The election in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of election for their respective wards and shall take the usual oaths or affirmations, as prescribed by the general laws of this state to be taken by judges and inspectors of elections, and shall appoint clerks of such elections, and shall have power to administer the necessary oaths; and in case of the absence of any or all of the aldermen of the ward at the time for opening the polls, the voters present shall select from the qualified resident electors present some person or persons to act in their place or places as inspectors of election. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filed as required by the laws of this state regarding elections.

After the polls are closed.

SECTION 10. When an election shall be closed, and the number of votes for each person or candidate voted for shall be counted or ascertained, the said inspectors and clerks shall make a return thereof, duly signed, stating therein the number of votes for each person, and the office designated, and the whole number of votes cast, and shall deliver, or cause to be delivered, such returns, together with the poll lists kept by the clerks, to the city clerk within twenty-four hours after election. In case of any neglect or failure of any inspector or clerk to comply with the provisions of this section, such inspector or clerk shall be liable to said city in the penal sum of twenty-five dollars and costs of suit, to be recovered before any justice of the peace of said city, in an action of debt. Within one week after each and every

election under and by virtue of this act, the common council, or in the absence of a quorum, the city clerk and two justices of the peace of Marinette county, shall meet, canvass said returns, and declare the result as it appears from the same, and the city clerk shall make due record thereof in a book to be kept by him for that purpose, and the city clerk shall forthwith give notice to each person of his election.

SECTION 11. Any officer moving from the city or any ward officer moving from the ward for which he was elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to qualify and enter upon the discharge of the duties of his office, or if any officer shall be convicted of any infamous crime under the laws of this state, he shall be deemed to have vacated his office, and the same may be filled as provided for in this act.

What constitutes a vacancy.

SECTION 12. There shall be elected at the first election under this act, one alderman for each ward, who shall hold his office for one year, and one alderman for each ward who shall hold his office for two years. At every succeeding charter election there shall be elected one alderman for each ward, who shall hold his office for two years. There shall be elected at the first election one school commissioner from each of the even numbered wards who shall hold his office for one year, and one school commissioner from each of the odd numbered wards who shall hold his office for two years. Thereafter school commissioners shall be elected from the even numbered wards in the even numbered years, and from the odd numbered wards in the odd numbered years, and each shall hold his office for two years and until his successor is elected and qualified, unless sooner removed under the provisions of this act.

Election of aldermen.

SECTION 13. All city and ward officers shall hold their respective offices until their successors shall be elected or appointed, according to the provisions of this act. The term of office of every officer elected under this act shall commence on the second Tuesday of April, of the year in which he is elected, except justices of the peace, whose term of office shall expire on the first Monday of May.

Shall hold office until their successors are elected.

SECTION 14. The justices of the peace author-

Powers of justice of the peace.

ized by this act, shall have and exercise all the powers and be subject to the same liabilities as justices of the peace in towns, and their jurisdiction shall be co-extensive with the limits of Marinette county, and they shall have jurisdiction over and cognizance of all actions and proceedings the same as other justices of the peace in said county of Marinette; and all proceedings at law before them shall be governed and regulated by the general provisions of law now in force in regard to actions and proceedings before all courts held by justices of the peace, and they shall also have jurisdiction of all offenses against the ordinances and regulations established by the mayor and common council, and they may hold their offices in any portion of the city; provided, that no two of them shall hold their office in the same room; and provided further, that their official bonds shall be approved by the mayor and city clerk. The common council of said city may require a bond from each of said justices, to pay over all moneys belonging to said city which may come into their hands; and they shall, on the first Monday of March and September in each year, report in writing to the common council the amount of all moneys belonging to said city, and pay the same at the time of making such report to the city treasurer, who shall give a receipt therefor.

### CHAPTER III.

#### OFFICERS, THEIR POWERS AND DUTIES.

Officer to take oath.

SECTION 1. Every person elected or appointed to an office under the provisions of this act, except a justice of the peace, shall, before he enters upon his duties, take and subscribe an oath of office in the constitutional form, and file the same with the clerk of the city, and the treasurer, clerk, marshal, street commissioner, justice of the peace and such other officers as the common council may direct, shall severally, before they enter upon their respective duties, execute to the city or Marinette a bond, to be filed with the city clerk, with at least two sureties, who shall be freeholders and justify that they are worth in the aggregate double the amount specified in said bond over and

above all debts, liabilities and exemptions, said bond to be subject to approval by the common council, and said bond shall contain such penal sum and such lawful conditions as the common council may deem proper; and the common council may, from time to time, require new and additional bonds, or remove from office any officer neglecting or refusing to present the same.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and he shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures in writing as he shall deem advantageous for the city. The mayor shall be chief executive officer and head of the police of the city; and he may appoint as many special or temporary policemen as he may deem proper. In the common council the mayor shall have a vote only in case of a tie.

Duties of  
mayor defined.

SECTION 3. At the first meeting of the common council in each corporate year, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case the mayor and the president shall both be absent at any meeting of the common council, that body shall proceed to elect a temporary presiding officer, who for the time being shall discharge all the duties of the mayor. The president or temporary presiding officer, while discharging any of the duties of mayor, shall be styled acting mayor, and acts performed by them or either of them, in such capacity shall have the same force and validity as if performed by the mayor, excepting the signing of city bonds.

Election of  
president.

SECTION 4. The common council at their first or second meeting after the charter election in each year, shall appoint all the appointive officers of said city, and all the appointive officers shall hold office to the end of the corporate year in which they are appointed, and until their success-

Appointive officers,  
when appointed.

ors are chosen and qualified. But the superintendent of streets may be appointed at any time, and is to hold office only for such time as the common council shall fix.

Salaries and fees, when fixed.

SECTION 5. The common council shall, by resolution, fix the salaries or fees of all officers of the city, who are not prohibited from receiving the same under this act, at the first regular meeting in March each year, for the next succeeding corporate year; provided, that the first common council elected under this charter shall fix the salaries of officers for the coming corporate year at any meeting held during the month of April, 1887, and no salary shall be increased or diminished during the term of office of any officer.

Duties of city clerk defined.

SECTION 6. The city clerk shall keep the corporate seal and all the papers and records of the city. He shall keep a record of all the proceedings of the common council, whose meetings he shall attend. He shall draw and countersign all orders on the treasurer pursuant to any vote or resolution of the common council, and keep an accurate record thereof in books provided for that purpose. He shall file in his office and safely keep, all chattel mortgages, bills of sale and other instruments necessary and proper to be filed therein, presented for that purpose, on payment of twenty-five cents therefor. He shall have power to administer oaths and affirmations, and he may appoint a deputy, subject to the approval of the common council, at a regular meeting thereof, for whose official acts he shall be responsible. He shall keep an accurate and detailed account of the financial condition of the city, in such a manner as the common council may prescribe. He shall make copies of the assessment rolls of the city, and correct any errors therein made by the assessors, in the description of lots or lands therein, and add the taxes thereon levied by the common council in pursuance of the provisions of this act, and as required by law. He shall keep an accurate account of the several funds and charge the city treasurer with all taxes levied for each, and for all sums paid into the treasury for any other purpose. He shall annually, on the first day in November, in each year, report to the common council a list of all outstanding city bonds and coupons,

to whom issued and when and where payable, and the rate of interest they may respectively bear. He shall report annually at the same period, or as often as the common council may require, an estimate of the general expenses of the city, and the amount of revenue necessary to be raised for the current year. He shall keep his office open for the transaction of business during business hours on every day except Sundays or holidays. Copies of all estimates made by the city surveyor or any person employed for the purpose, for work to be done by or for the city, shall be filed in the office of the city clerk and a brief record or memorandum of the same made in a book to be by him kept for that purpose, in which shall be noted the time when, the person to whom, and the amount for which any contract is let, under and subject to such estimates. The city clerk shall advertise and let all contracts for work to be done or services to be performed for the city in pursuance of the order of the common council, subject to the approval of the common council, and in behalf of the city, shall sign such contract, the originals or attested copies thereof, to be by him filed in his office. Whenever the street commissioner, or other officer authorized by the common council, shall certify on oath that a lien has accrued against any real estate for work done pursuant to a contract duly made, or to the charter or ordinances of the city, the city clerk shall on demand issue to the contractor or contractors, a certificate or certificates under his hand, stating therein the amount of work done by such contractor or contractors, the nature thereof, and a description of the lot or parcel of land upon which the same is chargeable, which certificate or certificates may be transferred by endorsement thereon; provided, that the clerk shall keep a stub-book with a brief memorandum therein, showing the number, date of issue, description of the real estate and of the work done, the amount in dollars and cents, and the person or persons to whom such certificates shall have been issued; provided further, that he shall, at the time the common council makes the annual levy of taxes in said city, report to that body a schedule of all the lots or parcels of land subject to special assessments or tax, and the amount of the special assessments or

taxes necessary to be levied upon such lots or parcels of land respectively, with a statement of the several acts done and performed in reference to such special assessment or taxes, which schedule shall be verified by his affidavit, and shall be prima facie evidence of the facts therein stated in all cases wherein the validity of such special assessment or tax shall come in question; the common council shall, if from such report they deem such special tax or assessment legal and just, cause the same to be assessed in pursuance of the provisions of this act. He shall report to the common council monthly the amount of work done, or for which contracts have been entered into, chargeable to the city. He shall make a report in writing at the first regular meeting in each month, showing the financial condition of the city. He shall keep a record in his office of all articles of personal property belonging to the city, and shall effect in behalf of the city all such insurance upon buildings and personal property belonging to the city as the common council may direct. He shall examine the books, reports, papers, vouchers and accounts of the treasurer, and from time to time perform such other duties as the common council may direct. He shall not be directly or indirectly interested in any contract or job to which the city shall be a party. All claims and demands against the city, before they are allowed by the common council, shall be audited and adjusted by the city clerk and by him presented to the common council. The common council may modify, correct or disallow the same. He shall also be clerk of the board of health and clerk of the board of equalization and shall keep correct records of their proceedings, and perform such other duties as said boards may prescribe. He shall record, in books to be prepared for that purpose, all papers and proceedings had relative to the opening, laying out, altering or vacating of streets, lanes, alleys, public squares and parks, or changing the names thereof, and shall certify to the time when such records are made, and all such records shall be evidence in all courts and places when certified to by him according to law the same as original papers or proceedings. And he shall perform such other duties as are required by law or by the common council. Whenever the city clerk or his

deputy shall be absent or otherwise incapacitated from performing any official duty, the common council shall have power to appoint a clerk pro tem.

SECTION 7. The treasurer of said city shall perform such duties and exercise such powers as may be required of him by the laws of this state or ordinances of the city. He shall keep an accurate account of all moneys or other property which may come into his hands as treasurer, in books to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when and the persons for whom the several sums were received, which books shall at all reasonable hours be open to the inspection of any person. As often as the common council may require he shall render to said council a minute account of the receipts and expenditures of his office, and at the expiration of his term of office, he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be the collector of taxes in said city, and for this purpose he shall have the same powers and be subject to the same liabilities and governed by the same laws as treasurers of towns, except as otherwise provided for in this act. The treasurer shall keep separate accounts with each fund (state, county, school, etc.); if he shall neglect or refuse to exhibit his books when called upon to do so by any elector or resident of the city, he shall be subject to a penalty of not more than one hundred dollars for each and every offense, to be recovered in the name of, and for the use of the city. The treasurer may appoint a deputy, for whose official acts he and his sureties shall be responsible.

City treasurer,  
his duties.

SECTION 8. The city assessor shall assess the real and personal property within said city at the time and in the manner for assessing towns, and his compensation therefor shall be the same as provided by law for the compensation of town assessors, to be paid him out of the general fund of said city.

City assessor,  
his duties.

SECTION 9. The marshal shall be chief of the police, and he shall perform such duties as shall be prescribed by the common council. He shall preserve the peace, and when directed by the com-

Duties of mar-  
shal defined.

mon council shall collect fines and license mon-  
 eys. He shall possess all the powers of town  
 constables, be subject to the same liabilities, per-  
 form the same duties and be entitled to the same  
 fees. His fees in all criminal actions, or in suits  
 to which the state or city is a party, or for any  
 service performed by him for said city, shall be-  
 long to said city, and when collected, be paid to  
 the city treasurer. It shall be his duty to exe-  
 cute and return all writs and processes to him di-  
 rected, and, when necessary, in criminal cases or  
 for the violation of any ordinance of said city or  
 law of the state, he may pursue and arrest the  
 criminal or offender in any part of the state. It  
 shall be his duty to suppress all riots, disturbances  
 and breaches of the peace, to abate all nuisances,  
 to apprehend every person in the act of commit-  
 ting any offense against any ordinance of said  
 city or the laws of this state, and within reason-  
 able time bring such person before competent au-  
 thority for examination or trial. At all times  
 when the said street commissioner is absent or  
 his office vacant, the city marshal shall perform  
 the duties prescribed for that office, without addi-  
 tional compensation. He shall receive for his ser-  
 vices a salary, payable monthly, to be fixed by the  
 common council, and in addition thereto such ex-  
 penses and disbursements as are necessarily in-  
 curred by him in making arrests without the city  
 limits, as the common council may allow.

**Duties of city  
 attorney.**

SECTION 10. The city attorney shall be an at-  
 torney of a court of record of this state. He  
 shall perform such services as are prescribed by  
 this act or by the ordinances or by-laws of said  
 city. He shall, when notified, conduct all prosecu-  
 tions for said city. He shall appear for and  
 conduct in behalf of said city all civil suits to  
 which said city may be a party, and when re-  
 quested by the common council shall furnish  
 them with a legal opinion on any question in-  
 volving the rights of said city or its officers,  
 such opinion shall when required be in writing.

**Appointment  
 of city sur-  
 veyor.**

SECTION 11. The common council may ap-  
 point a city surveyor, who shall be a practical sur-  
 veyor and engineer, and the common council  
 shall prescribe his duties and fix his compensation.  
 All surveys, profiles, plans or estimates made by  
 him for the city shall be the property of said city

and shall be carefully preserved in the office of the city clerk and open to the inspection of all parties and the same together with all books and papers appertaining to said office, shall be delivered over by the surveyor to the city clerk at the expiration of his term of office.

SECTION 12. The common council of said city may from time to time, and for such terms as it shall deem necessary, elect some suitable person superintendent of streets, and by ordinance or resolution provide for and fix his compensation per diem, and prescribe his powers and duties, and remove him from office at pleasure by a majority vote of said common council, at any time that the common council may deem proper, or when the council shall deem that his services are no longer required, and the said superintendent of streets shall at all times be under the control of said common council, and no act or contract done or made by him shall be valid or binding upon or against the city unless authorized by the common council. It shall be the duty of the superintendent of streets to see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers and water-courses within the city are duly observed and kept; and direct and control the persons employed therein. The superintendent of streets shall have a general supervision over all the works let by contract for the improvement of streets or sidewalks, lanes or alleys, unless the common council shall otherwise provide. The superintendent shall monthly report to the common council a sworn statement of the labor expended by him on streets or sidewalks, lanes or alleys, and the names of the persons by whom employed for such purposes and the amounts to which they are entitled; and the superintendent of streets shall also perform all the acts and duties imposed upon him, or prescribed by any ordinance or resolution of the common council, and the said superintendent of streets shall, at all times be under the direction and control of the common council, and shall expend no more money upon streets, sidewalks, etc., than the common council may from time to time order, and at such place or places, and upon

Powers of common council defined.

such streets, and to such an amount as shall be ordered by the common council.

Official paper.

SECTION 13. At the first meeting in each year, or as soon thereafter as may be, the common council shall contract with and employ a suitable party to print and publish all matters required by this act, or by the common council or by law, to be printed or published. Such party shall be the proprietor of a printing office in said city, and of a newspaper which shall have been printed and issued regularly at least once a week in said city for one year next preceding the contract, and shall have at least four hundred bona fide subscribers within the limits of said city. Such party shall be styled the city printer. All qualified parties shall have a fair opportunity to bid for such contract; the bids shall be sealed and the contract shall be awarded to the lowest bidder. The bids shall be made and received at such time and place as the common council may direct. The common council may reject any and all bids, and the price paid for publishing any matter shall not exceed forty cents per folio for the first insertion and twenty cents per folio for every subsequent insertion.

Duties of city printer.

SECTION 14. The city printer, immediately after the publication of any ordinance or notice, which is required to be published, shall file with the city clerk a copy of such publication, with his affidavit or the affidavit of his foreman, of the length of time the same has been published and the number of insertions, and such affidavit shall be prima facie evidence of the publication of such ordinance or notice.

Who may command the peace.

SECTION 15. The mayor, acting mayor, sheriff of Marinette county, each alderman, justice of the peace, marshal, chief engineer of the fire department, foreman of the fire company, policeman and superintendent of streets, shall be officers of the peace in said city, and may command the peace and suppress in a summary manner, rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if needed of all citizens and fire companies; and if any person or fireman shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of not less than ten nor

more than fifty dollars; and in cases where the civil power may be required to suppress riots or disorderly behavior, the superior officer present, in the order mentioned in this section, shall direct proceedings.

SECTION 16. If any person having been an officer in said city shall not, within ten days after notification, deliver to his successor in office all property, books, papers and effects of every description in his possession, pertaining to the office he may have held, or belonging to said city, he shall forfeit and pay, for the use of said city, one hundred dollars, besides all damages caused by his neglect or refusal to deliver; and such successor may recover the possession of such books and papers and effects, in the manner prescribed by the laws of this state. 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, not inconsistent with this act, and to appoint such other officers as may be deemed necessary to carry out the provisions of this act, in which case they shall fully prescribe their duties and liabilities.

Penalty for failure to deliver.

SECTION 17. No alderman shall be a party to or interested in any job or contract with the city, and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on such contract, the city shall sue for and recover the amount so paid from the parties to such contract and alderman interested in the same.

Shall not be interested in any job.

## CHAPTER IV.

### THE COMMON COUNCIL — ITS GENERAL POWERS AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services, except that for serving as inspectors of election, or as members of the board of equalization, they may receive the same compensation as is allowed for similar services in towns. The style of all ordinances shall be, "The mayor and common council of the city of Marinette do ordain, etc." The common

Powers and duties of the council.

council shall meet at such time and place as they, by resolution, shall determine. A majority of the aldermen shall constitute a quorum. They shall hold regular meetings at stated times to be fixed by their by-laws, and the mayor or acting mayor, may call special meetings by notice to each member, to be personally served, or left at his usual place of abode. The common council shall determine the rules of its own proceedings, and shall be judge of the election and qualification of its own members, and have power to compel the attendance of absent members, and impose penalties for absence. It shall be the duty of every alderman to act on every committee to which he may be appointed by the mayor. The mayor shall appoint all committees.

Management  
and control of  
the finances.

SECTION 2. The common council shall have the management and control of the finances and property of the city, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish and enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice, the prevention of crime, and for the benefit of health, trade and commerce thereof as they shall deem expedient; declaring and imposing penalties, and enforcing 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 ordinances, resolutions or by-laws.

Licenses.

1. To license and regulate the exhibitions of common showmen, or shows of any kind, or exhibitions of caravans or circuses, or theatrical performances, billiard tables, bowling alleys, roller skating rinks, pawn shops or second hand stores; and to provide for the abatement of all nuisances under the ordinances or at common law; and to grant licenses to such persons as they may deem proper to keep saloons, groceries, taverns and victualling houses wherein may be sold strong, spirituous, ardent or intoxicating liquors, beer, ale, wine or cider, to be drank on the premises, in a

quantity less than a gallon, under such regulations, conditions and restrictions as they may deem expedient, and which are in accordance with the general laws of this state, for a license fee not less than therein prescribed. No license shall be granted for a time beyond the next succeeding first Tuesday in May, nor for a sum less than the amount of the annual license.

2. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, in said city, for purpose of gain, and to restrain any persons from vending, giving or dealing in spirituous, fermented or vinous liquors unless duly licensed by the common council.

Restrain vice.

3. To prevent any riots, noise, disturbances 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 gambling.

Prevent riots, etc.

4. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, brewery, distillery, 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 may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Abate nuisances.

5. To direct the location and management of slaughter-houses and markets, and to establish rates for and license vendors of gunpowder, and to regulate the storage, keeping and conveying of gunpowder, kerosene and all other products of crude oil, petroleum, naphtha or coal oil or other combustible materials.

Management of slaughter houses.

6. To establish public markets, build or purchase market houses, make rules for the government of the same, appoint suitable officers to oversee such markets, and restrain all persons from violating or interfering with such rules; to license and regulate butchers' stalls, shops and stands for the sale of butcher's meat, game, poultry, fish, butter, provisions of all kinds, fruit and garden produce; to regulate the place and manner of weighing and selling hay and measuring and selling fuel, and appoint suitable persons to superintend and conduct the same; to regulate the size and weight of bread, and to pro-

Abolish markets, and regulate the sale of all marketable stuff.

vide for the seizure and forfeiture of bread baked contrary thereto, and to dispose of the same in such a manner as they may deem meet and proper; to license, regulate and prescribe the fees of hacks, cabs, omnibusses, drays, express wagons and other vehicles and street cars, and to license and regulate auctioneers, hawkers and transient merchants.

Encumbering  
of streets, etc.

7. To prevent the encumbering of streets, avenues, alleys, highways, sidewalks and crosswalks with railway cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, firewood, or any other substances or materials, whatever; to compel the railroad companies to keep and maintain flagmen at the several places within the city limits where the different railroad tracks cross and intersect the public highways of said city; to compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets, alleys, avenues and highways 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. To prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have the same upon his premises, or shall have placed it upon the premises of another, and in default, to authorize the removal thereof at the expense of such person or persons offending.

Prevent horse-  
racing, etc.

8. To prevent horse-racing, immoderate riding or driving, the riding and driving of any horse, ox, mule or other animal on the sidewalks, or the doing of any damage to such sidewalks, and to regulate the hours and places of swimming or bathing in the waters within the limits of said city.

Restrain cattle  
etc.

9. To restrain the running at large of cattle, horses, swine, sheep, poultry and mules, and to authorize the distraining and sale of the same; to prevent the running at large of dogs; to license or tax the same, and to authorize their destruc-

tion in a summary manner, when at large contrary to ordinance.

10. To make and establish public grounds, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants, and as a protection against fire, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise.

Establish public grounds, etc.

11. To make regulations for the board of health, provide hospitals and poor-houses, purchase cemetery grounds, make and prescribe regulations for the keeping and caring of the same and for the dead, the returning of bills of mortality, and the exemption of burial grounds, set apart for public use, from taxation, to which end said city may purchase and hold within or without the city limits not exceeding three hundred and twenty acres of land for hospitals and poor-houses, and for cemetery purposes.

Boards of health.

12. To prevent the shooting of fire-arms, toy pistols or crackers, and to regulate and restrain the exhibition of fire-works.

Shooting fire-arms.

13. To restrain drunkenness and obscenity, or vagrancy in the streets or public places and to provide for the arrest and punishment of the offender or offenders.

Restrain drunkenness.

14. To restrain and regulate runners and solicitors for railways, steamers, vessels, stages, omnibuses, public houses or other establishments, and to establish and regulate the police of the city, and to appoint policemen and watchmen and prescribe their duties and compensation.

Restrain runners, etc.

15. To regulate the time, place and manner of holding public auctions; to provide for a standard of weights and measures, and prescribe by ordinance the punishment for the use of false weights and measures.

Regulate auctions, weights and measures.

16. To protect trees and monuments, and public buildings and improvements of all kinds.

Trees and monuments.

17. To regulate the construction of wharves and piers extending into the Menominee river or Green Bay; to prescribe and control the prices to be charged for wharfage or pierage; to prevent the throwing or depositing of any filthy or putrid substance, or any slabs, chips, shavings, or other substance in said river; and by ordinance to construct, alter and maintain, or cause to be con-

Regulate wharves and piers.

structed, altered or maintained at the expense of said city, wharves and docks along the banks of said river and bay.

Contagious diseases.

18. To regulate, control and prevent the landing of persons from railways, steamers, vessels or other conveyances, wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city from any other place any pauper or other person likely to become a charge upon said city, and to punish therefor.

Pest-houses.

19. To establish and regulate pest-houses within or without the city limits.

Construction of drains and sewers.

20. To prescribe and regulate the construction and use of all drains and sewers within said city, and to prescribe and enforce rules and conditions for connecting branch sewers or drains therewith.

Open and lay out streets.

21. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, avenues, alleys and public squares, to purchase land and to establish it for public parks or squares and to keep them free from incumbrances, and protect them from injury; provided, that a record of the establishment and discontinuance of a highway, street, alley, lane or avenue shall be made in the office of the register of deeds of Marinette county.

Alter names of streets.

22. To alter or change the name of any street, to alter or vacate the plat of said city, or any part thereof surveyed and platted, upon petition and upon such notice as is required in vacating town plat, in the circuit court.

Regulate telegraph.

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

Watch house for offenders.

24. To erect and establish and regulate a watch house for the confinement of offenders and to appoint a keeper thereof and as many assistants as may be necessary.

Boards of health.

25. To establish and regulate boards of health.

Fix grades.

26. To fix and establish a grade for every street, alley and sidewalk within said city, and to require such street, alley or sidewalk to conform to such established grade; to regulate the making of all openings in and removal of the soil of the

public street, alleys or grounds for any purpose whatever, and to prevent the same from being made or done without the express permission of the council, and at such times and upon such terms as they may prescribe.

27. To provide and maintain one or more Public pounds. pounds within said city, to appoint pound-masters, prescribe their powers and duties and fix their compensation, to authorize the impounding of every beast or fowl found at large contrary to the ordinance of the city. To prescribe rates of charges for keeping and the charges to be paid by the owner or keeper of said beast or fowl impounded, and to authorize the sale of such beast or fowl for the payment of all charges and penalties incurred, in such manner as they may direct and impose penalties for rescuing any beast or fowl impounded.

28. To compel the owners and residents of all Numbering houses. houses, stores or other buildings within said city, to number the same in manner and form as the common council may prescribe.

29. To prevent the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks, by auctioneers or others, or tending to the annoyance of the inhabitants of said city. Ringling of bells.

SECTION 3. The powers conferred upon the common 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 and 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 tenements and taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, are hereby declared, and shall be deemed, public and common nuisances. Abatement and removal of nuisances.

SECTION 4. Every ordinance, regulation or by-law shall be passed by a majority of the common council present at a regular meeting or a special meeting duly called and presented to the mayor. If he approves he shall sign it; but if not he shall within five days thereafter file with the city clerk his objections thereto. If such objections are not Ordinances, how passed.

filed within said time, or if the common council at its next regular meeting shall by a two-thirds vote of all the aldermen elect pass such ordinance, regulation or by-law, it shall be in force in like manner as if the mayor had signed it. Before any ordinance, regulation or by-law shall be in force it shall be published in the official newspaper of said city; and within fifteen days thereafter the printer shall file with the city clerk a copy of such publication, with his affidavit or the affidavit of his foreman, of the length or time the same has been published, and the number of insertions, and such affidavit shall be prima facie evidence of the publication of such ordinance, regulation or by-law.

Appropriation  
to be made by  
majority.

SECTION 5. No appropriations shall be made without a vote of a majority of all the aldermen elect in its favor, which vote shall be taken by yeas and noes and entered among the proceedings of the common council; nor shall any appropriation be made for any purpose not authorized by this act, nor any judgment or penalty recovered in favor of the city be remitted or discharged except by a majority of the aldermen elect.

Common council  
shall audit  
accounts.

SECTION 6. The common council shall examine, audit and adjust the accounts of all officers and agents of the city, at such times as they may deem proper and also at the end of each corporate year, and before the time for which the officers or agents of said city are chosen shall have expired. The common council shall require each and every such officer and agent to exhibit his book, accounts, vouchers, moneys and funds for such examination and settlement; and if any such officer or agent shall neglect or refuse to comply with the orders of the common council in the discharge of their duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books, funds, moneys and vouchers to said common council, it shall be the duty of the common council to declare the office of the offending person vacant, and the city attorney shall thereupon institute suits and proceedings at law in the name of the city against any officer or agent so offending, who may be found delinquent or defaulting in his accounts, and a full record shall be made by the city clerk of all settlements and adjustments.

SECTION 7. The common council shall have authority to investigate and examine into all and every official act and official transactions of every person who holds or shall have held any office under the city government, and for that purpose the mayor, acting mayor, president of the common council or any member of any committee of the common council, shall have power to administer all necessary oaths or affirmations of persons who may be called before the common council or any such committee to give testimony. The mayor, acting mayor or president of the common council is authorized and empowered to issue a subpoena by him signed commanding any person to appear at a time and place named before the common council or committee designated, to testify concerning any matter under examination or investigation, as above provided, and to produce before the common council or such committee, and books, papers or documents relating to the matter under examination or investigation, and every person served with such subpoena or process is hereby required to obey the same without payment of fees. For due cause, and after opportunity for a fair hearing, the common council may expel any of its own members and remove from office any officer or agent of the city government, except justices of the peace; but such expulsion or removal of an elective officer shall only be made or done by a two-thirds vote of all the aldermen elect, and of an appointive officer by a majority of the common council, and a written notice in every case shall be given to the officer complained of, at least five days before the hearing, to appear before the common council and answer to the complaint made. Such notice shall be served in the same manner as a summons in circuit court.

Common council, shall have power to investigate.

SECTION 8. If any person shall neglect or refuse to appear and testify and produce such books, papers and documents, as are required by section 7, of this chapter, the common council may declare him in contempt, and upon proof of service it shall be the duty of the county judge of Marinette county, or the judge of any court of record of said county, upon the application of the mayor, acting mayor or president of the common council of said city, or any committee appointed by such

Contempt of court.

common council, to issue summary process, either in time term or vacation, for such offending person, and to bring him before him, and then unless such person shall purge himself from contempt, he may be fined by such judge and punished as for a contempt of court, and if he still refuse to go before the common council or such committee and testify and produce such books, papers or documents, he may be committed by such judge to the common jail of Marinette county, there to remain in close confinement until he shall so testify or produce the books, papers or documents as required, or he is discharged by the common council or any such committee; and the jailer of such county is hereby required to receive and secure any such person pursuant to any such commitment.

Investigation may be done when in session.

SECTION 9. The examination and investigation hereinbefore provided for may be had, done and taken by the common council when in session, or by a committee to be appointed by the common council, who are authorized to perform such duties when that body is not in session.

Testifying against himself.

SECTION 10. Any admission which any person shall make when testifying before such committee or the common council, shall not be used against him in any civil or criminal suit.

Punishment for misdemeanor.

SECTION 11. The common council shall have authority by ordinance to provide that any and all persons who shall be found guilty of the violation of any city ordinance or regulation, for drunkenness or for being an inmate or frequenter of a house of ill fame or of disorderly conduct, and shall neglect to pay or remit any fine or costs imposed therefor, that such person or persons shall work out such fine or costs upon the public streets of said city, or shall do any other work that said city may have or wish to be done, and the compensation therefor, to be fixed by the common council, shall be deducted from such fine and costs thereon, and the common council may pass the necessary ordinances to carry out the provisions of this section.

Water-works.

SECTION 12. The common council may by ordinance adopted by a majority vote of all the aldermen elect, authorize any person or corporation to construct and maintain in said city, water-works, gas works, electric light works, or street railways,

and may grant to such person or corporation, on such conditions and such restrictions as the common council shall impose, the privilege to use such portion of the streets and alleys of said city, and for such time as may be necessary, for the laying of the pipes, the erection of hydrants and street lamps, poles and wires, and for the laying, construction and repair of street railways. The common council may, in the name of said city, enter into contracts with any such person or corporation for the furnishing by him or it to said city of water, gas or light, and may fix the maximum rates to be charged by such person or corporation for supplying the city or its inhabitants with water, gas or lights, and the maximum rates of fare to be charged on any street railway laid in the streets of said city. The authority to erect water-works within the limits of said city, and the privilege of using the streets and alleys of said city for the purpose of laying water mains, erecting hydrants and doing whatever may be necessary for the efficient operation of such water-works may be granted exclusively to any person or corporation, but not for a period to exceed thirty years.

SECTION 13. The common council may establish and maintain a public library and reading-room in said city, appoint directors thereof and levy a tax therefor. The directors shall be nine in number. They shall be appointed in the manner, and shall have powers and perform the duties prescribed by sections 931 to 936 (inclusive) of the revised statutes. The establishment, maintenance, management and control of such library and reading-room shall be in all things as prescribed in said sections 931 to 936 (inclusive).

## CHAPTER V.

### FINANCE AND TAXATION.

SECTION 1. All funds in the treasury, except state and county funds, shall be under the control of the common council, and, excepting school funds and library fund shall be drawn out only 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 are drawn. All moneys raised, received, recovered or collected by means of any tax, license, penalty or forfeiture by virtue of this act or imposed by a justice of the peace for assault and battery, breach of peace or other offense against the statutes cognizable before a justice of the peace, and committed within the limits of said city, shall be paid into the city treasury.

Annual levy of taxes.

SECTION 2. The common council shall annually levy a tax upon the taxable property of said city, to defray the current expenses of the city for educational purposes, the support of the poor, the payment of the principal and interest upon city bonds which may hereafter be issued, for the construction and repair of bridges, culverts, reservoirs, wells or water-works, fire-engines or extinguishers, engine houses, market houses, poor houses, city hall, prison or watch house, and for all other purposes authorized by the charter of said city, or laws of the state, such tax not exceeding two per cent. for all purposes upon the assessed valuation of all property, as shall be determined by a majority of all the aldermen elect upon the call of the yeas and noes at a regular meeting of the common council during the month of November in each year; provided, that this section shall not be so construed as to interfere or conflict with a general law of this state authorizing the assessment, levy and collection of taxes.

Verification of accounts.

SECTION 3. No account, claim or demand of any nature of kind whatever, shall be audited by the clerk nor allowed by the council unless the same is verified on oath by the owner thereof, which verification shall be substantially as follows:

"I, \_\_\_\_\_, being duly sworn, depose and say the above account (claim or demand as the case may be) is just and true, and the same has not been paid, or any part thereof, and that the same accrued by the order of (naming the person if any one.)"

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_, A. D. 18—.

Provided, that if the owner of an account, claim or demand as aforesaid is sick or absent from the city, the affidavit may be made by his

agent or attorney cognizant of the facts who shall swear also in addition to the affidavit aforesaid, substantially as follows: That he is agent or attorney (as the fact is) of the said — —; that all the facts in reference to said claim, demand or account are within his personal knowledge; that the said owner is sick and is unable to make his affidavit, or that he is absent from the city.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to an annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner herein prescribed; provided, however, that the common council may, by ordinance, more fully define the duties of the assessor, and make such rules and regulations, in relation to revising, altering or perfecting the assessment roll, as they may from time to time deem advisable, not inconsistent with the provisions of this act and the general laws of this state.

All property  
subject to taxa-  
tion.

SECTION 5. All taxes and assessments, general or special, shall, until such taxes and assessments are paid, be and remain a lien upon the lands and tenements upon which they may be assessed or levied, and no sale or transfer of such property shall affect said lien. Any personal property belonging to the person may be taken and sold for the non-payment of taxes upon his personal property.

Taxes and as-  
sessments to  
remain a lien.

SECTION 6. The assessor, the mayor, and the city clerk shall constitute the board of equalization. The city clerk shall be the clerk of such board and shall keep and preserve in his office a true record of all its proceedings. A majority of such board shall constitute a quorum. The board of equalization shall meet at the common council chamber on the last Monday in June in each year at 9 o'clock in the forenoon and choose one of their number chairman, they shall proceed in all respects, as far as practicable, except as herein provided, as town boards of equalization are required to proceed and make just amendments, corrections, and alterations in the assessment of the city. Notice of the time and place of the meeting of the board shall be posted in at least

Board of equal-  
ization.

three public places in each ward in said city at least four days prior to such meeting. Such notice shall be published by the clerk. The board may adjourn from day to day, or from time to time until its business is completed; provided, however, that if an adjournment be had for more than one day, a written notice thereof shall be posted on the outer door of the common council chamber stating to what time said meeting is adjourned. Such board shall receive the same compensation as is allowed by law to assessors. All the provisions of the Revised Statutes from sections 1061 to section 1066, inclusive, as amended, and all other provisions of law in force for the assessment and equalization of assessments in towns, not incompatible with this act, shall be complied with and the duties thereby prescribed shall be performed by the city clerk, assessor and board of review.

County board  
may levy taxes.

SECTION 7. The county board of Marinette county may levy taxes as now provided by law, and shall cause the amount of taxes to be levied and for what purposes levied, to be certified to the city clerk, as prescribed by law; and the city clerk shall thereupon make out a tax list for all purposes in a book or books to be provided therefor, setting opposite to each tract of land and to each person named under proper columns, such sum or sums as may be levied upon such lot or against such person. The said copy shall be designated "the tax list," and to it shall be appended a warrant signed by the mayor and clerk and sealed with the corporate seal of the city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments in said list specified in the manner prescribed by this act. Before delivering such tax list to the treasurer the city clerk shall compare it with the assessment roll as confirmed, and shall add to it his certificate that the same has been by him compared and that it is a true, full and complete copy of such assessment roll. The tax list when so certified shall be prima facie evidence in every court that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

General laws of  
state to remain  
in force.

SECTION 8. All the general laws of this state which are now or may be hereafter in force, relative to the assessing, levying or 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 at the same time and in the same manner as is required by law of town treasurers to collect taxes. All unpaid taxes and all assessments shall in like manner be returned to and collected by the county treasurer, but the five per cent. included in said return, as collection fees, shall when collected, be paid over to the city treasurer, and by him placed in the general fund of the city for the use and benefit of the city. The city treasurer shall be entitled to charge, collect and receive for his own use, as fees for the collection of taxes and assessments, two per cent. of all sums collected by or paid to him prior to the 10th of January in each year and five per cent. on all sums collected by or paid to him after said day and before his return to the county treasurer. Upon the receipt of the tax list the city treasurer shall, in addition to the notices required by law, publish a notice in the official newspaper of the city that all taxes and assessments whether upon real or personal property in said tax list, should be paid on or before the 10th day of January next ensuing at his office in said city, and that thereafter he shall proceed to collect the taxes charged in such roll and remaining unpaid.

SECTION 9. Whenever the taxes on personal property shall not be paid within three days after the tax list is in the hands of the treasurer, and the treasurer has reason to believe that any person charged with a personal property tax will dispose of or remove from the city his property, so as to hinder or delay the collection of such tax, the treasurer may issue his warrant directed to the city marshal commanding him to collect such unpaid taxes; and for such purpose the city marshal shall have all the powers, be subject to the same liabilities, and be entitled to the same compensation as are now provided by the charter of said city. The said warrant when so issued shall be returnable before the expiration of the time allowed by law to the said treasurer for the collection of said taxes.

SECTION 10. The common council shall not issue any bond or other evidence of debt payable at a day subsequent to the date thereof, except in

Personal prop-  
erty tax, how  
collected.

City evidences  
of debt, when  
lawful.

cases authorized by this act, or some law of this state, nor shall the common council issue in any one year orders upon the city to an amount greater than the surplus funds on hand and the amount of taxes which shall be levied for the year under the provisions of this act. In case a greater amount of orders shall be issued than is herein allowed the members of the common council shall be personally liable therefor, and the amount of such excess may be collected of them or of any person holding such orders in any court of competent jurisdiction; provided, that no alderman shall be held liable as aforesaid without proof of his assent to the issue of such excessive orders. Nothing herein contained shall be so construed as to prevent the common council from making a temporary loan, if two-thirds of all the aldermen elect so vote in anticipation of the tax to be levied and collected during the current fiscal year when such loan is effected.

In case of irregularities in the assessment.

SECTION 11. Whenever it shall be shown to the satisfaction of the common council by affidavit or oath that manifest error or injustice has been done in the assessment, equalization or levying of general or special taxes upon any real or personal property in said city, by means of which excessive and just amount of tax has been levied, the common council may by a majority vote of all the aldermen elect, remit such sum as it decides to be in excess of the equitable amount. All affidavits and oral testimony on oath shall be reduced to writing and filed in the office of the clerk.

Orders, when payable for taxes.

SECTION 12. The city treasurer in collecting taxes and making his return to the county treasurer, shall conform to the general laws of the state, but the returns of the county treasurer shall be for the city and not for the wards separately. All orders on any fund of the city shall be received in payment of taxes levied to maintain such fund, and no other fund.

Uncollectible taxes.

SECTION 13. In case the city treasurer and city marshal shall be unable to collect any taxes assessed upon personal property and payable by any person named in the tax list, they shall proceed in all things according to the general laws of this state in bringing the delinquent person before

some justice of the peace, and such proceedings shall be had as is provided by the general laws.

SECTION 14. On or before the last Monday of January of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Marinette county a list of all lands, lots and personal property upon which taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer in like manner, as now is or hereafter may be required of town treasurers, and all the provisions of the general laws of this state shall extend to and may be enforced by the county treasurer to collect any delinquent personal property tax of whatever year due to said city.

Delinquent list of unpaid taxes to be made out.

SECTION 15. In case the city treasurer shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes as provided by this act, and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office and appoint a suitable person to fill the vacancy.

In case treasurer shall refuse to collect.

SECTION 16. Whenever the common council, as herein authorized, shall borrow money, certificates of appropriation therefor may be issued, payable at such time or times as the council may determine, not inconsistent with the provisions of this act, and such certificates may be drawn to bear interest at a rate not exceeding seven per cent. per annum, and when so drawn and signed by the mayor and clerk the interest shall be paid thereon as therein prescribed.

When council borrows money, how to proceed.

SECTION 17. No action shall be maintained by any person against the city upon any claims or demands of any kind whatsoever, whether arising from contract or otherwise, until such person shall first have presented such claim or demand duly verified under oath to the common council for allowance. Nothing herein contained shall be so construed as in any manner to affect the right of action upon a city order duly issued by authority of the common council after payment has been duly demanded, nor any right of action on any contract duly entered into with the school board, and the claim on which has been disallowed in whole or in part by such school board.

Accounts or demands against city to be duly verified.

SECTION 18. The determination of the common

Determination  
of council to be  
final.

council, disallowing in whole or in part any claim of any person, shall be final and conclusive and a perpetual bar to any action founded on such claim, except that such person may appeal to the circuit court, as provided in section 20, of this chapter.

Claims disal-  
lowed may be  
appealed to cir-  
cuit court.

SECTION 19. In case any person shall present his claim or demand to the common council and the council shall disallow such claim in whole or in part, the council shall not thereafter entertain such claim again, and such claimant, if he desires may prosecute his said claim by appeal to the circuit court and not otherwise.

How appeals  
may be made.

SECTION 20. When any account, claim or demand of any kind or nature whatsoever 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 the council, disallowing such claim, to the circuit court of Marinette county, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after such disallowance. When such appeal is taken the appellant shall pay to the city clerk one dollar for return fee, and one dollar for state tax. The city clerk shall thereupon make a brief statement of the proceedings had in the case before the council, with its decision thereon, and shall transmit the same, together with the state tax and all papers in the case, to the clerk of the circuit court of Marinette county, and thereupon such appeal shall be entered, tried and determined in the same manner as in cases originally commenced in the circuit court, and costs shall be awarded in like manner. When any account, claim or demand of any kind or nature whatever shall have been presented and filed in the office of the city clerk, and the common council shall neglect or refuse to allow or disallow the same for sixty days thereafter, it shall be deemed and taken to be disallowed, and the owner or holder thereof shall have the same right to appeal as in case of a disallowed claim. No action shall be brought or maintained for any damages arising or resulting from such accidents, unless within sixty (60) days after the happening of such accident one of the aldermen, or the mayor or city clerk, shall receive a personal notice thereof in writing, stating the place where and

the time when the accident occurred, and giving a general description of the defect claimed to have been the cause of such accident; nor unless a physician, to be designated by the mayor or common council, be permitted to examine the injuries of the person claimed to be injured by such accident, at such times and as often as the mayor or common council shall direct.

SECTION 21. When an appeal is taken or suit brought against the city, the city clerk shall forthwith give notice thereof to the city attorney, and shall report the same to the common council at its first regular meeting thereafter.

Clerk to give notice of appeal.

SECTION 22. No member of the common council, nor the mayor, city clerk, nor city attorney, nor any law firm of which he is a member, shall be permitted to appear as attorney or counsel for any person or corporation, against the city in any suit or appeal in which said city is a party.

Officer shall not appear as counsel.

SECTION 23. The city shall not be indebted to an amount, for all purposes whatsoever, exceeding in the aggregate five per centum on the value of the taxable property therein; to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness.

Limit of indebtedness.

SECTION 24. No bonded or other indebtedness, except as allowed by section 10, of this chapter, shall be incurred by said city, or valid or binding upon said city until the question of incurring such indebtedness shall, by ordinance duly passed, be submitted to the vote of the qualified electors of said city at a regular or special election called for that purpose. At least two weeks before such election, notice thereof shall be posted up in at least one public place in each ward, and shall be published in the official city paper for two weeks. Such notice shall specify the purpose and the amount for which such indebtedness is to be incurred, and shall specifically describe whatever is to be purchased or constructed with the funds borrowed, and where the same is to be located. Such notice shall also state the form of ballot to be used at such election, which form shall be prescribed by the common council. If a majority of the qualified electors voting at such election shall vote in favor of incurring the indebtedness for the purpose set forth in such notice, the common council may issue, negotiate and sell the bonds of

Must be submitted to vote of people.

the city therefor; which bonds shall be payable in twenty or less number of years, in equal, annual payments, not to draw to exceed five per cent. interest, payable annually.

## CHAPTER VI.

### THE TAKING OF LANDS FOR PUBLIC USE.

Taking lands  
for public use.

SECTION 1. The common council shall have power to lay out and establish public grounds and squares, streets, alleys, and highways, and to widen the same, and may condemn and take lands for the same in the following manner: Whenever ten or more freeholders residing in any ward shall represent by petition, to the common council that it is necessary to take certain lands within the ward where said petitioners reside for public use for the purpose of laying out public squares, grounds, streets, alleys or highways, or the enlarging or widening the same, the courses, distances and qualities of the lands proposed to be taken as near as may be, together with the names and residences of the owners of such lands if known to said petitioners, the common council shall thereupon cause written notice of such application to be served upon the actual occupant or occupants of such lands, if any there be, and upon the owners if known, and if any portion of such lands shall not be in the actual occupancy of any persons, and the owners thereof be not known, 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, at least once in each week for two successive weeks.

Notices, what  
to state.

SECTION 2. Such notice shall state that upon a day therein to be named, not less than five 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 of Marinette county, naming such officer, for the appointment of twelve jurors to view the premises proposed to be taken to determine whether it will be necessary or expedient to take the same for the purposes specified in said petition, and to ascertain, appraise and determine

the value of the land, and the amount of damages to be paid to the owner or owners of the property determined to be taken.

SECTION 3. Upon presentation of such application, and upon proof and publication of service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint as such jurors, twelve reputable freeholders, citizens and residents of said city, but not residents of the ward in which said premises may be, nor personally interested in the result of such application. Said judge or court commissioner shall thereupon issue his precept directed to said jurors requiring them to meet within five days thereafter, at a place and time therein stated, to view the premises to be specified in said precept, and to make a return under their hands to the common council, whether in their judgment it is necessary to take the premises specified, or any adjoining premises, for the purpose specified in such application, and also to make returns of the value of the lands and the amount of damages to be paid to the owner or owners respectively, of the property to be taken.

Jurors to be appointed.

SECTION 4. The city marshal or county coroner shall forthwith served his precept on the jurors named, by reading the same to each of them that can be found, and immediately after such service he shall return the precept with his doings thereon to the officer who issued the same.

Who shall serve the precept.

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 shall endorse such substitution on the precept.

In case jurors refuse to act.

SECTION 6. The said judge or court commissioner, or in his absence, any person authorized to administer oaths, shall thereupon administer an oath to said jurors, 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.

Judge to administer oath.

SECTION 7. The jurors shall, at such time as they agree upon without unnecessary delay, proceed in a body to view the premises in question, and shall hear such testimony as may be

Jurors to view premises in a body.

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 witnesses. After viewing the premises and hearing the testimony, 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 and expedient to take the premises in question or adjoining premises for the public use; and in case they find it necessary to take such premises, they shall report in parcels the value of the land and the amount of damages awarded by them, which report, testimony and precept shall be returned to the city clerk within the time limited in said precept, and which award shall be final and conclusive, unless an appeal is taken as hereinafter provided; provided, that in case said jurors determine that it is necessary to take adjoining premises not included in the original petition, the judge or court commissioner, on application of the jurors, shall extend the time by endorsement on the precept for a sufficient period to secure notice to the occupants or owners of such premises by personal service, or by publication of the time and place when such jurors will receive the testimony relative to the value of such adjoining premises, and the amount of damages to be awarded; and provided further, that if the occupant or owner of any of the premises so viewed shall show to the common council that he or she has other or further testimony, not previously obtainable, which will tend to establish greater value to the land proposed to be taken, or a greater amount of damages, the common council shall remand the case to the jurors, to receive and act upon such testimony, and when their report is again presented it shall be final and conclusive, unless an appeal is taken, as hereinafter provided.

If lands belong  
to different  
parties.

SECTION 8. 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, may be awarded to them by the jurors.

SECTION 9. The lands taken for the purposes mentioned in this chapter shall not be appro-

priated to the public use until a city order for the amount of damages awarded to each owner shall be delivered or tendered to him or his agent, or in case the said owner or his agent cannot be found or is unknown, deposited to his credit with the city clerk, 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 ordinances and regulations of the city; provided, that the city order for the amount of damages awarded by the aforesaid jurors shall be paid, tendered or deposited as hereinbefore required, within one year from the date of the filing of the said award and report with the city clerk, and if not so paid, or tendered, or deposited, all the proceedings in such case shall be null and void.

Damages to be tendered before property can be taken.

SECTION 10. When any known owner of lands or tenements effected by any proceedings under this act, shall be an infant or labor under legal disability, the judge of any court of record in said county may, upon the application of the common council or such party, or his next of kin, appoint a guardian for such party, and all notices required by this chapter shall be served upon such guardian.

In case of infant.

SECTION 11. Whenever any public grounds, streets, avenue, highway 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, and shall also cause the same to be recorded in the office of the register of deeds in Marinette county.

Surveys to be made.

SECTION 12. Any person whose property is taken or against whom an assessment is made, may, within twenty days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Marinette county, where such appeal shall be tried by the court and jury, as in ordinary cases. The city, by vote of the common council, shall have the same right to appeal. The appeal shall be taken in the same manner as appeal from the disallowance of bills by the common council, but when the city appeals no bond or fee for making returns or prepayment of the state tax shall be required. The appellant shall be the plaintiff in

Appeal may be made.

the circuit court and the opposite party defendant.

## CHAPTER VII.

### CITY IMPROVEMENTS.

Ordinances for  
city improve-  
ments.

SECTION 1. The common council shall adopt ordinances and general regulations relative to the cleansing and repairing of streets, avenues, lanes, alleys, highways, bridges, sewers, sidewalks and crosswalks and public grounds. The common council shall determine the advisability and necessity of building and rebuilding sidewalks, and shall prescribe the width, manner and style of building and maintaining the same, and shall cause written notice of their determination to be served upon the owner or owners of lot or lots adjoining thereto or abutting thereon, and shall in such notice require the said owner or owners to build, rebuild or repair said walks within such time and in such manner as they shall designate therein. The expense of building, repairing and rebuilding of sidewalks shall be charged to the property where such improvements are made, and in case the owner or occupant of such lot or parcel of land, after such due notice in writing shall neglect or refuse to build, repair or rebuild any such sidewalk, the street commissioner shall, in pursuance of such regulations or of the order of the common council cause the same to be done at the expense of said lots or parcels of lands adjoining thereto or abutting thereon; and the street commissioner shall, prior to the first Monday in November in each year make a report in detail to the city clerk, verified, of the amount of tax properly chargeable against such lot or parcel of land for all work done and unpaid for under the provisions of this section, and such amount shall be a lien on such lot or parcel of land, and with other like special taxes authorized by this act, shall be levied thereon by the common council, at the next succeeding annual levy of taxes in said city, as a special tax, with all the legal consequences both as to the collection of taxes and the sale of such lot or parcel of land for unpaid taxes prescribed by this act or the general laws of the state for special taxes. The cleaning and repairs of

streets, avenues, lanes, alleys, highways and public grounds, shall be done under the superintendence of the street commissioner, and if his office be vacant, then by the city marshal, and at the expense of the city; and the common council may provide for letting all such work by the month or year by contract. Whenever the street committee of the common council signify in writing to the city clerk, that certain repairs, as provided in this section, are needed, the city clerk shall forthwith notify in writing the street commissioner to cause the same to be done; and if the street commissioner shall be absent or his office vacant, or shall fail or neglect to cause the same to be done within six days from the time of receiving such notification, said street committee may in writing, to be filed in the clerk's office, order the city marshal or designate a suitable person to act in his stead, which marshal or person shall proceed in all respects the same as the street commissioner, and shall immediately thereafter make a full return of his doings, under o. o. , to the city clerk, and the acts or doings of the marshal or such person so appointed shall have the same force, effect and validity, as the acts of the street commissioner.

SECTION 2. The street commissioner shall give notice to all owners or occupants of lands which may be deemed injurious to the health by reason of stagnant water remaining thereon, to abate such nuisance by draining or filling such lots or lands within a reasonable time to be specified; and if such nuisance shall not be abated or removed within the time so specified, the street commissioner shall cause the same to be abated or removed, or shall report the same to the common council, and they shall by regulation or by-law take such action in the matter as they may deem best, and the expense of such abatement or removal shall be charged to and collected from said lots or lands as other special taxes are charged and collected.

Stagnant  
waters must be  
removed.

SECTION 3. The cost and expense of surveying streets, alleys, sidewalks, sewers, and of estimating work thereon, and of constructing and repairing public wells and reservoirs, shall be chargeable to and payable out of the general fund of the city. Opening, grading, graveling, planking, paving or

Cost of survey-  
ing, to whom  
charged,

repairing streets and alleys, avenues and lanes shall be chargeable and payable out of the general city fund.

**Sewerage.**

**SECTION 4.** Whenever it may become necessary, in the opinion of the common council, to provide sewerage and drainage for the city, or any part thereof, it shall be their duty to devise or cause a plan to be devised for the whole city, or for such part thereof as they shall determine.

**Sewer districts.**

**SECTION 5.** Such plans shall, in the discretion of the common council, be formed with a view of the division of the city into sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections, the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plans, diagrams and profiles of such plan, when adopted, shall be filed in the office of the city clerk.

**Diagram and  
plans to be  
made.**

**SECTION 6.** Before proceeding to the construction of any district sewer, the council shall cause a diagram, plat and profile of the whole sewer district to be made, showing all the streets, public grounds, lands, lots and subdivision thereof in the district, and the proposed route and location of the sewer, and the depth, grade, and the dimensions thereof, and shall procure an estimate of the cost thereof. And they shall give notice by publication for at least two weeks in the official newspaper of the city of the intention to construct such sewer, and where said diagram, plat and profile may be found for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer.

**Construction of  
sewers.**

**SECTION 7.** When the council shall determine to construct any such district sewer they shall so declare by resolution, designating the district and describing by reference to the plat and diagram thereof mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and they shall cause such plat, diagram and profile as adopted, to be recorded in the office of the city clerk and in the book of sewer records.

**To be paid for  
out of general  
fund.**

**SECTION 8.** The cost and expense of establishing, building, repairing and maintaining all public

sewers and their appurtenances shall be paid out of the general fund of said city.

SECTION 9. The owner or occupants of lots or premises shall have the right to connect the same at their own expense by means of private drains with the public sewers and drains under such rules and regulations as the common council shall prescribe but no such connection shall be made without a special permit therefor being first had, issued and obtained under the authority of the common council. The common council may by ordinance prescribe a fine or penalty to be imposed on and collected from any person making such connection without such permit. Any party authorizing or doing any injury to a public sewer or drain, whether or not such party had a permit to connect with such sewer or drain, shall be liable to said city for all damages sustained by said city by reason of such injury.

SECTION 10. The street commissioner shall not have power to make, grade, gravel or pave any street, avenue, alley or public grounds, or to construct any well, gutter or sidewalk unless the same shall have been first duly authorized by an order of the common council to be entered in their proceedings; provided, that nothing herein contained shall be so construed as to prohibit the street commissioner from making or causing to be made all necessary repairs to any sidewalk, street, avenue, alley, public grounds, wells, reservoirs, sewers and gutters. If the common council shall order any special improvement to be made, or pass any ordinance requiring any special improvement to be done, the vote thereon shall be taken by yeas and nays, and entered upon the journal of the proceedings of said common council; and no special improvements shall be valid or binding unless said vote be so taken and recorded.

SECTION 11. Before the common council shall order the making of any public improvement there shall be made and filed in the office of the city clerk, all necessary plans and specifications therefor, and an estimate of the whole expense thereof, and such estimates and plans shall be open to the inspection of all parties interested. All work done for said city pursuant to the provisions of this chapter shall be subject to the acceptance of such persons as the common council

Private drains.

Council to authorize street commissioner to make improvements.

Plans and specifications to be filed.

may appoint; provided, that any contractor may appeal from the decision of such persons appointed by the common council. The common council may in its discretion employ any competent person to superintend the construction of such public work as it thinks proper.

## CHAPTER VIII.

### FIRE DEPARTMENT.

#### Fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power and it shall be their duty to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof, shall not be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed, shall be made and constructed of fire-proof materials; and to prohibit the repairing, enlarging rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage, and to make such other regulations in regard to the erection, construction and removing of buildings within such fire limits.

#### Dangerous construction of chimneys, etc., prohibited.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, either for manufacturing, lighting or heating purposes, and to cause the same to be removed and placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants within to provide as many fire-buckets, in such manner and time as they shall prescribe, and to regulate the use of them at 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 or fire-arms; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same; and also to provide wells or cisterns

on their premises; to authorize the mayor, aldermen, fire-warden and other officers of the city to keep away from the vicinity of any fire all idle and suspected people, and to compel all by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishing of fires as the common council may deem expedient, and shall have power to compel owners of buildings to place and maintain on such buildings proper and sufficient fire-escapes thereon.

SECTION 3. The common council shall have full power to purchase fire-engines, and other fire apparatus, and to provide for, organize and maintain a fire department, and to make all necessary rules and regulations for the government of said department, by ordinance or otherwise, and to enforce the same.

Purchase of  
fire-engines.

SECTION 4. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman, at any fire, it shall be lawful for the officer to arrest, or direct orally the marshal, policeman, constable, watchman, or any citizen to arrest such person, and to confine him temporarily in some safe place until such fire shall be extinguished; and in the same manner such officer or any of them may arrest or direct the arrest and confinement of any such person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to obey such lawful order, or who shall refuse to arrest or aid in arresting any such person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

Penalty for  
refusal to obey  
lawful order.

SECTION 5. The common council, at its first meeting in each corporate year, shall appoint a chief engineer of the fire department, and as many assistant engineers and fire wardens as it may deem necessary, who shall each hold his office during the pleasure of the common council, and until his successor shall be appointed by said council.

Chief engineer of  
fire department.

SECTION 6. It shall be lawful for said wardens at any time in the discharge of their duties to enter any building or enclosure for the purpose of inspecting the same, and they may, if necessary, force an entrance into such building or enclosure.

Fire wardens.

City treasury  
to receive all  
fines, etc.

SECTION 7. The net proceeds of all fines and penalties recovered for any breach of any ordinance or regulation made in pursuance of this chapter, shall be paid into the city treasury.

Control of  
water-works.

SECTION 8. The common council shall have full power to regulate and control by ordinance any water-works which may be established or constructed in said city, and to utilize the same for extinguishing fires in such manner as they may deem best.

## CHAPTER IX.

### SUPPORT OF THE POOR.

Support of the  
poor.

SECTION 1. All laws of this state for the relief and support of the poor in towns shall apply to said city, but the common council may by ordinance, prescribe the mode of supporting the city paupers. And the common council shall appoint some suitable person to act as commissioner of the poor of said city, who shall perform all the duties of overseer of the poor in towns, and such other and further duties as the common council shall prescribe. On the first day of each month the commissioner of the poor shall file with the city clerk a report to the common council an itemized statement, showing all his expenditures during the preceding month. Said commissioner shall attend all regular meetings of the common council.

## CHAPTER X.

### CEMETERIES.

Cemetery in  
city limits.

SECTION 1. All rights and title that the town of Marinette may have on the first Tuesday of April, 1887, in and to any cemetery within the limits of said city, shall then vest in said city, and all obligations of said town in relation thereto shall devolve upon and be assumed by said city.

Regarding  
cemeteries.

SECTION 2. The city may acquire, hold and own such cemetery or public burial place or places, either within or without the limits of said city, as in the opinion of the common council shall be necessary to the public welfare, and suitable for the convenience of the inhabitants, and may pro-

hibit the interment of the dead within the city, or may limit such interment therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burial to be taken up and buried elsewhere.

SECTION 3. The common council may within the limitation of this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, protection and the care thereof.

Money for cemetery grounds.

SECTION 4. Whenever the city shall own, purchase or otherwise acquire any cemetery or cemetery grounds, the council shall appoint three trustees who shall be freeholders and electors of the city and who with the city clerk shall constitute a board of cemetery trustees. The three trustees so appointed to hold their office for the term of three years, except that at the first appointment, one shall be appointed for one year, one for two years and one for three years, from the first Monday of May in each year when appointed, and annually thereafter one trustee shall be appointed. The common council may remove any trustee so appointed for inattention to his duties, for want of proper judgment, skill or taste in the discharge of the duties required of him, or other good cause. Said board shall serve without compensation. The common council shall make and pass all necessary ordinances and by-laws for the regulation of the said board, and shall prescribe their powers and duties.

Trustees are freeholders.

SECTION 5. The board of cemetery trustees shall appoint one of their number chairman and the city clerk shall be clerk of the board. The common council may, by ordinance, invest the board with such powers and authority, as may be necessary, for the care and management and preservation of such cemetery and grounds, and the board shall perform the duties herein mentioned and such other duties as the board may prescribe. They shall have the care and management of every such burial place or places; shall direct the improvements and embellishments of the grounds, cause such grounds to be laid out into lots, avenues and walks, the lots to be numbered and the avenues and walks to be named, and the plats there-

Cemetery trustees to appoint chairman.

of to be made and recorded in the office of the register of deeds of Marinette county, and thereafter filed and preserved in the office of the city clerk. The board shall fix the price of lots and of single graves, and make the sales thereof. The conveyances of such lots shall, on behalf the city, be executed and acknowledged by the city clerk as other conveyances, in a separate book provided for that purpose in his office. The board shall at such time as the council shall prescribe, report to the common council and recommend to the council, such regulations as they may deem best to be passed by the council for the burial of the dead, the care and protection of the grounds and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds; and the common council shall have power to pass and enforce all such regulations.

Money raised to be paid into city treasury.

SECTION 6. All moneys raised for the purchase, improvement or maintenance of any cemetery or burial place authorized by this act, and moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated "the cemetery fund," such fund shall not be devoted or applied to any other purpose except for the purposes of such cemetery.

## CHAPTER XI.

### BOARD OF EDUCATION.

School district.

SECTION 1. The city of Marinette shall constitute one school district. The school commissioners herein named shall constitute and be styled the "Board of Education of the city of Marinette," and shall serve without compensation. Such board shall consist of one commissioner from each ward, whose term of office shall be for two years and until his successor is elected and qualified. At the first election held in said city the evenly numbered wards shall each elect a school commissioner for the term of one year, and the oddly numbered wards shall each elect a school commissioner for the term of two years; thereafter school commissioners shall be elected from the evenly numbered wards in even years, and from the oddly numbered wards in odd years.

SECTION 2. It shall be the duty of the city clerk Notify person elected. immediately after the election of any person as school commissioner either personally or by writing to notify him of his election; and if any such person shall not within ten days thereafter, take and file the constitutional oath with the clerk of said city, the common council may consider it a refusal to serve and may fill the vacancy in the manner hereinbefore provided.

SECTION 3. The board of education shall hold its first regular meeting in each year on Wednesday next after the second Tuesday of April, at such place as the common council shall designate. They shall at that meeting elect a president of their own number, and a clerk who may or who may not be one of their own number, who shall be styled respectively the president and clerk of the board of education. They shall at that meeting fix stated times for holding regular meetings for the ensuing year. Special meetings of the board may be called by the president of the board by personal notice thereof on each one of the members. Regular meeting of board of education.

SECTION 4. The clerk of the board of education shall take the school census, keep a full record of all proceedings of the board, sign orders as directed by the board, make out reports for the board to the common council, and perform such other duties as may be required of him by this act of the said board. He may receive for his services an annual salary to be fixed by the board and paid out of the school fund of the city, not exceeding two hundred dollars. Clerk to take school census.

SECTION 5. The school year shall begin on the first Monday in July of each year. The board of education shall employ a competent person to be superintendent of schools, whose term of office shall be for the school year; he shall be subject to the board of education, have personal supervision of education in all the schools of the city. He shall conduct examinations of applicants to teach in said city, and issue necessary teachers' certificates to those found properly qualified, he shall promptly advise the board of all matters that may come under his notice, expedient for the welfare of education in said city, and perform all other duties required of superintendents of schools in cities, by the laws of this state, or required by this Superintendent of schools.

act of the board of education. His compensation shall be fixed by contract with the school board and paid out of the school fund of said city.

Protection of school houses.

SECTION 6. It shall be the duty of the common council of said city to pass such ordinances and regulations as the board of education may report to them as necessary and proper for the preservation and protection of the school-houses, sites and all other property belonging to and connected with the public schools of said city, and impose proper penalties for the violation thereof; and all such penalties shall be collected in the same manner as penalties for the violation of city ordinances, and shall be paid to the treasurer and be subject to the order of the board of education, and shall be expended by said board for the use of the said schools in said city.

Title to vest in city.

SECTION 7. The title of all the school-houses, sites, furniture, books and apparatus shall become and be vested in the city of Marinette, and the same while used for school purposes shall not be levied upon or sold by virtue of any law or execution, nor subject to taxation for any purpose whatsoever.

Selling school sites, etc.

SECTION 8. Whenever said board of education shall report to the common council that it is advisable to sell any of the school-houses or sites now or hereafter belonging to said city, the common council may dispose of the same, but no such conveyance of real estate shall be made except upon the recommendation of the board of education, nor shall any school-house or site belonging to said city for school purposes, be used for any other purpose without the unanimous consent of said board.

SECTION 9. The board of education shall have power and it shall be their duty:

Organize schools.

1. To establish and organize such schools in said city as they may deem expedient and necessary, and, in their discretion, to discontinue the same.

Purchase school sites.

2. To purchase or lease school-houses or lots, or sites for school-houses, and to fence or otherwise improve the same as they may deem proper, upon such lots and upon any sites now owned by said city; to build, enlarge, improve and repair school-houses, outhouses and their appurtenances as they may deem proper; provided, no

contract to purchase a school-house or a school-house site, nor to build nor enlarge any school-house shall be made, except the same shall be previously authorized by the common council.

3. To purchase, exchange, repair or improve school apparatus and furniture; to furnish pupils with books and to provide fuel for the schools, and to defray the contingent expenses.

School apparatus.

4. To have the custody and safe keeping of the school-houses, outhouses, books and furniture belonging to the schools in said city and see that the ordinances of the common council relating thereto are strictly observed.

Custody of school-houses.

5. To employ and contract with all the teachers in the common schools, to whom the necessary certificates shall have been given by the superintendent, and at their pleasure to remove them; provided, that no contract for the employment of teachers shall extend beyond the first day of July next succeeding the date of such contract; to have in all respects the supervision and management of the common schools of said city, and from time to time to make, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government or instruction, for the reception of pupils from other districts and the transfer of pupils from one department to another, and generally for their good order and advancement.

Contract for teachers.

6. To make such orders and regulations in regard to the examination of teachers as they may deem proper; provided, that such examination shall be conducted by the superintendent or in his presence, and none but the superintendent shall be authorized to issue or give certificates of qualification.

Examination of teachers.

SECTION 10. The said board shall have power to allow children not residents of the city to attend any of the schools in said city, and to fix the amount of tuition to be paid in advance by them and the terms upon which they may attend such school.

School fees.

SECTION 11. The board shall be trustees of the school district library in said city and shall expend all moneys appropriated by law or gift for enlarging and establishing the same.

Library.

SECTION 12. At the first regular meeting of the common council in July of each year the board

Itemized statement to be made.

of education shall lay before it an itemized correct statement of all receipts and disbursements of all school moneys during the preceding year, specifying from what source received and for what purpose expended. At or before such meeting the board of education shall further certify to the common council an itemized statement of the amounts that they may deem necessary for school purposes for the ensuing year. If the common council approve, they shall forthwith order that the amount stated by the board of education be levied for school purposes. If the council disapprove they shall appoint a certain time within ten days thereafter, when and where the board of education may be heard. Notice of such hearing shall forthwith be served by the city clerk upon the president of the board of education. At the time and place named in such notice, the common council shall assemble and hear the members of the board of education concerning the amount necessary for school purposes. The common council shall then and there, or within ten days thereafter, determine and order the amount of taxes to be levied for school purposes for the ensuing year.

How moneys  
to be paid out.

SECTION 13. No moneys shall be paid out of the school fund of said city, except on an order authorized by the board of education, signed by its president and attested by its clerk.

School commis-  
sioners not to  
be interested  
in any contract.

SECTION 14. No school commissioner shall be directly or indirectly interested in any contract made with the board of education, and all such contracts shall be void and money paid thereon from the school fund may be recovered. In case any school commissioner shall purposely vote for any appropriation or for the payment or expenditure of any money not authorized by law, or in case the board of education shall authorize any expenditure for any purpose not authorized in this act or exceeding the amount the board of education are authorized to certify to the common council to raise for any purpose in any one year, the school commissioner or any of them voting for any such appropriation or expenditure, or for the contracting of any such debt or debts, shall be personally liable to the city of Marinette, or any person or persons who may sue for the same in an action in a court of competent jurisdiction,

for any damage the city may sustain in consequence of any such illegal payment, expenditure or appropriation.

## CHAPTER XII.

### MISCELLANEOUS PROVISIONS.

**SECTION 1.** All powers conferred upon towns or cities of this state to vote, levy and collect special taxes shall be of full force and effect in said city.

**SECTION 2.** All work for the city or school-district, except teaching and performing the duties of school superintendent, when the price therefor exceeds three hundred dollars, shall be let by contract to the lowest and best bidder, and due notice shall be given of the time and place of letting such contract, reserving the right to said city to reject any or all bids.

**SECTION 3.** Actions brought to recover any penalty or forfeiture under this act, or the ordinances, fire, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city, except actions brought for the violation of any ordinance or regulation relating to the sale, traffic or dealing in intoxicating liquors, which shall be brought in the name of the state of Wisconsin, and like proceedings had therein as in other criminal actions. It shall be the duty of the district attorney of Marinette county, on notice given to him by the justice of the peace before whom such complaint shall be made, to attend the trial before such justice, and to conduct the same on behalf of the state. It shall be lawful to declare generally in debt for penalty or forfeiture, stating the clause of this act or ordinance or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it, except as aforesaid.

Actions to be brought in corporate name of city.

**SECTION 4.** In all prosecutions for any violation of any of the provisions of this act or of any ordinance or regulation, the first process shall be a summons unless oath be made for a warrant as in other cases.

First process.

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

Form of summons.

The city of Marinette }  
 against \_\_\_\_\_ } In justice court.

The plaintiff complains against the defendant for that the defendant did on the — day of —, 18—, violate section — of an ordinance (or regulation describing it by its title and stating clearly the offense charged or complained of) which said — is now in force. By reason of such violation an action has accrued to the city of Marinette 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 the oath is made for a warrant, the complaint shall be made on the oath of the complainant, and no other affidavit shall be necessary, which complaint last above named may be substantially in the following form:

Form of warrant.

The City of Marinette, }  
 against \_\_\_\_\_ } In justice court.

State of Wisconsin, }  
 Marinette county, } ss.

\_\_\_\_\_, being duly sworn, complains on oath to \_\_\_\_\_, a justice of the peace of the city, Marinette, that \_\_\_\_\_ did on the \_\_\_\_\_ of —, 18—, violate section \_\_\_\_\_ of an ordinance (or regulation) of said city (describing it by its title and stating the offense charged or complained of), which said — is now in force and effect as the complainant verily believes; and prays that said \_\_\_\_\_ may be arrested and held to answer to said city of Marinette therefor.

Subscribed and sworn to before me this — day of —, 18—.

Said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, the commissioner shall issue a warrant thereon, which may be substantially as follows:

State of Wisconsin, }  
 County of Marinette, } ss.  
 City of Marinette. }

To the sheriff, or any constable of said county, or

to the marshal of the city of Marinette, greeting:

Whereas — has this day complained to me in writing, on oath, that — did, on the — day of —, 18—, violate section — (or sections —) of ordinance (regulation or by-law as the case may be, describing by its title and stating clearly the offense charged or complained of) which said — is now in full force and effect, as the said complainant verily believes; therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of said —, and bring him before me forthwith, to answer to the city of Marinette on the complaint aforesaid.

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

Justice of the peace.

Upon the return of the warrant the justice shall proceed with the case, unless it be continued by consent or for cause, if the cause be adjourned, the defendant, if required by the court so to do, shall recognize with security to be approved by the court, for his or her appearance, in such sum as the court may direct, or in default thereof may be put in charge of the officer making the arrest, or be committed to the common jail of Marinette county. The complaint made as aforesaid, shall be the only complaint required, and a plea of "not guilty" shall put in issue all subject matter embraced in the section.

SECTION 7. Witnesses and jurors shall attend before a justice of the peace in all criminal actions and in all civil actions when called on behalf of the state or said city without the prepayment or tender of fees upon the process of the court, duly served, and in default thereof, their attendance may be compelled by attachment.

Prepayment of fees not necessary, findings of court.

SECTION 8. In all prosecutions under this chapter the finding of court or jury shall be guilty or not guilty, as the case may be; if guilty, the court shall render judgment thereon against defendant for the fine, penalty or forfeiture contained in the ordinance, or regulation for the violation of which the defendant shall have been adjudged guilty; and for the costs of the suit. But if not guilty the costs shall be taxed against the city, except when the state of Wisconsin is a party; then the costs shall be taxed against the county of Marinette.

Form of execution.

Upon conviction, in all cases where the city is a party under this act, and upon the non-payment of such judgment the court may forthwith issue an execution as in cases of tort, and shall determine and enter upon the docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. The exemption of the person of females from execution, provided for in section 3681, of the Revised Statutes of Wisconsin, shall not extend to cases under this chapter. Such execution may be in the following form:

State of Wisconsin, }  
 City of Marinette, } ss.  
 County of Marinette }

To the sheriff, or any constable of the county of Marinette, or to the city marshal of said city, and to the keeper of the common jail of the county, greeting:

Whereas, the city of Marinette, on the — day of —, A. D. 18—, recovered a judgment before —, a justice of the peace of said city, against —, for the sum of — dollars, together with — dollars, cost of suit, for the violation of an ordinance (by-law, regulation or law, as the case may be), these are therefore in the name of the state of Wisconsin, to command you to levy distress of the goods and chattels of said —, except such as the law exempts, and make sale thereof according to law in such case, made and provided 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 take the body of said —, and him convey and deliver to the keeper of common jail of Marinette county; and said keeper is hereby commanded to receive and keep in custody in said jail the said —, for the term of —, unless said judgment, together with all costs and fees, are sooner paid, or he (or she) be discharged by due course of law.

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

Justice of the peace.

And on conviction in all actions brought pur-

suant to the provisions of this act and the laws of the state of Wisconsin, not inconsistent herewith, and the non-payment of such judgment, fine, penalty or forfeiture, the defendant in such action shall be committed to the common jail of Marinette county until such fine, penalty or forfeiture and all costs are paid, or until discharged by due course of law, and said commitment shall be in the usual form prescribed by law; provided, always, that it shall be competent for the justice to impose hard labor in addition to imprisonment inside or outside of such jail, but within the jail limits as established, and the common council shall, by ordinance, regulate the mode and manner of performing such labor, and the officer or officers who shall control such prisoners, and the form of the commitment may be varied accordingly; provided, however, that no female convicted or found guilty of any offense under the provisions of this act shall not be sentenced to do hard labor.

SECTION 9. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city or state shall be a party in interest.

Shall not work incompetency.

SECTION 10. All that part of Menomonee river and Green Bay within the limits of said city shall be under the exclusive jurisdiction of said city and its common council, and all bridges over said river within said limits shall be under its control, and the common council shall have full power to build and construct, or cause to be built and constructed, new bridges at such points as they may deem necessary and for the best interest of the city, and to maintain and support all bridges which said city may now or hereafter want.

Territory under control of city.

SECTION 11. The said city by its common council may join with any municipality of the state of Michigan to build, maintain and repair any bridge over the Menomonee river and connecting said city with such municipality in Michigan, and the common council of said city in the name of said city may contract with such municipality in Michigan, agree and fix the proportion of the cost and expense of building, maintaining or repairing any such bridge or bridges to be borne and paid by said city, and the proportion

Building bridges over river.

thereof to be borne and paid by such municipality in Michigan. The common council of said city shall jointly with the proper authorities of said municipality of Michigan have the care and supervision of locating, building, maintaining and repairing such bridge or bridges. All bridges constructed or maintained pursuant to the provisions of this act, when consented to or approved by the authorities of the United States, shall be considered and deemed, and shall be legal structures.

General bridge law to be in force.

SECTION 12. The general laws for the preservation of bridges and the punishment by such laws provided for wilful and malicious injuries done thereto are hereby extended to and shall include all of said bridges, and shall apply to any wilful and malicious damages which may be done to either of them by any person or persons whatever; and the common council may, from time to time, make such by-laws or ordinances as they may deem necessary, for the preservation of such bridges, and enforce the same by adequate penalties. In cases of any damage done to any of said bridges by any vessel or water craft, or by the master or any person in command thereof, such vessel or water craft may be proceeded against under the law in the same manner as is provided for the collection of demands against boats and vessels.

Process, how served.

SECTION 13. When any suit or action shall be commenced against said city the service thereof may be made by leaving a copy of the process by a proper officer with the city clerk, and it shall be the duty of the city clerk to inform the city attorney and the common council or take such other proceedings as by ordinance or other by-laws of said common council may be in such case provided. When a final judgment shall be recovered against said city or against any city officer, in an action by or against him in his name of office, when the same should be paid by the city, the judgment creditor, his assignee or attorney, may file with the city clerk a certified transcript of such judgment, or of the docket thereof, together with his affidavit, showing the amount due thereon, and all payments made, if any, and that the judgment has not been appealed from or removed to another court, or if so appealed from or removed, has been affirmed; thereupon a tax, sufficient to pay such

judgment, with interest to the time when the tax warrant shall expire, shall be levied and collected as other city taxes, and when so collected shall be paid by the city treasurer to the person entitled thereto, upon a proper voucher. No execution shall issue upon any such judgment, except transcript and affidavit be filed as above prescribed, previous to the time of levying the annual taxes, and then not until after the lapse of sixty days from the expiration of the tax warrant, and then only upon legal court granted on motion duly noticed. All property of said city used for school purposes or paid for out of the school fund shall be exempt from seizure and sale upon execution, or any process of court.

SECTION 14. The common council may at any time by resolution duly passed and entered on its minutes, authorize the city surveyor, or such assistant surveyor as they may appoint, to make a new and accurate survey of the lines and boundaries of all the streets, alleys, avenues, highways, public grounds, wards, docks, blocks and lots establishing such permanent landmarks in each ward, or in any of the wards as the common council may require, and to cause an accurate map or maps, plat or plats thereof to be made and certified to by said surveyor or assistant surveyor, to be approved by the common council, which approval shall be endorsed thereon by the city clerk with the corporate seal of the city attached, and filed in the office of the city clerk, and an attested copy thereof filed and recorded in the office of the register of deeds of Marinette county, and such survey and landmarks, when so established and recorded shall be prima facie evidence in all courts and places, of the facts therein set forth.

Accurate survey to be made

SECTION 15. Said city may purchase, lease and hold real or personal estate sufficient for public uses, and may sell and convey the same, and the same may be free from taxation.

Personal estate may be purchased. †

SECTION 16. All real estate within the limits of said city, except the property of said city, shall be subject to special taxes and assessments authorized by this act for special improvements.

Special taxes and assessments.

SECTION 17. Every individual or company of individuals, or body corporate, owning a lot or tract of land within the limits of the city of Marinette who may desire to subdivide or plat such

Subdivision of lots.

lot or tract of land into city lots, shall in platting the same cause the streets, avenues and alleys in such plat to correspond in width and general direction with the streets, avenues and alleys through the lots and blocks in said city adjacent to said lot or tract of land so platted; and before recording such plat, as required by law, it shall be the duty of such person or persons making such plat to submit the same to the common council of said city for approval, and if said plat shall be approved by the common council it shall be lawful for the party or parties making such plat to record the same in the manner prescribed by the statutes of this state concerning town plats, but except such plat shall be approved by resolution adopted by said common council, a copy of which duly certified to by the city clerk shall be affixed to said plat, it shall not be lawful for the register of deeds of Marinette county to receive such plat for record, 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 dollars and not more than one thousand dollars, and the register of deeds who shall record such plat without such resolution of the common council thereto attached approving the same, shall forfeit and pay a sum of not less than fifty nor more than one hundred dollars, to be paid into the city treasury for the use of said city.

Parties to deeds  
and leases.

SECTION 18. When the city 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 Marinette," and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor to execute  
deeds,  
leases, etc.

SECTION 19. The mayor of said city is hereby authorized to execute a deed or deeds, lease or leases, or other conveyance, of any real estate belonging to the city; provided, that such sale, lease, quitclaim, or other conveyance, shall first be authorized by the common council, by ordinance or resolution, which ordinance or resolution shall fully describe the real estate and interest to be conveyed. Said deed or other instrument shall be signed by the mayor and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged as prescribed by law.

SECTION 20. Whenever such deed or other conveyance is so executed, the city clerk shall attach thereto a true and attested copy of such ordinance or resolution, and the same shall be recorded by the register of deeds of Marinette county, with said instrument; and such copy, so attached and recorded, shall be prima facie evidence in all courts and places of the authority of such mayor to make and execute such deed, lease or other conveyance.

City clerk to attest copy.

SECTION 21. All property, real or personal, within the corporate limits of said city, and belonging, on the first Tuesday of April, 1887, to the town of Marinette, in said county, or to any school district thereof, shall then vest in and belong to the city of Marinette. All amounts becoming due and payable after the first Tuesday of April, 1887, or any contract made by said town for the purchase, repair or custody of said property, and all amounts coming due for services thereafter rendered within the limits of said city, pursuant to any valid contract theretofore made on behalf of said town or school district, shall be paid by said city.

City rights defined.

SECTION 22. The town clerk of the town of Marinette shall, on demand, deliver to the city clerk of said city, all books, papers and property in his custody as such town clerk, or in any way appertaining to his office. Every clerk of school districts maintaining schools within the limits of said city shall, on demand, deliver to said city clerk all books, papers and property in his custody as such officer, or in any way appertaining to his office. The lien of any chattel mortgage or bill of sale on file with said town clerk at the time of such demand and delivery shall not be impaired or affected thereby.

Delivery of books, etc.

SECTION 23. The present town treasurer of the town of Marinette, shall deliver on demand to the city treasurer of said city, who shall be deemed his successor in office, all the books and property, belonging to or deposited in his office and all moneys in his hands as such town treasurer, with a statement of the amount thereof belonging to each of the several funds. Every treasurer of the school district, maintaining schools within the limits of said city, shall on demand deliver to the city treasurer of said city, all the books and

Town treasurer to deliver books to city treasurer.

property belonging to said district and all moneys in his hands as such school district treasurer, with a statement of the amount thereof belonging to each of the several funds.

Town library to belong to city.

SECTION 24. The town library of the town of Marinette, and all books and property thereunto appertaining, shall, on demand, be delivered by its custodians to such person or persons as the common council of said city shall designate.

Settlement between town and city to be made.

SECTION 25. The common council of said city, or a committee thereof, to be appointed thereby for that purpose, shall meet with the board of supervisors of the town or towns, made from that portion of the town of Marinette not within the limits of said city, at the common council rooms in the city of Marinette, upon six days' written notice given by either party to the other, by service thereof on the town or city clerk, for the purpose of apportioning the indebtedness of said town, and the funds in the treasury of said town as they shall be found on the first Tuesday of April, 1887.

Officers of city designated.

SECTION 26. Duplicate certificates of such apportionment shall be made, signed by said town board or boards and the common council or its committee, one of which certificates shall be filed with the city clerk and one with the town clerk of said town or towns.

SECTION 27. This act shall take effect and be in force from and after its passage and publication.  
Approved March 23, 1887.

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[No. 558, A.]

[Published March 25, 1887.]

## CHAPTER 120.

AN ACT to amend the charter of the city of Appleton.

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

The elective officers of the city.

SECTION 1. Section 2, of sub-chapter 2, of chapter 441, of the general laws of 1885, is hereby