

[No. 478, A.]

[Published April 8, 1887.]

## CHAPTER 257.

AN ACT to incorporate the city of Rice Lake.

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

## CHAPTER I.

Corporate  
name.

SECTION 1. From and after the first day of April, A. D. 1887, all that section of country in the county of Barron, hereinafter described, shall be and remain a city by the name of Rice Lake, and the people who now or may hereafter inhabit said district shall be a municipal corporation by the name of the city of Rice Lake, and shall have the general powers possessed by municipal corporations at common law, and also the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession 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 change and alter the same at pleasure.

City  
boundaries.

SECTION 2. The south half of section sixteen the east half of the southeast quarter of section seventeen, the east half of the northeast quarter and the east half of the southeast quarter of section twenty, all of sections twenty-one and twenty-eight, and the west half of the northeast quarter, government lot three, and the west half of section twenty-seven, all in township thirty-five, of range eleven west, and the waters of Rice lake, to the eastern shores thereof at high water mark, as now flowed from the north line of the south half of said section sixteen, to the north line of section twenty-seven, shall be included within and constitute the territory comprising the city of Rice Lake; provided, however, that nothing herein contained shall in any manner affect or interfere with the rights, powers, privileges and franchises heretofore granted and

used by any person or corporation in, upon or across Rice lake, the waters or shores thereof, or the free and full occupation and use thereof.

SECTION 3. The city shall be divided into four wards. All that portion of the city lying north of the center line of Marshall street and east of the Chippewa Falls and Northern railway, and the south half of said section sixteen, shall constitute the first ward. All that portion of said city lying south of the center line of said Marshall street, and north of a certain line running east and west twenty-two rods south of and parallel with the south eighth line of said section twenty-one, and east of said railway, shall constitute the second ward. All that portion of said city lying south of said parallel line and east of said railway, shall constitute the third ward. And all that portion of said city lying west of said railway, excepting that portion of said section sixteen in ward one, shall constitute the fourth ward.

Ward  
boundaries.

## CHAPTER II.

### ELECTION AND OFFICERS.

SECTION 1. The annual election for city and ward officers shall be held on the third Tuesday in April, of each year, at such place in each ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon until seven o'clock in the afternoon, and ten days' notice shall be given by the city clerk in such a manner as the common council shall direct, of the time and place of holding such elections, and of the city and ward officers to be chosen.

Annual  
election, when  
to be held.

SECTION 2. The elective officers of the city shall be a mayor, two aldermen from each ward, a city treasurer, a city clerk, a city attorney, one assessor, two justices of the peace, one supervisor in each ward, who shall represent his ward in the board of supervisors of Barron county, and one constable from each ward, which said officers shall hold their respective offices as follows: The mayor, aldermen, city treasurer, city clerk, city attorney, assessor, supervisors and constables, for one year; justices of the peace for two years. The

Elective and  
appointive  
officers.

term of office — except for justices of the peace — shall commence on the second Tuesday of April of the year for which said officers are elected, each of said officers shall continue in office for his respective term, and until his successor is elected and qualified. Justices of the peace shall qualify at the time and in the manner required by law for the justices of the peace elected in the several towns, except that their bonds shall be approved by the mayor of the city. All other officers, except as hereinafter provided, necessary for the proper management of the affairs of the city, shall be appointed by the mayor, subject to the approval as the common council, and the term of office of all appointive officers shall expire with that of the mayor who appointed them, unless herein otherwise provided.

Vacancies—  
how filled.

**SECTION 3.** Whenever a vacancy shall occur in the office of mayor, alderman or supervisors such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and shall be subject to the same liabilities as the person whose office he may be elected or appointed to fill.

What officers  
shall be free-  
holders.

**SECTION 4.** The mayor, assessor and treasurer shall be freeholders and qualified voters of the city of Rice Lake, and the ward officers shall be freeholders in the city and shall be qualified voters in the ward in which they are elected. When an election shall be closed, the canvassers shall proceed to count the votes cast for each and every legal candidate voted for, and shall make and certify a return thereof to the city clerk, on the day following the election, and on the second day after the election the city clerk, city attorney and the mayor shall proceed to canvass the said votes by said returns, and shall file in the office of the city clerk a written statement of the whole number of votes cast for each office, and the number of votes cast for each candidate therefor, and a determination of the persons elected to the several offices, duly subscribed by a majority of or all the board of canvassers, and the city clerk

shall, within three days thereafter, give notice to each person declared to be elected, of his election. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen and supervisors of each ward, in the same manner, and the returns shall be made in the same form and manner as of annual elections, and within such time as may be prescribed by ordinance. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to qualify or enter upon the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein prescribed.

SECTION 5. No person shall be entitled to vote at any city election unless he is a qualified voter of the state of Wisconsin, and has been an actual resident of the city of Rice Lake for one year, and for thirty days in the ward where he offers his vote. If either of the inspectors at any general or special election shall suspect that any person offering to vote does not possess the qualifications of an elector, or if such vote shall be challenged by an elector, the inspectors, before receiving the vote of any such person, shall require him to take the following oath: You do solemnly swear (or affirm as the case may be), that you are twenty-one years of age, and that you are a citizen of the United States (or have declared your intention of becoming a citizen, conformably with the laws of the United States on the subject of naturalization); that you have been an actual resident of the city of Rice Lake for thirty days, and within this ward for ten days immediately preceding this election, that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending upon the result of this election. Which oath any member of the board of inspectors is hereby authorized and empowered to administer, and if the person offering to vote shall take such oath falsely he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof upon indictment or information, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not

Who are  
entitled to vote.

a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than in the one in which he resides, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty-five dollars. It shall be the duty of the inspectors of election to keep a list of the names of all persons, whose votes have been challenged, as aforesaid, and who shall swear in their votes; and if any inspector shall, knowingly and corruptly, receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall wilfully omit to write down the name of every voter as he votes, or shall wilfully make untrue and incorrect tallies or counts of votes, such inspector or clerk shall be liable to indictment or punishment by information, and on conviction thereof shall forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars.

When first  
election shall  
be held.

SECTION 6. The first election under this act shall be held on the third Tuesday in April, A. D. 1887, and elections shall be held annually thereafter. The town board of the town of Stanfold shall meet at least ten days prior to said third Tuesday in April, and shall designate the place of holding the election in each of the wards, and shall appoint three suitable persons in each of said wards as inspectors of said election, to conduct the same. The town clerk of said town of Stanfold shall notify the several persons so appointed and give notice of the time and place of holding the election, by posting notices in at least three public places in each ward, five days or more before the day of holding of said election. The said inspectors will canvass the votes of the several wards and make returns as hereinbefore provided to the town clerk of the said town of Stanfold and the said town board of the town of Stanfold shall on the second day after said election, meet and canvass the votes cast, and determine the persons elected to the several offices, which said canvass and determination shall be filed with the city clerk, as soon as he shall qualify. The town clerk of the town of Stanfold shall notify all persons elected to city offices at said first election.

**SECTION 7.** All elections shall be conducted by the supervisor and aldermen of each ward and by a clerk elected from the by-standers on the morning of the election, and if the supervisor, aldermen, or either of them be not present their places may be filled by election from the persons present who shall proceed to discharge the duties of clerks and inspectors in the same manner as is provided by statute for town meetings. All elections by the people shall be by ballot, on which the names of all officers voted for shall be written or printed. 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 direct.

How election shall be conducted.

**SECTION 8.** Every person elected or appointed to any office under this act shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer administering the same, with the city clerk, and the city clerk and treasurer and such other officers as the common council may direct, shall each, before entering on the duties of his office, execute to the city a bond with two or more sureties, the aggregate amount of whose property within the state, over and above their respective liabilities and exemptions as shown by their several and respective affidavits attached to or enclosed in such bonds, shall equal or exceed double the amount of the penalty of said bonds, and said bonds shall respectively contain such penal sum and such condition as the common council may deem proper, and shall be subject to the approval of said council. And the common council may, from time to time, require new or additional bonds, and remove from office any officer refusing to give the same. All official bonds executed to the city of Rice Lake, except that of the city clerk, shall be filed with and safely preserved by the city clerk in his office, unless the common council shall otherwise direct. The bond of the city clerk shall be filed with the city treasurer.

Oath of office to be taken and subscribed.

## CHAPTER III.

## OF THE POWERS AND DUTIES OF OFFICERS.

Duties of  
mayor defined.

SECTION 1. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. When present he shall preside at the meeting of the common council, and shall only vote therein on an equal division of the members present. The mayor shall be the chief executive officer of the city, and head of the fire department and of the police, and in case of riot or other disturbance, he may appoint as many special or temporary policemen as he may deem necessary. Any ordinance, resolution or appropriation, which shall have been duly passed by the common council, shall be in force unless disapproved by the mayor within three days, who shall state his objections thereto in writing to the common council, at its next regular meeting. The council shall thereupon reconsider the vote passing such ordinance, resolution or appropriation, and if, after such reconsideration, two-thirds of all the members elected to such council shall vote for the passage of such ordinance, resolution or appropriation, the same shall be in force, otherwise it shall be null and void. All such votes on the passage of any such ordinance, resolution or appropriation, after the objections of the mayor are read, shall be taken by the yeas and nays, and entered upon the journal of the council.

Election of  
president of  
the council.

SECTION 2. At the first meeting of the council in each year, after the annual city election, or as soon thereafter as may be, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor, the president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the president shall execute all the powers and perform all the duties of the mayor. In case the mayor and the president

shall both be absent from any meetings of the common council, the members present shall proceed to elect a temporary presiding officer, who for the time being shall discharge the duties of the mayor. The president, or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled, acting mayor, and all acts performed by him shall have the same force and validity as if performed by the mayor.

SECTION 3. The clerk shall keep the corporate seal and all papers and records of the city, except as otherwise herein provided, and shall keep a record of the proceedings of the common council, whose meetings it shall be his duty to attend; he shall also keep a record of the official bonds of all officers required by this act or the ordinances of the common council, and shall record all contracts made by or with the city, in a book to be kept for that purpose, and copies or all papers filed or recorded in his office, and transcripts from the records of the common council and from the records of official bonds certified by him under the corporate seal and from contracts with the city, recorded by him as provided by this section, shall be evidence in all courts to the same extent as the originals would be if produced; he shall draw and countersign all orders on the city treasurer, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose; he shall file in his office all chattel mortgages presented to him for that purpose, and safely keep and record the same, as provided in the general laws of this state for filing and recording chattel mortgages in town clerks' offices, receiving the same fees allowed by law (to) town clerks, and all chattel mortgages so filed and recorded shall be valid and have the same effect as if the same had been filed in the town clerk's office of any town; he shall keep an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection, and all moneys paid into the treasury; it shall also be his duty to do and perform any act required to be done by clerks of towns, not inconsistent with the provisions of this act, and he shall have power to administer oaths and affirmations. Whenever

Duties of clerk defined.

the clerk shall be absent from any meeting of the common council, the council shall appoint a clerk pro tempore.

Duties of city  
attorney  
defined.

SECTION 4. The city attorney shall conduct all the law business of the corporation, and of all departments thereof, and all other business in which the city shall be interested, when so directed by the common council. He shall, when requested, furnish written opinions on subjects submitted to him by the mayor, common council or any of its committees, or by any other department of the city government. He shall keep a docket of all cases in any court of record in which the city may be a party, in which shall be entered briefly all steps taken in such cases, and said docket shall at all times be open to the inspection of the mayor or any member of the common council or any city officer. It shall be the duty of the city attorney to draft all indentures, bonds, contracts, leases, conveyances, and such other instruments in writing as are or may be required by the business of the city; to examine and inspect tax and assessment rolls, and all proceedings in respect to the levy and collection of taxes and to perform such other duties as may be required of him by the charter and ordinances of the city. The city attorney shall receive for his services an annual salary to be fixed by the council, and payable monthly.

Duties of the  
treasurer de-  
fined.

SECTION 5. The city treasurer shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, which said accounts shall at all times be open to the inspection of the voters of said city. He shall make a report to the common council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of his last annual report; and also of the state of the treasury, which statement shall be filed with the clerk. The said treasurer shall be collector of taxes, in said city, shall have the same power and duties and be subject to the same liabilities and shall receive the same fees and compensation as treasurers of

towns in this state, and shall be ineligible for one year next succeeding the termination of his term of office. All moneys collected for fines, penalties, forfeitures and licenses shall be paid to the city treasurer, and belong to the general fund in his hands and as such shall be appropriated and drawn upon by the proper officers.

SECTION 6. The justices of the peace elected under this act shall have the same and equal jurisdiction and perform all and like duties of justices of the peace under the general laws of this state, and have, furthermore, jurisdiction of all offenses and actions under the provisions of this charter, and the ordinances, by-laws and police regulations of the common council. They shall account for and pay over to the city treasurer all fines and penalties collected by them and belonging to the city within ten days after recovering the same, taking a receipt therefor, and shall report quarterly to the common council, all moneys received for and on account of the city, and the amounts paid over to the city treasurer, attaching the receipts of the treasurer to their reports.

Jurisdiction of justices of the peace.

SECTION 7. The constables shall possess the same powers as constables selected by towns under the general laws of this state, and also the powers of police officers under the charter and ordinances of the city of Rice Lake.

Power of constables.

SECTION 8. The common council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed; and to prescribe the duties and fix the compensation of all officers selected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year. The common council shall by resolution fix the salary or fees of all other officers of said city who are to be elected for the ensuing corporate year, and are entitled to compensation for their services, at the first regular meeting in March of each year; provided, that the first council elected under this act may fix the salaries for the first corporate year at any meeting held prior to the twentieth day of May, 1887, and the compensation of the officer so fixed shall not be increased or diminished during the corporate year for which such resolution may be adopted. In

Other and further duties may be performed by any officer.

case the common council shall fail to fix the compensation of any city officer as prescribed as aforesaid, then every such officer shall receive the same compensation as that received by his immediate predecessor in office.

Public news-  
paper to be  
designated.

SECTION 9. The common council, at its first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city in which shall be published all ordinances and proceedings, and matters required by this act, or by the by-laws and ordinances of the common council, to be published in a public newspaper, and shall let such printing to the lowest bidder, at legal rates or under. The city printer or printers, immediately after the publication of any notice or ordinance, resolution or by-law which by this act is required to be published, shall file with the clerk of the city a copy of such publication with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

## CHAPTER IV.

### COMMON COUNCIL.

Common  
council.

SECTION 1. The mayor, supervisors and aldermen shall constitute the common council, and the style of ordinances shall be: "The mayor and common council of the city of Rice Lake do ordain, etc." The common council shall meet at such time and places as they by resolution shall direct. A majority of the aldermen and supervisors shall constitute a quorum.

Annual meet-  
ing of council.

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

cations of its own members, and have the power to compel the attendance of absent members.

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

Power of common council to enact an ordinance.

1. To license, suppress and prohibit the exhibition of common showmen or shows of any kind or exhibitions of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys, and to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state or at common law; and may grant licenses for and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit or suppress the same; provided, that licenses for the vending and dealing in spirituous, vinous and fermented liquors shall only be granted by said council in accordance with the provisions of the general laws of this state relating to the sale of intoxicating liquors.

Licenses.

2. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice and other games of chance, with or without betting; and to restrain, prohibit and suppress any person or persons from vending, giving away or dealing in any spirituous, fermented or vinous liquors unless duly

Suppression of vice.

licensed by the common council; and in addition to the state license, to license, regulate and suppress hawkers and peddlers within the limits of said city.

Prevent riots.

3. To prevent any riots, noise, disturbance or disorderly assemblages, to suppress and restrain disorderly houses or groceries or houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gambling. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinance of the city of Rice Lake by reason of him or her being implicated in any such offense, but the testimony of any such witness shall in no case be used against said witness.

Cleanse  
nauseous  
places.

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

Management  
of slaughter  
houses.

5. To direct the location and management of slaughter-houses and markets, and to regulate the storage, conveying and safe keeping of gun-powder or other explosive and combustible materials.

Incumbering  
streets.

6. To prevent the incumbering of streets, sidewalks, lanes or alleys with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, wood, or any other material or substance whatever.

Racing.

7. To prevent horse-racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of the city.

Restrain cattle,  
etc.

8. To restrain the running at large of horses, cattle, swine, sheep, poultry and greese, and to authorize the distraining of the same.

Dogs.

9. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances.

Putrid  
carcasses

10. To prevent any person from bringing, depositing or having within said city, any putrid carcass or other unwholesome substance, and to

require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins, or substances of any kind, and in default to authorize the removal thereof by some competent officer at the expense of such person or persons.

11. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants; to erect lamps, and to regulate, license and suppress omnibus drivers, hackmen, coachmen, cartmen, draymen and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen, and all others who may pursue like occupations in this city, and to provide for lighting the streets, public grounds and public buildings with gas, or otherwise.

Public pounds, water-works, and a multitude of other things.

12. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of bills of mortality, and to exempt burial grounds set apart for public use, from taxation.

Boards of health, cemetery grounds.

13. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

B. ead.

14. To prevent all persons riding or driving any horse, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing damage to sidewalks.

Driving on sidewalks.

15. To prevent the exhibition of any fire-works in any situation which may be considered by the council dangerous to the city or property therein, or annoying to any citizen thereof.

Fire-works.

16. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Restrain drunkenness.

17. To restrain and regulate runners and solicitors for stages, cars, public houses or other establishments, and to establish and regulate the police of the city.

Runners, solicitors.

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

Public markets.

- cense and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and provisions.
- Farmers' produce.** 19. To regulate the place and manner of selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend the same.
- Removal of snow, dirt and rubbish from sidewalks.** 20. To compel the owners or occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel the owner or occupants to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and in default to authorize the removal or destruction of the objectionable substances by some officer of the city, at the expense of such owner or occupant.
- Spread of diseases.** 21. To regulate, prevent and control the landing of persons from cars and stages or other vehicles, wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.
- Auctions.** 22. To regulate the time, place and manner of holding public auctions or vendues, and may grant licenses for the sale of goods, wares and merchandise at public auction.
- Watchmen.** 23. To appoint watchmen and prescribe their duties.
- Weights and measures.** 24. To provide, by an ordinance, a standard of weights and measures, and for the punishment of the use of false weights and measures.
- Trees and monuments.** 25. To protect trees and monuments in said city.
- Sewers.** 26. To provide for and regulate the construction of sewers within the city.
- Regulate highways, etc.** 27. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances and to protect them from injury.
- Change name of streets.** 28. To alter or change the name of any street in the city.
- Regulation of public buildings.** 29. To locate, purchase sites and let contracts for the erection and construction of public buildings.
- Prosecution or defense.** 30. To provide for the prosecution or defense of all actions or proceedings in which the city is

interested, and to employ counsel to assist the city attorney if deemed necessary.

31. To establish grades of any or all streets in the city; to cause sidewalks, gutters and pavements to be constructed. Grades, sidewalks.

32. To call special elections for the purpose of raising a tax when, in its opinion, the amount which they are authorized to raise by the provisions of this act is insufficient to meet the requirements. Special elections.

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

34. The common council, for the purpose of guarding against the calamity of fire, shall have the power to prescribe limits within which wooden buildings or buildings of other material that shall not be considered fire-proof shall not be erected or repaired, and to direct that all and any buildings within the prescribed limits shall be made and constructed of fire-proof materials and to prohibit the repairing of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages. Fire limits.

35. The common council shall have power to establish a fire department and to provide for the due and proper support and regulation of the same, and to appoint or direct the election of such officers for such department as it shall see fit, and to define their powers and duties; to provide protection from fire by purchase of fire-engines, and all necessary apparatus for the extinguishment of fires, and for the erection of pumps, and the construction of water mains, cisterns, reservoirs or other water-works; to erect engine houses; to compel the inhabitants of the city to aid in the extinguishing of fires, and to pull down and raze such buildings in the vicinity of fires as shall be directed by them or any two of them who may be present at the fire, for the purpose of prevent-

ing the spread of the fire to other buildings; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to prevent the dangerous construction of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers, and apparatus used in and about any building; to prevent bonfires and the use of fire-arms and fire-works in the city, or any part thereof; to regulate and prevent the carrying on of manufactures dangerous in causing and promoting fires; to appoint fire wardens and authorize and empower them, at all reasonable times, to enter into and examine all dwellings, lots, yards, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition and to cause such as are dangerous to be put in a safe condition; to authorize the mayor, aldermen and other officers of the city to keep away from the vicinity of the fire, all idle and suspected persons, and generally to establish such regulations for the extinguishment and prevention of fires, as the common council may deem expedient; and to declare by ordinance the punishment of, or violation of any such ordinance or regulation.

Passage of  
laws, ordin-  
ances.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall within fifteen days after their passage, respectively, be published in the official paper or papers of said city, once before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof respectively within that time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be taken and deemed as sufficient evidence of the time and manner of such publication; and such record of such law, ordinance, regulation or by-law and the proof of such publication certified by the clerk, under the seal of the city, or any printed book containing the same purporting to be issued and published under the sanction of the mayor and council, shall be prima

facie evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of a majority of all the members of the common council in its favor, taken by yeas and nays, which vote shall be recorded by the clerk.

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

Abatement of nuisances.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer and all other officers of said city, at such times as they may deem proper, and also at the end of each year, and before the term for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every officer and agent to exhibit his books, papers, funds, moneys, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse or neglect to render his accounts or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all settlements and adjustments.

Adjust accounts.

SECTION 7. The corporate authority of said city shall be vested in one principal officer styled the mayor, in one board of aldermen, consisting of one supervisor and two aldermen from each ward, together with such other officers as may be created under this act.

Corporate authority, in whom vested.

## CHAPTER V.

## CLAIMS AND APPEALS.

Claims to be  
verified.

SECTION 1. All accounts or demands against the city, before being acted on or paid, the council may require the same to be verified by affidavit, except salaries and amounts previously fixed or determined by law or contract, and any person who shall swear falsely to any such account or demand shall be deemed guilty of perjury, and shall be punished according to law.

Appeal may be  
taken within  
twenty days.

SECTION 2. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court of the county of Barron, by causing a written notice of such appeal to be served on the clerk of the city, within twenty days after the making of such decision, and executing a bond to said city, with sufficient surety, to be approved by the said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by said court, and no more.

Notice of  
appeal to be  
given.

SECTION 3. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with their decision thereon, and shall file the same together, with the bond, and all papers in his possession, with the clerk of the circuit court for the county of Barron, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from an allowance made by said council upon any claim, and the recovery on appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of the recovery; and when the

amount of costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

SECTION 4. No action shall be maintained by any person against the city of Rice Lake upon any claim or demand other than a city bond or order, unless such person shall have first presented his claim to the common council of said city for audit and allowance.

Claims must be presented before action can be maintained.

SECTION 5. The determination of the common council disallowing in whole or in part any claim or demand of any person shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an appeal shall be taken from the decision and determination of such common council as hereinbefore provided, or unless such council shall consent to agree to the institution and maintenance of an action by such claimant against the city; provided, that when the common council shall neglect or refuse to act upon any claim duly presented to it, this chapter shall not be construed as to prevent the institution and maintenance of an action by said claimant against said city.

Determination of council to be final.

## CHAPTER VI.

### OPENING OF STREETS AND ALLEYS.

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

Power to lay out streets.

such notice, describing as near as may be the premises proposed to be taken, to be published in the official papers four weeks successively, at least once in each week.

What the notice shall state.

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

Twelve freeholders to be appointed.

SECTION 3. Upon the prosecution of such application, and upon proof of the service or publication of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which such premises may be, and not interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in such precept, and to make returns under their hands to the common council whether in their judgment it is necessary to take such premises for the purposes specified in the application.

Constable to serve precept.

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

If jurors can not be found.

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 place, and a memorandum of such substitution shall be endorsed on the precept.

Administering the oath.

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

discharge the trust reposed in them; which oath will be subscribed by said jurors and filed with the city clerk.

SECTION 7. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall (hear) such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by all the jurors, and which shall state whether in their judgment it is necessary to take the premises in question for public use, which said report, testimony and precept shall be returned to the common council within the time limited by the precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings confirming said report and directing the same jurors within twenty days thereafter to again view the premises and ascertain the amount of damages to be paid to the owner or owners of the property proposed to be taken and to assess and return within the time limited such damages to the common council, who shall thereupon make and enter an order confirming the same.

Viewing the premises.

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

In case there is a building on land.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city. If not known or a non-resident, notice to all parties interested shall be given by publication in the official paper or papers of said city, three successive weeks. Such notice shall specify the building and the award of the jurors and shall also require the parties interested to appear by a day therein named and give notice to the common council of

Ten days' personal notice to be given.

their election either to accept the award of the jurors and allow such building to be taken with the land appropriated, or his intention to remove such building, and for this purpose he shall have such time as the common council may allow.

In case owner shall refuse to take the building at value to remove.

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

Jurors to view and examine premises.

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

In case land and buildings belong to different persons.

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

Award to be signed by jurors.

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

Appeal may be made within ten days.

SECTION 14. Any person whose property is taken, or against whom any assessments are

made, may within ten days from the return of the jurors to the common council, appeal from such assessment of damages to the circuit court of Barron county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section 2, of chapter 5, of this act, and such appeal shall be tried by the court and a jury as in ordinary cases. The common council shall also have the right to appeal by filing with the clerk a notice thereof within ten days as aforesaid.

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

Damages to be tendered before land can be taken.

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

Damages to be tendered within one year.

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

City may tender within one year.

SECTION 18. When the whole of any tract or lot or other premises under lease or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements or engagements between landlord and tenant or other contracting parties respecting the same, or any part thereof, shall, upon the confirmation of such

Leases to cease when land is taken.

report respectively cease and be absolutely discharged.

The same when only a part is taken.

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

In case of an infant.

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

In case of improvement on streets.

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

## CHAPTER VII.

### FINANCE AND TAXATION.

Control of finances.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall not be drawn or paid out except upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all orders drawn upon the treasurer shall specify the purposes for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city not otherwise appropriated. All orders shall

be payable to the person in whose favor they are drawn, or bearer.

SECTION 2. The common council shall annually levy upon the taxable property of said city a tax sufficient to defray the current and lawful expenses of the same; provided, that such tax levy shall not exceed, in any one year, ten mills on the dollar of the taxable property of the city as shown by the last assessment roll of said city.

Annual levy of taxable property.

SECTION 3. Special taxes may also be levied by the common council at any regular meeting for the purpose of paying the interest or principal of any outstanding bonds now due or hereafter to become due, or which may hereafter be issued by the city of Rice Lake by authority of law; provided, however, no greater tax shall be levied in any one year than shall be necessary to pay the amount due on said bonds at the time such tax shall be collected by virtue of this act, or shall become due before the time appointed by law for levying and collecting the annual taxes, and such taxes shall be collected at the same time as other city taxes are collected; and provided further that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose not exceeding five hundred dollars, in any one year, and said tax when so levied shall be collected at the same time as other city taxes.

Levy of special taxes for certain purposes.

SECTION 4. The common council shall have no power or authority, and it is hereby prohibited from borrowing any money or from authorizing any city officer to borrow money for the use of the city, or to contract any debt for any purpose whatever, unless there is money in the treasury to pay the same, except for such work on streets as shall be paid for by special tax or assessment on the property benefited thereby, and except as hereinafter specially provided; and no order or certificate of indebtedness shall be drawn upon the city treasury, unless the same shall be authorized by a majority of all the members of the common council, and the vote authorizing the same shall be entered by ayes and nays upon the journal of the council, and no money shall be appropriated for any purpose whatever except such as is specially authorized by this act.

No power to borrow money.

SECTION 5. The assessor chosen under this act shall, within ten days after receiving notice of his

Duty of assessor to qualify within ten days.

election, take and file an official oath with the clerk of the city. He shall receive such compensation for his services as shall be fixed by the common council, not to exceed one hundred dollars per annum. Every such assessor shall have and possess the same powers that are or may be conferred on assessors of the several towns of this state, except so far as they may be altered by this act, and within such time as is now or may hereafter be prescribed by the general laws of this state relating to assessment; said assessor shall make out a complete and accurate assessment roll of all the taxable property in the city in the manner provided by the general laws of the state relative to assessment in towns; provided, however, that the common council may prescribe the form of the assessment roll, and more fully define the duties of the assessor.

Board of equalization.

SECTION 6. The mayor, city clerk and assessor shall constitute the city board of equalization, and shall meet at the office of the city clerk on the first Monday in July in each year, at 9 o'clock in the forenoon, and shall proceed in all respects as town boards are required by law to proceed, so far as the same is applicable, in reviewing, correcting and equalizing the assessment roll of said city. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

City to be regarded as a town for equalizing purposes.

SECTION 7. The county board of Barron county shall have the right to regard the city of Rice Lake as a town in equalizing the assessment rolls of the several towns in said county as provided by law; but in such equalization shall consider the assessment roll of the said city as an entire roll, and shall not change the relative valuation of the different wards.

Filing assessment roll.

SECTION 8. When the assessment roll shall have been revised and corrected, the same shall be filed with the city clerk; and the council shall, not later than the second Thursday in November, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized, not exceeding the authorized percentage particularly specifying the purposes for which the same are levied.

City clerk to make tax roll.

SECTION 9. The city clerk shall make the tax roll of the city in the same manner and form and

at the same time as required by chapter 48, of the revised statutes of 1878, and any act amendatory thereof.

SECTION 10. All the general laws of this state which are now or may hereafter be in force relative to the assessment of taxes, shall be in force in said city, except as otherwise herein specially provided; and the city treasurer upon receipt of the roll, shall proceed to collect the taxes of said city, in the same manner as is required by law of the town treasurers to collect taxes, except as herein provided.

General laws shall govern.

SECTION 11. The county treasurer of Barron county shall sell all delinquent lands and lots returned from the city of Rice Lake, at the same time and in the same manner as other delinquent lands are sold in the county.

County treasurer shall sell.

SECTION 12. All real estate exempt from taxation by the laws of this state, shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of the same.

All real estate liable for special taxation.

SECTION 13. All lands lying within the city limits, that are used, occupied, reserved and held exclusively for agricultural purposes, shall be exempt from all special taxes.

All lands in city subject to taxation.

SECTION 14. In addition to the amount herein limited for taxes for general city purposes, special taxes may be levied for the purchase of fire-engines, cemetery grounds, public squares, gas purposes and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the common council, and afterward submitted to a vote of the people and approved by them. Whenever the council shall recommend such tax, it shall specify the amount to be raised, and the object thereof, and cause a notice thereof, and of the time and place of voting thereon, to be published in the same manner as in case of the annual city election.

Taxes for fire-engines, cemetery grounds.

SECTION 15. The city treasurer shall receive nothing but the lawful currency of the United States and city orders for taxes, licenses or other dues of the city, and is prohibited from receiving county, school or other orders in payment of city dues.

Lawful currency only taken.

SECTION 16. It shall be the duty of the council to always provide for the prompt payment of all orders drawn on the treasury, and it shall

Prompt payment of orders to be provided for.

have power to negotiate temporary loans at the legal rate of interest for supplying of all funds to meet any deficiency in the treasury.

Treasurer to report when out of funds.

SECTION 17. Whenever the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council; thereupon the council shall direct its financial committee to examine the accounts of the treasurer; and if all funds in his hands have been paid out, then the council shall take such action as will enable the city to preserve its credit.

How taxes shall be paid, in what order

Section 18. Out of the taxes collected by the city treasurer, the state tax shall first be paid, then all school taxes, then judgments, the special taxes in the order in which they were levied, then taxes for bridge purposes, then taxes for fire purposes, then street and other public improvements, then taxes for general city purposes, lastly county taxes. Delinquent returns shall be received by the county treasurer in payment of county taxes in the manner prescribed by the general laws of the state.

Last meeting of council.

SECTION 19. The council shall meet on the Tuesday evening next preceding the annual city election, for the purpose of disposing of its unfinished business, and shall not thereafter during its term of office, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of their terms.

## CHAPTER VIII.

### ACTIONS TO RECOVER PENALTIES, ETC.

Actions to recover penalties.

SECTION 1. The city of Rice Lake, in its corporate name, may sue for and recover any and all fines, penalties and forfeitures under this act, or under any ordinances, by-laws or police or health regulations, made in pursuance thereof or now in force, or not inconsistent with this act, and such action shall be commenced by complaint, substantially in the following form:

\_\_\_\_\_ Court, Barron County.  
 City of Rice Lake, }  
 against } Before \_\_\_\_\_  
 \_\_\_\_\_ }

STATE OF WISCONSIN }  
 Barron County } ss.

\_\_\_\_\_, being duly sworn, complains on oath to \_\_\_\_\_, says that he, this complainant, knows or has good reason to believe, that \_\_\_\_\_, on the \_\_\_ day of \_\_\_, A. D., 18\_\_\_, at said city, did violate section \_\_\_ of chapter \_\_\_, of the general ordinance of the city of Rice Lake, entitled, "an ordinance \_\_\_" which said ordinance is now in force, and was then and there guilty of \_\_\_, as the complainant verily believes, and says that the said \_\_\_\_\_, may be arrested and held to answer therefor.

(Signed) \_\_\_\_\_

Sworn and subscribed to before me this \_\_\_ day of \_\_\_, 18\_\_\_.

It shall be sufficient to give the number of the section or sections, and the title of the ordinances, by-laws or resolutions violated in the complaint, and such complaint may be sworn to before any officer authorized to administer oaths in this state. Upon the filing of any such complaint in the office of any of the justices of the peace within and for the city of Rice Lake, or any court of competent jurisdiction, such justice of the peace or court of competent jurisdiction shall issue a warrant thereon, substantially in the following form:

BARRON COUNTY, }  
 City of Rice Lake, } ss.

The state of Wisconsin, to the sheriff or any constable of said county, or police officer of the city of Rice Lake:

Whereas, \_\_\_\_\_ has this day complained to me in writing, on oath, that \_\_\_\_\_, on the \_\_\_ day of \_\_\_, 18\_\_\_, at said city, did violate section \_\_\_, of chapter \_\_\_, of general ordinance of the city of Rice Lake, entitled, "an ordinance \_\_\_" which said ordinance is now in force, and was then and there guilty of \_\_\_, as the complainant verily believes.

Therefore, you are hereby commanded to arrest the \_\_\_ of the said \_\_\_\_\_, and bring \_\_\_\_\_

before me to answer to the city of Rice Lake, on the complaint aforesaid.

Given under my hand at Rice Lake, this — day of — 18—.

Upon the return of the warrant, the court may proceed summarily with the case, unless it be continued by consent or for cause, or by order of the court. If the case be adjourned the defendant, if required by the court to do so, shall recognize with or without sufficient surety for his appearance in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or committed to the common jail of Barron county, or to such other place of confinement as may be provided by the common council. The complaint made as aforesaid shall stand in lieu of a declaration, and a plea of not guilty shall put at issue all the subject matter of the complaint.

Fees for witnesses need not to be paid.

SECTION 2. Witnesses shall attend before any justice of the peace in and for the said city of Rice Lake, or before any other court in and for the county of Barron, having jurisdiction in all actions for the violation of any ordinance, by-law or regulation of said city, without the payment of fees in advance or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment.

Findings of jury.

SECTION 3. In city prosecutions, for the violation of any ordinance, by-law or regulation of said city on demand of a jury shall be allowed either party, and the finding of the court or jury shall be guilty or not guilty; if guilty the court shall render judgment thereon against the defendant, and adjudge that the defendant pay the fine, penalty or forfeiture contained in the ordinance, by-law or regulation, for the violation of which the defendant shall have been found guilty, and for the costs of the prosecution upon such conviction, and in default of payment of such judgment, fine, penalty or forfeiture, and the costs of the court shall adjudge, determine and enter upon the docket that said defendant be imprisoned in the county jail within and for the county of Barron or such other place as the common council of said city shall designate by ordinance, for a term with or without hard

labor, which shall in no case exceed six months in the discretion of the court rendering such judgment, and the court shall thereupon issue a commitment, inserting therein the time and place of such imprisonment, which commitment may be substantially as follows:

COUNTY OF BARRON, }  
 City of Rice Lake, } ss.

The state of Wisconsin, to the sheriff or any constable of said county, or any police officer of said city, and to the keeper of the common jail of said county, greeting:

Whereas, at a — court in and for the county of Barron held at my office in said city, for the trial of — — for the offense hereinafter stated, the said — — w— convicted of having on the — day of —, 18—, at said city in said county, violated section — of chapter —, of a general ordinance of the city of Rice Lake, entitled, an ordinance —, which said ordinance was then in force, and upon conviction, the said court did adjudge and determine that the said — — pay a fine of — dollars, together with — dollars costs; that in default of payment of said fine and costs, to be imprisoned in the — for the term of —, and said fine and costs not having been paid by the said — —; therefore, you are commanded in the name of the state of Wisconsin, forthwith to take the — of — and — convey and deliver to the keeper of the common jail in and for Barron county, and the said keeper is hereby commanded in the name of the state of Wisconsin, to receive and keep in custody in said jail the said — — for the term of — unless the said fine and costs and all jail fees are sooner paid, or — be discharged by due course of law.

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

SECTION 4. Whenever the common council of Use of jail. said city shall provide a suitable jail or place of confinement for offenders, it shall be lawful for the court before whom any such offender is tried and convicted, to further adjudge and determine and sentence such defendant to be kept at hard labor during the term of his or her imprisonment, either within or without the place of imprisonment, and shall include such de-

termination in the commitment. If the mayor of the city shall at any time deem it for the interest of the city, he may employ and work the prisoners so committed, outside of the jail or yard at labor on the public grounds, streets or alleys of said city, and may cause them to be secured in such a manner as, in his judgment, will prevent their escape and the keeper and custodian of such jail or place of confinement shall, upon order of the mayor, deliver the prisoner or prisoners in such order named and described, in the keeping and custody of such persons or persons in said order directed, and receive and securely confine such prisoner or prisoners when returned by such person or persons as aforesaid, and such order shall be in force and remain good until revoked by the mayor and common council.

Appeal of  
defendant.

SECTION 5. In all cases the defendant may appeal from such judgment to the circuit court for Barron county; provided, such defendant shall, within twenty-four hours after the rendition of such judgment, pay the judge or justice his costs and one dollar for his return, and make and file with him an affidavit that the appeal is made in good faith, and not for the purpose of delay, and enter into a recognizance with one or more sufficient sureties to be approved by the court from whose judgment appeal is taken, conditioned to appear before the circuit court for the county of Barron at the next general term thereafter, and from term to term, and prosecute the appeal, and abide by the judgment of the said court therein. The judge or justice from whose judgment appeal is taken shall make a special return of all proceedings in the case had before him, and file the same, together with the complaint, warrant and all other papers relating to or in the case, and a copy of all entries in the docket, with the clerk of said court, and the city may appeal from any such judgment as in other cases before justices of the peace.

Appeal to  
stand for trial.

SECTION 6. Said appeal shall stand for trial by jury, unless a jury trial be waived, at the next term of said circuit court, after the day the judgment is rendered; and no notice of trial shall be required to be given by either party.

SECTION 7. If the judgment of the court appealed from shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the fine, penalty or forfeiture, provided by this act or the ordinances, by-laws, resolutions or regulations under which he or they are prosecuted, and enter judgment against him or them for such fine, penalty or forfeiture, together with the costs in both courts, and in default of payment of such fine, penalty or forfeiture and costs, to be committed as heretofore in this chapter provided.

In case judgment of court is appealed from.

SECTION 8. In case of the breach of the conditions of the recognizance hereinbefore mentioned, by the escape or non-appearance of the defendant at the circuit court, as hereinbefore provided, the same shall be prosecuted in the name of the city of Rice Lake as plaintiff in the circuit or municipal court for Barron county, and the measurement of recovery shall be the amount of the fine, penalty or forfeiture, together with the costs and fees that accrued in the case, and all money recovered shall be paid into the city treasury, less the fees of the officer and jailer, which shall be paid to them, and such judgment shall be enforced by execution, as in actions of tort.

In case of breach of conditions.

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

Shall not work incompetency.

SECTION 10. All rights, actions and penalties, fines and forfeitures, in suits or otherwise, which shall arise or accrue under this act, shall be vested in and prosecuted by the corporation hereby created.

City to prosecute actions, etc.

SECTION 11. All fines, penalties and forfeitures recovered and collected under and by virtue of this act shall be paid into the city treasury for the use and benefit of said city.

Fines, etc., to accrue to benefit of city.

SECTION 12. The mayor shall have power to grant pardons and commutations after conviction for all offenses against the ordinances, by-laws, resolutions or regulations of the city, upon such conditions as he may deem proper. He shall communicate any such action to the common council at its next meeting, with the reason therefor.

Power of mayor.

## CHAPTER IX.

## IMPROVEMENT OF STREETS, ETC.

Improvement  
and grading of  
streets.

SECTION 1. The common council shall have power to order and contract for the making, grading, paving, macadamizing, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters, sewers, drains, sidewalks and crosswalks in the manner hereinafter mentioned, and direct and control the persons employed therein, and to provide for the payments of the costs, charges and expenses incurred thereby out of the city moneys, except for such sidewalks as shall be ordered built and maintained by owners of lots, as hereinafter provided for.

Building of  
sidewalks.

SECTION 2. The common council shall have power and may order sidewalks built upon either side of any street, upon a petition of a majority of the owners of the lots (residing therein) abutting on the side of the street upon which said sidewalk is proposed to be built. The cost of building and maintaining such sidewalks shall be paid by the owners of such lots; provided, that in event of the cost of construction, or of rebuilding, or replacing such sidewalk on the grade on which such sidewalk is so required to be built, shall exceed the cost of constructing on a level the amount of such excess shall be allowed by the council to such lot owners and the amount of such excess paid by the city; such excess of costs to be estimated by the street commissioner.

How sidewalks  
shall be built.

SECTION 3. Whenever the common council shall order the building of a sidewalk, it shall, by resolution, designate the grounds upon which the same shall be built, fix the width thereof, and the time allowed for the construction thereof, and shall give notice to the owners of the lots liable to build the same as hereinafter provided. The street commissioner shall serve a notice containing such resolution upon the owners of the lots liable to build such sidewalks, personally, or if not found, then by leaving a copy with some member of his family, of suitable age, at the residence of such owner, if a resident of the city, commanding them to build such sidewalk within the time designated in the resolution. If service cannot be

had as above provided, or if said lot owner is not a resident of the city, then service shall be made by publishing said notice at least two weeks in the official paper of said city, and said commissioner shall make return to the city clerk of such service. At the expiration of the time fixed for building such sidewalk, the street commissioner shall proceed to build such portions of said sidewalk as may be unfinished, and upon completion thereof make a statement in writing to the council, specifying the lots abutting on such sidewalk so built by him, and the cost of each portion abutting each respective lot, verified by his affidavit. The council shall, upon the receipt of such statement, appropriate from the general fund of the city the amount of such cost. The amount so appropriated shall be charged to the lots as returned, and if not sooner paid shall be entered in the next annual tax roll opposite the lots so returned, in the same manner as other taxes are entered, but in a separate column, under the head of sidewalk taxes; provided, that the amount so charged shall not exceed the cost of building such sidewalk on level ground.

**SECTION 4.** The common council shall have and it is hereby granted power to annually levy a tax of one dollar and fifty cents, upon each male inhabitant of the city of Rice Lake, who is over the age of twenty-one years and under the age of fifty years, excepting ex-soldiers who served in the late war, paupers, idiots and lunatics. Such tax shall be paid in money and shall be denominated a poll tax. The common council shall levy such a tax by resolution not later than the second Monday in May, of each year. Upon the adoption of such resolution by the common council, the city clerk shall immediately proceed to make a list of all the persons residing in said city, who are liable to pay such tax, and attach thereto a warrant directed to the street commissioner of said city, commanding him to forthwith collect such tax from all persons charged therewith upon said list, which warrant shall be signed by the mayor and countersigned by the clerk. The city clerk shall deliver such list with the warrant attached to the street commissioner, on or before the first day of June in each year. The street commissioner, upon the receipt of such

list, shall proceed to collect the poll taxes charged thereon, in the same manner as overseers of highways in towns are authorized to collect highway taxes in money, and for that purpose he shall have all the powers and authority possessed by overseers of highways in towns, and he shall add to said lists the names of all persons liable to pay such tax that have been omitted, and collect in the same manner the tax of the persons so added. The poll taxes so collected shall be expended in building and repairing roads, streets and highways under the direction and by order of the common council. The street commissioners shall annually, not later than the first day of December, make a report in writing to the common council, giving the amount of such poll tax by him collected, the names of the persons paying, and the amount by him expended and place and manner of such expenditures, which report shall be verified by his affidavit.

Stagnant  
waters.

SECTION 5. The council shall give notice to all owners or occupants of any lots which may be deemed injurious to the public health, by reason of stagnant water remaining thereon, in the official paper for two weeks, to abate such nuisance by draining or filling such lots within reasonable time, therein to be specified, and if such nuisance shall not be abated or removed within the time specified in such notice the council shall cause the same to be abated and removed at the expense of the property upon which the same may exist.

Appointment  
of street com-  
missioner.

SECTION 6. The common council shall appoint one street commissioner whose general powers and duties shall be the same as overseers of highways in towns, except as otherwise herein provided. It shall be the duty of the street commissioner to see that all ordinances of the city relating to streets, alleys, public grounds, reservoirs, gutters, sewers, waters of the lake, rivers and water-courses in the city, are duly observed and kept, and direct and control the persons employed therein; and he shall have general supervision over all work let by contract for the improvement of streets or sidewalks in said city, unless the council shall otherwise provide. Such street commissioner shall be under the direction and control of the council, and he shall make no orders, or

give any directions for the improvement of streets unless such improvements have previously been authorized by the council, or a committee of the council acting under authority. Whenever any places shall occur in any street whereby the life or property of persons using the street become endangered, the street commissioner shall proceed at once to repair such street to a safe and passable condition.

**SECTION 7.** It shall also be the duty of said street commissioner, whenever in his opinion any portion of a sidewalk shall be out of repair or in a dangerous condition, to serve a written notice upon the owner or occupant of the lot adjacent to which such defective sidewalk shall be, if a resident of said city, to immediately repair the same; and if the said owner or occupant fail to repair the same forthwith, then and in that case, the same may be repaired by the street commissioner at the expense of the lot adjoining said defective sidewalk; provided, however, that the expense to be charged to any lot for any such repairs shall in no case exceed the sum of five dollars unless such repairs shall be made according to the provisions of this chapter; service of such written notice at the residence of the owner or occupant of such lot, upon a member of his family of suitable age and discretion, or with the agent of the owner, shall be deemed service upon such owner or occupant; and in case the owner of such lot is not a resident of the city, or his residence is unknown, and such owner has no agent in said city known to said street commissioner, then and in that case, the street commissioner shall forthwith repair the same at the expense of the lot adjoining, as hereinbefore provided. The street commissioner shall also have the same powers and duties in relation to removing obstructions from any of the streets, highways and alleys in said city, as town boards of supervisors have in removing obstructions from highways. The city shall not be liable for any services ordered to be performed by the street commissioner, unless provision is made for paying therefor at the time such services are ordered.

Duties of street commissioner.

**SECTION 8.** The street commissioner shall hold his office for the term of one year from the fourth Tuesday in April of the year in which he was

Term of office of street commissioner.

elected, unless removed by the common council, and shall before entering upon the duties of his office, give a bond to the city of Rice Lake, with one or more sufficient sureties, to be approved by the council in the penal sum of not less than five hundred dollars, conditioned to render on account to the common council, whenever required by law or the ordinances of the city, or a vote of the council; to safely keep and account for, and deliver over when lawfully required, all property of said city that may come into his hands; to use, disburse, account for and pay over, as required by law or the ordinances of the city, all moneys that may come into his hands as such officer, and to faithfully discharge the duties of said office.

Compensation  
of street com-  
missioner.

SECTION 9. The street commissioner shall receive such compensation for his services as the common council shall fix by resolution, which sum shall not be increased or diminished during his term of office.

Ornamental  
trees.

SECTION 10. The common council shall have power to regulate and control the setting out of ornamental and shade trees in the streets of said city, and to require by ordinance, the owners of lots or grounds, to set out and plant shade trees in the streets adjacent to their grounds, and to prescribe the size and kind of such shade trees, with power to levy special taxes upon the adjacent lots or grounds, to defray the expenses thereof by the city in case of default by the lot owner.

Paving or  
macadamizing  
streets.

SECTION 11. Whenever the council shall require any street to be paved or macadamized or any gutter to be constructed, it shall determine the manner in which the work shall be done and of what material, and the street commissioner or such other person or officer as the council may designate to have charge of the work, shall let a contract for doing the whole of such work. Public notice of the letting of such contract shall be given by advertisement in the official paper of the city for at least twenty days, and the contract shall be awarded to some responsible bidder whose bid it shall deem most reasonable and proper. The cost of such paving or macadamizing or of constructing such gutter shall be chargeable to the lots fronting on the street, so that each lot or parcel of land shall bear its proportionate amount of the expense of such paving or macadamizing or of con-

structing such gutter according to its frontage on the street, but the expense of all engineering and grading necessary to be done to prepare a street for paving or macadamizing or the constructing of a gutter, shall be payable by the city.

## CHAPTER X.

### POLICE DEPARTMENT.

SECTION 1. The mayor of Rice Lake shall ex-officio be the chief of police of said city, and together with such a number of police officers as he, with the approval of the common council shall determine to appoint, constitute the police force.

Mayor ex-officio chief of police.

SECTION 2. The mayor or common council may direct or detail any of the police officers to perform such official duties as he or they may deem proper, and no extra compensation shall be allowed therefor.

No extra compensation.

SECTION 3. The members of said police force shall perform such duties as shall be prescribed by the common council, for the preservation of the public peace and good order and health of the city; they shall possess all the powers of constables at common law, or by the laws of this state.

Duties of police to be prescribed.

SECTION 4. The mayor or acting mayor, the sheriff of Barron county and his deputies, each and every alderman, justice of the peace, police officer, constable and watchman of said city, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the city, and for such purposes they may command the assistance of all by-standers, and if any by-stander shall refuse to aid in maintaining the peace when so required, each such person shall forfeit and pay a fine not to exceed one hundred dollars and costs; and in default of payment of such fine and costs to be committed to the county jail or city prison, at hard labor, either within or without said jail or prison, for the benefit of said city, for a term not exceeding six months, under the control, care and watch thereof; and in case where the civil power may be required to suppress

Officers of the peace.

riotous and disorderly behavior, the superior and senior officer present, in the order above named in this section, shall direct the proceedings.

Duties of  
police officers.

SECTION 5. It shall be the duty of the chief of police and all police officers and constables in and for said city, and they are hereby authorized and required to summarily arrest, with or without warrant or process and take before any justice of the peace in and for said city, or other court of competent jurisdiction, all persons guilty of violating any of the provisions of this act, or any ordinance, by-law, resolution or regulation of the common council of said city, passed in accordance herewith, which may be in force in said city, and to make complaint before the proper court against any such offenders. Whenever any person is arrested as heretofore provided, it shall be lawful for such arresting officer to take and convey such person to the city prison, there to remain for a period not exceeding twenty-four hours, within which time it shall be the duty of the officer to take such person before some court of competent jurisdiction, who shall hear, try and determine any complaint made against such offender under the provisions of this act; provided, that in computing said period of twenty-four hours, Sunday shall be excluded.

Removal of  
police officers.

SECTION 6. All police officers shall be subject to removal in the discretion of the mayor and common council.

## CHAPTER XI.

### DISQUALIFICATIONS, IMPEACHMENTS, ETC.

Disqualifica-  
tion.

SECTION 1. No voter shall be eligible, or hold more than one office under this charter at the same time.

Can not vote  
when inter-  
ested.

SECTION 2. No member of the common council shall vote on any question, matter or resolution in which he may be directly interested.

Shall not be  
interested in  
any job.

SECTION 3. No member of the common council shall be a party to or interested in any job or contract with the city, and any contract with the city in which any such member shall be so interested, shall be null and void, and in case any money shall have been paid on such contract, the com-

mon council shall sue for and recover the amount so paid from the parties to such contract and from members of the common council interested in the same.

SECTION 4. No person interested, directly or indirectly, as principal or surety in any contract or agreement, written or verbal, to which said city shall be a party in interest, or to which any officer under this act shall officially be a party, for the construction of any sewer, pavement or building, or the performance of any public work whatever, or involving the expenditure, receipt or disposition of money or property of the said city by any officer under this act, shall be eligible to any office or appointment in said city that will, in any manner give him official cognizance or authority over the subject matter of such interest; and if any person thus interested shall be elected or appointed to office, his election or appointment shall be void, and such office shall be declared vacant.

Shall not be principal or surety.

SECTION 5. If any member of the common council, or other officer of the corporation, after his election or appointment, or while in office, shall become or cause himself to become interested, directly or indirectly, in any contract or agreement, whether written or verbal, to which the corporation shall be a party in interest, or to which any officer under this act officially, be a party, or in any question, subject to such proceeding pending before the common council, or on which such officer may be called to act upon officially, with intent to gain directly or indirectly, any benefit, profit or pecuniary advantage, he shall be removed from his office, and the same shall be declared vacant by the common council, and he shall be deemed guilty of felony, and on conviction thereof, shall be punished by imprisonment in the state prison for not more than one year or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

No member of common council can become interested.

SECTION 6. If any member of the common council or officer or agent of the city government shall directly or indirectly accept or receive any money, goods or chattels or any bank note, bank bill, bond, promissory note, due bill, bill of exchange, draft, order or certificate, or any security for the

Penalty for receiving bribes.

payment of money, goods or chattels or any deed of writing containing a conveyance or transferring any interest in real estate, or any valuable contract in force, or any other property or reward whatever, in consideration that such member of the council or other officer or agent will vote affirmatively or negatively, or that he will not vote, or that he will use his interest and influence on any question, ordinance, resolution, contract or other matter or proceeding pending before the common council, or on which such officer or agent may be called upon to decide or act, in any particular manner, such member of the council, or officer or agent shall be removed from office, and his office declared to be vacant by the common council, and both he and the person or persons paying such consideration, directly or indirectly, shall be deemed guilty of felony, and on conviction thereof, shall be punished by imprisonment in the state prison for not more than three nor less than one year, or by fine not exceeding one thousand dollars, or both fine and such imprisonment, at the discretion of the court.

Dismissing  
officers—how  
effected.

SECTION 7. A majority of two-thirds of all the members elect of the common council shall have power to dismiss from office for malfeasance in office, or any other one cause in said city, any person elected or appointed to office in said city, except justices of the peace, and the common council shall provide by ordinance the manner of hearing and disposing of complaints against such officers.

Committee of  
investigation.

SECTION 8. Whenever any charge of official misconduct shall be preferred against any member of the common council of the city of Rice Lake, or any officer of said city, the common council shall appoint a committee to investigate such charges; and it shall be the duty of such committee, as soon as practicable after their appointment to investigate the matter of any charges which may have been so preferred, and to report the results of their investigation to the said common council; and in case such committee shall deem it necessary or proper for the purpose of their investigation, they may examine witnesses, on oath, in relation to any such charges, and the several members of such committee are hereby authorized and empowered to administer

oaths to witnesses to be examined for the purpose of such examination. Such committee shall also have power to order and compel the attendance of witnesses, and for that purpose may issue subpoenas and attachments. Writs of attachments and commitments for contempts shall be signed by the chairman of such committee.

## CHAPTER XII.

### RELATING TO PUBLIC SCHOOLS.

SECTION 1. There shall be chosen for the city of Rice Lake, a board of education, which shall be composed of one school commissioner from each ward and one from the city at large. The first election of commissioners shall be held on the second Tuesday in June, 1887, from six o'clock p. m. to nine o'clock p. m. at such place as the common council shall designate, when a full board shall be elected. The commissioners first elected as aforesaid, shall enter upon the duties of their office on the first Monday of July after their election, and shall continue in office as follows: The commissioner from the First ward, one year; the Second ward, two years; the Third ward, three years; the Fourth ward, four years; and from the city at large, five years and until their successors are elected and qualified; and thereafter the term of office of all commissioners elected shall commence on the first Monday of July after their election; and on the second Tuesday in June in each year after the first election, there shall be elected a school commissioner to succeed any member of the board of education whose term shall expire on the succeeding first Monday of July, who shall hold his office for the term of five years and until his successor is elected and qualified. Elections shall be conducted and returns made in the same manner as in city elections under this act.

Relating to public sidewalks.

SECTION 2. The school commissioners elected under the provisions of section 1, of this chapter, shall form the board of education of the city of Rice Lake, and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the board of education to supply

Board of education, of whom consulted.

by appointment any vacancy which may occur, from time to time, in the number of said commissioners by resignation, or otherwise.

School district boundaries.

SECTION 3. All the district of country within the corporate limits of the city of Rice Lake shall be known and designated as school district number one, of the city of Rice Lake, for all purposes, and shall be the legal successors of school district number six of the town of Stanfold, and shall be charged with all the indebtedness, and vested with all the property, school houses, sites, furniture, apparatus and appurtenances of said school district number six; and all such property while used for school purposes shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever, and the title of said property shall be vested in the city of Rice Lake, and the said city shall be able to take, hold and dispose of any real or personal estate transferred to it by gift, grant, bequest or devise, for the use of the schools of said city, whether the same shall be transferred in terms to said city by its proper style, or by any other designation, or to any other person or persons, or body for the use of said schools.

School money to be paid to treasurer.

SECTION 4. The treasurer of said city is hereby authorized, empowered and directed to apply for, demand and receive from the county treasurer of Barron county all moneys appropriated for the use of schools in said city, and all other moneys in possession of said county treasurer at any time, raised, appropriated or intended for the use and benefits of schools in said city, and the said county treasurer is hereby directed and required on demand or the said treasurer, to pay over to him the said moneys without delay or set-off, taking his receipt as such treasurer therefor, and all such moneys shall be placed to the credit of the school fund of said city.

Election of president of board of education.

SECTION 5. The board of education shall, at its first regular meeting in July of each year, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order, subject to appeal of the board. He shall sign all orders drawn by the secretary for the payment of teachers' and janitors' wages, and

other incidental and necessary expenses of said board of education, and in suits brought by or against the school district, he shall appear in behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board, and on all questions appropriating money, or the adoption of text books, the vote shall be taken by ayes and noes and recorded; and on any other question the ayes and noes shall be called when any member shall request it. In the absence of the president the board shall elect a president pro tempore.

SECTION 6. The board of education shall hold at least one regular meeting in each month, at such time and place as may be directed by them, and they may have special meetings at such other times as they may deem necessary when called together by the president or a majority of the members. All questions to be determined by the board shall be brought up for consideration at a general or special meeting by motion or resolution, and no such motion or resolution shall be adopted except by a vote of the majority of the board.

Meeting of  
board of edu-  
cation.

SECTION 7. The said board of education shall have power and it shall be its duty:

Powers of  
board.

1. To establish and organize such and so many schools in said city, or the several wards thereof, as they shall deem necessary and expedient, and to alter and discontinue the same.

2. To have the custody and safe keeping of the school-houses and out-houses, books, furniture and appendages, and to see that the ordinances and regulations of the common council in relation thereto are observed.

3. To contract with and employ in behalf of the city, all teachers in the common and ward schools, and such other schools as may be under the direction of said board, and at their pleasure, remove them.

4. To arrange and determine the terms and vacations in all public schools; to have in all respects the superintendence, supervision and management of all the public schools of said city, and from time to time to adopt, alter, modify and repeal, as it may deem expedient, rules and regulations for their organization, government and in-

struction; for the reception of pupils, and their transfer from one school to another, and generally for the promotion of their good order, prosperity and utility.

5. Whenever, in the opinion of said board, it may be advisable to sell any of the school-houses, lots or sites, or any of such school property now or hereafter belonging to the city, to report the same to the council.

6. To make contracts for all fuel, stationery and articles of furniture required for the use of the schools; to make all necessary repairs on school-houses; to make contracts for all incidentals required for carrying on the schools, employ janitors, etc., and such contracts shall, when executed, be paid by order drawn on the city treasurer, payable out of the school fund, which orders shall be signed by the president of the board of education, and countersigned by the secretary of of the board.

7. The board of education shall, on the first Monday in November in each year, submit a statement to the mayor and council, of all the money disbursed by them during the year, and for what purpose the same was disbursed; and they shall at the same time submit for the consideration of the council, a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amounts required for teachers' wages and other items separately and specifically. Nothing in this section contained shall prevent the council from taking into consideration the amount to be received from the state and county school tax during the ensuing year.

Annual tax  
levy.

SECTION 8. The common council of the city of Rice Lake, shall have power to annually levy and collect a school tax, to meet the expenses of erecting and repairing school-houses, purchasing or hiring sites for school-houses and supporting and maintaining schools, but no such tax so levied by the council shall exceed two per cent. of the assessed valuation of all the taxable property in the city for that year.

Repair of  
school houses.

SECTION 9. Whenever repairs to a larger amount than one hundred dollars shall, in the opinion of the board be required, for any one school-house, they shall cause a statement to be made showing the repairs required, and estimate of the

cost to be laid before the mayor and common council; and whenever, in their opinion, another school-house shall be necessary, they shall cause a statement and estimate of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimate of the cost of the same to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings and the purchase of such site or sites, and it shall be the duty of the board to enter into contracts for making such repairs or for the erection of such building or buildings, or the purchase of such site or sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council; provided, that if such tax proposed to be levied shall exceed the sum limited in this chapter, the same shall be submitted to a vote of the people, in the same manner as is provided in this act for levying special taxes.

SECTION 10. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made, in which any member of said board shall have an interest, shall be absolutely void.

Shall have no interest in any contract.

SECTION 11. The commissioners appointed or selected under this act shall receive no compensation for their services unless the common council by ordinance or resolution shall otherwise provide.

Commissioners shall receive no compensation.

SECTION 12. The city clerk of the city of Rice Lake, shall in addition to his other duties, act as secretary of the board of education.

City clerk to be secretary of board.

SECTION 13. All lands formerly in school district number six, of the town of Stanfold, which are not included within the limits of the city of Rice Lake, shall be attached to and become a part of the school district in the town of Stanfold, upon which such lands adjoin, and the town board of the town of Stanfold is hereby authorized and empowered to enter an order attaching such lands to said school districts.

School district territory defined.

SECTION 14. The city treasurer is hereby authorized to demand of and receive from the treas-

Funds due the city to be paid to the treasurer.

urer of school district number six, of the town of Stanford, such moneys as shall be in his hands on the thirtieth day of June, A. D. 1887, belonging to said school district, and give his receipt for the same to said district treasurer; said receipt, when given, shall release said school district treasurer and his bondsmen from all liability for such money.

## CHAPTER XIII.

### MISCELLANEOUS.

Credit of city.

SECTION 1. The credit of the city shall never be loaned or given in aid of any individual, association or corporation.

No power to borrow money.

SECTION 2. The city shall have no power to borrow money or contract any debts which cannot be paid out of the revenue for the current year.

Extra compensation not allowed.

SECTION 3. No extra compensation shall be allowed to any officer, agent, servant or contractor, after the service shall have been rendered or the contract entered into, nor shall any compensation be paid to the mayor nor any member of the common council for their services, except as inspectors of election and on the board of equalization.

Annual settlement.

SECTION 4. The council shall settle all just claims and demands against the city, and settle with the treasurer annually and publish accounts of the receipts and expenditures of the city, and the state of the city funds for the information of the citizens.

Service of process—how made.

SECTION 5. When any suit or action shall be commenced against said city, the service of process therein may be made by leaving a copy thereof, by the proper officer, with the mayor, and it shall be the duty of that officer forthwith to inform the council thereof, or take such other proceedings as by ordinance or resolution of said council may be provided.

City may lease and purchase real estate.

SECTION 6. The city may lease, purchase and hold real or personal estate sufficient for the convenience of the inhabitants thereof and may sell and convey the same and the same shall not be liable to taxation; provided, that no debt shall be incurred in any such purchase which cannot be paid out of the revenue of the fiscal year.

SECTION 7. Every license issued by the authority of this act or ordinance of the city shall be signed by the city clerk and sealed with the corporate seal; but no license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor; nor shall any license be issued for dealing in spirituous or malt liquors unless the same shall have been authorized by the council and the applicant shall have filed his receipt as aforesaid, together with a bond, as required by the laws of the state, which shall be approved either by the mayor or council; provided, that the sum to be paid for any such license shall not be less than two hundred dollars per annum. All moneys arising from such licenses shall be paid into the city treasury for the use and benefit of the city.

License, by whom signed.

SECTION 8. The use of the jail of Barron county, until otherwise provided, shall be granted to said city for the confinement of offenders committed thereto, and when such offender shall be committed to such jail, as provided in this act, the sheriff of said county shall be responsible, as in other cases.

Use of jail.

SECTION 9. No general law of this state contravening the provisions of this act shall be considered as repealing, annulling or modifying the same, unless such purpose be expressly set forth in such law as an amendment to this chapter.

Does not repeal.

SECTION 10. Whenever the town board of supervisors of the town of Stanford, in the county of Barron, may deem it for the convenience and interest of the legal voters of said town, they are hereby authorized and empowered to select a place for the polls of any general or special election, or town meeting, at any suitable place within the limits of the city of Rice Lake; provided, that such polls shall not be nearer to any polls of election in any ward of said city than three hundred feet; and notice of such elections and the place where the same is to be held shall be given as provided by the laws of this state.

Selection of polling places.

SECTION 11. It shall be lawful for the supervisors of said town of Stanford, to hold their meetings for the transaction of town business at any proper place within the city of Rice Lake, and

Town may hold meeting in city.

said town board may authorize and empower the town clerk and town treasurer of said town to keep the books and papers of their respective offices, at any suitable place within the limits of said city; provided, that said city shall not be chargeable with nor liable for any of the expenses arising or growing out of the provisions of this or the preceding section.

City to assume debts for town.

SECTION 12. The city of Rice Lake shall stand charged with the principal and interest of three thousand dollars of the bonds of the town of Stanfold, and from and after the passage and taking effect of this act, said city shall annually pay to the town of Stanfold, at the times whenever such interest and principal shall become due and payable, the amount of interest and principal due payable on such proportion of the bonded debt of said town; provided, that after the first day of July, A. D. 1887, said city shall have the option to take up and redeem any of said bonds, and thereafter be released and discharged from any further liability on account thereof. The village lock-up and hospital, and all personal property belonging to road district number three, in said town of Stanfold, shall hereafter be the property of Rice Lake, and said city shall be liable for all debts of said road district number three, and entitled to all moneys and property belonging to said district.

Representation in county board.

SECTION 13. Whenever from any cause the supervisor from any ward shall be unable to attend any regular or special meeting of the county board the supervisor and aldermen shall designate one of the aldermen of the ward to represent the ward at such meeting of the county board and shall make and certify such designation in writing and the alderman so designated shall attend such meeting and act as a member of the county board.

Adoption of charter—how effected.

SECTION 14. The question of the adoption of this act as a charter of the said city of Rice Lake shall be submitted to the electors residing within the proposed limits of said city, before such charter shall become operative. For the purpose of determining such question, the qualified electors residing in said territory shall meet on the second Tuesday of April, A. D. 1887, at 10 o'clock in the forenoon of that day, at the place where the last annual town meeting of the town of Stanfold was

held, and vote by ballot upon such question. The board of supervisors of the town of Stanfold are hereby appointed inspectors of such election, and the town clerk of Stanfold is appointed clerk thereof. Public notice of such election shall be given by publishing the same once in one or more of the newspapers printed in said town, and by posting notice in at least five public places within the proposed limits of said city. Such notice shall specify the time, place and object of such election, and the time of opening and closing of the polls. At such meeting, the polls shall be opened at 10 o'clock in the forenoon and kept open until five o'clock in the afternoon, when they shall be closed. Said election shall be conducted in all respects the same as elections for town officers, and all laws of this state applicable to the election of town officers, shall apply to all proceedings thereat, so far as they are consistent with this act. Every elector residing in the territory included in proposed limits of the city of Rice Lake, and qualified to vote for city officers under this act, may vote at such meeting by a ballot having thereon the words "for the charter" or the words, "against the charter." If a majority of the ballots cast at such election have thereon the words, "against the charter," then this act shall be inoperative and void. If a majority of such ballots have thereon the words, "for the charter," this act shall be in full force and effect. The said inspectors shall make and certify returns of the result of such election and file duplicates of the same, in the office of the county clerk of the county of Barron, and the town clerk of the town of Stanfold, and such returns shall be evidence of the facts therein stated and the regularity of all proceedings in relation to such election. In case this act is not adopted as the charter of said city then the notices and designations required by section 6, of chapter 2, of this act shall be void and of no effect.

SECTION 15. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1887.