

CHAPTER 106.

[Published March 7, 1874.]

AN ACT to amend chapter sixteen of the private and local laws of 1872, entitled "an act to incorporate the city of Eau Claire."

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

SECTION 1. Section two of chapter three, of the act to incorporate the city of Eau Claire, is hereby amended, by adding thereto the following: The mayor shall have power to administer oaths and affirmations, take acknowledgments of deeds and other instruments, and perform marriage ceremonies.

Powers of the mayor.

SECTION 2. Section four of said chapter three is hereby amended by adding thereto the following: He may appoint a deputy, in writing, under his hand, and file such appointment in his office, and such deputy in case of the absence or disability of said clerk, shall have full power and authority to perform all of the acts and duties pertaining to said office.

Clerk may appoint a deputy.

SECTION 3. Section five of said chapter three is hereby amended, by adding thereto the following: He may appoint a deputy, in writing, under his hand, and file such appointment in the office of the city clerk, and such deputy in case of the absence or disability of said treasurer shall have full power and authority to perform all of the acts and duties pertaining to said office; and said treasurer may require of such deputy a bond to said treasurer, in such sum as he may deem sufficient, with such sureties as he may approve conditioned for the faithful performance of all of the duties pertaining to said office, and that he will truly account for and pay over, according to law, all moneys which shall come into his hands as such deputy.

Treasurer may appoint a deputy.

SECTION 4. Section seven (7) of said chapter three (3) is hereby amended so as to read as follows: Section 7. The chief of police shall perform such duties as shall be prescribed by ordinance for the preservation of the public peace, and the collection of fines and license moneys. He shall possess all the powers and perform all the duties of a constable under the laws of the state of Wisconsin, and receive like fees; but he shall not go beyond the city limits to make arrests, or serve any process unless the cause for making such arrest or for issuing such process arose within the city,

Prescribing duties and powers of chief of police.

and the policemen of said city shall be under the control and direction of the mayor and chief of police, and shall have all the powers and shall perform all the duties of a constable under the laws of Wisconsin, and receive like fees. But no fees shall be paid by the city to the chief of police or any policeman for making any arrests or serving any civil or other process.

Official paper,
how designated

SECTION 5. Section nine (9) of said chapter three (3) is hereby amended so as to read as follows: Section 9. The common council shall annually designate a newspaper, printed and published in the city of Eau Claire, in which to publish their proceedings and all ordinances and resolutions; and to do all other printing authorized to be done for the use of the city, and they may let the same by contract to the lowest responsible bidder for the term of one year; but no bid therefor shall be considered unless made by the publisher of a weekly newspaper, printed and published in the city of Eau Claire, and no bids therefor shall be considered which shall be higher than the rates prescribed by law for similar printing. And the printer of said newspaper shall, either in person or by his foreman, file with the clerk of the city, his or their affidavits of the length of time any ordinance, by-law, resolution or proceeding has been published, and such affidavit shall be *prima facie* evidence of the publication of such notice, ordinance, proceeding or by-law.

Official publica-
tions, how
verified.

Requiring
publication of
ordinance.

SECTION 6. Section four of chapter four of the act to incorporate the city of Eau Claire is hereby amended by striking out all of said section after the word "mayor," where it last occurs in said section, and inserting in lieu thereof as follows: And all ordinances shall be published in the public newspaper printed in the city of Eau Claire, which may have been selected by the common council to do the printing of the city, and shall be in force from and after their passage and publication; and within fifteen days after publication, such publication being duly proved by the affidavit of the printer or foreman of the printers of such newspaper, and filed in the office of the city clerk, shall be *prima facie* evidence of the passage and publication thereof.

Repealed.

SECTION 7. Sections fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20) and twenty-one (21) of chapter six (6) of the act to incorporate the city of Eau Claire are hereby repealed.

Estimates for
the fiscal year.

SECTION 8. Section five (5) of chapter seven (7) of the act to incorporate the city of Eau Claire, is hereby amended to read as follows: Section 5. The fiscal

year of the city of Eau Claire shall commence on the first day of September, on which day, or within thirty days thereafter, the common council shall, by resolution, determine what amount of money, including the estimated resources of the city not derived from direct taxation, for the year next ensuing, will be required for general city purposes during that year; and the common council shall thereupon be empowered to levy, and shall, by resolution, levy a tax for general city purposes, not exceeding in amount one per centum of the assessed value of real and personal property of the city for that year. The common council shall also, in the month of September of each and every year, determine and levy the amount of highway tax in said city for the ensuing year, for the purpose of constructing and repairing streets, highways and bridges in said city, which amount shall not exceed four mills on the dollar upon all taxable property of said city, as the same shall appear by the last assessment roll, which shall be collected in the same manner as the general taxes of said city are collected. The city treasurer shall credit each ward in said city with the amount of highway tax collected by him therein, and all the moneys so collected shall be expended on streets, highways and bridges in the wards where collected, under the direction of the street commissioner. The common council shall have power to levy a tax upon the assessment roll, equal in amount to the interest for one year, not otherwise provided for, upon all bonds lawfully issued by the city of Eau Claire; and no such special tax shall be used or applied for any other purpose whatever. No city order of any kind shall be received in payment of school or school house tax, but the same shall be paid in money, and shall be paid over by the city treasurer to the treasurers of the several school boards, upon the order of the director and clerk thereof. All resolutions for the purpose of levying a tax shall require for their passage an affirmative vote of two-thirds of all the members of the common council.

Amount of highway tax to be levied.

Tax for interest on city bonds.

SECTION 9. Section fourteen (14) of chapter eleven (11) of the act to incorporate the city of Eau Claire, is hereby amended to read as follows: Section 14. In all cases of conviction in actions brought or prosecuted to recover a penalty, fine or forfeiture under any of the provisions of this act, or for the violation of any ordinance of said city, the court shall enter judgment against the defendant for the fine and costs of prosecution, and if the defendant shall neglect or refuse to pay

Fines and imprisonments.

Offenders may
be kept at hard
labor.

such fines and costs, the court shall enter a judgment that the defendant be imprisoned in the county jail of Eau Claire county for such term as may be prescribed by this act or the ordinance violated, not exceeding three months, and shall forthwith commit the defendant for the term fixed by said judgment; or the court may, in its discretion, in case of the non-payment of such fine and costs as aforesaid, enter judgment that said defendant be imprisoned as aforesaid and kept at hard labor, for the benefit of the city of Eau Claire, in the said jail, or upon the public streets, or elsewhere within said city, under the supervision of the chief of police, or such of the police force as may be detailed by him for that purpose, for the period of time for which such person or persons shall have been so committed, unless the judgment and expenses of imprisonment are sooner paid; and all persons so committed and kept at labor shall be allowed one dollar per day for each day's labor rendered, exclusive of board, and the amount so earned shall be applied in liquidation of the judgment, until the same shall be fully paid by such labor, at which time the judgment shall be satisfied and the defendant discharged from custody.

Power to sus-
pend policemen

SECTION 10. Section twenty-nine of chapter eleven of said act is hereby amended so as to read as follows: Section 29. The mayor and chief of police shall have power, and it shall be their duty, to suspend from office any policeman for incompetency, misconduct or neglect in the discharge of his official duties, or for refusing or neglecting to perform such acts as are required of him by law; and whenever the mayor and chief of police shall have so suspended any policeman, it shall be their duty to report such fact to the common council at its next meeting, together with their reasons therefor.

SECTION 11. Section thirty six (36) of chapter eleven (11) of the act to incorporate the city of Eau Claire, is hereby repealed.

SECTION 12. This act shall take effect and be in force from and after its passage.

Approved March 4, 1874.