

adopt the same as a part of said state road, or lay out said state road only from such point; or points of intersection, as said commissioners shall deem best.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

CHAPTER 320.

[Published March 20, 1876.]

AN ACT to incorporate the city of River Falls.

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

[CHAPTER I.]

General corporate powers.

SECTION 1. All that district of country hereinafter described, from and after the first Monday of April next, shall be a city by the name of River Falls; and the people now inhabiting, and those who shall inhabit said district, shall be a municipal corporation by the name of the city of River Falls, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, or suing or 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; *provided*, that the question of the adoption of this act, as a charter of such city, shall be submitted to the electors of such territory before such charter shall become operative.

Question of adopting charter to be submitted to voters.

For the purpose of determining such question the qualified electors residing in such territory shall meet on the thirty-first day of March, A. D. 1876, at 10 o'clock A. M. of that day at such place as the the inspectors of such election shall appoint and vote by ballot upon such question. O. S. Powell, C. H. Crossman and George Pratt are hereby appointed inspectors of such election. In case of a vacancy in such board of inspectors the electors present shall choose viva voce from the qualified electors of such territory

so many inspectors as there are vacancies in said board, and the persons so chosen shall be authorized to act as inspectors of such election. Such inspectors shall give notice of such election by posting notices thereof in at least three public places in such territory, at least five days prior to such election. Such notice shall specify that at the time and place mentioned in said notice, a meeting of the qualified electors of such territory, will be held to determine the question of the acceptance of this charter. At such meeting the polls shall be opened at 10 o'clock in the forenoon, and shall be kept open till 5 o'clock in the afternoon, when they shall be closed; but such inspectors may close the polls at twelve o'clock noon, for one hour, giving notice thereof. The time of opening and closing the polls shall be specified in the notice of such meeting. Such inspectors shall preside and act as inspectors at such meeting, and may designate one of their number to act as clerk thereof; and all laws of this state applicable to the election of town officers, shall apply to such meeting and to all proceedings thereat, so far as the same may be applicable and are consistent with the provisions of this act. Every elector residing in such territory and qualified to vote for town officers in the town or towns in which such territory or any part thereof shall lie, may vote at such meeting by a ballot having thereon the word "yes" or the word "no." If the majority of the ballots given at such election shall have thereon the word "no," the electors of such territory shall be deemed not to have assented to the incorporation thereof as a city under the provisions of this act, and such act is hereby declared to be inoperative. But if a majority of such ballots shall have thereon the word "yes," the inhabitants of such territory shall be deemed to have accepted the provisions of this charter, and this act shall be of full force, and the territory comprising the following limits and boundaries shall constitute the city of River Falls, to-wit: Section number one (1), of town twenty seven (27), of range nineteen (19) west. The said inspectors shall make a return of the results of such election and file duplicates of the same in the office of the register of deeds of the county of Pierce; and such return shall be *prima facie* evidence of the facts therein stated, and the regularity of all proceedings in relation to such election.

City boundaries.

Ward bounda-
ries.

SECTION 2. The said city shall be divided into wards as follows: All that territory in said city lying east and south of the Kinnickinnic river shall constitute one ward, to be known as the first ward, and that portion of said territory lying north and west of said river shall constitute one ward to be known as the second ward of said city, the middle of said stream to be the boundary line between said wards.

CHAPTER II.

Elective offi-
cers and terms
of same.

SECTION 1. The elective officers of said city shall be a mayor, a marshal, a treasurer, one justice of the peace for each ward, four aldermen, two for each ward, two assessors, one for each ward, who shall constitute a board of assessors, one constable from each ward, which said officers shall hold their respective offices as follows: The mayor, marshal, treasurer and assessors, for one year; aldermen, except as hereinafter prescribed, justices of the peace, and constables for two years. The term of office shall commence on the second Monday in April next after their election. Each of said officers shall continue in office for his respective term and until his successor is elected and qualified, and shall have such powers and perform such duties as are prescribed in this act or as may be prescribed in any ordinance of said city not inconsistent with this act, or which may not be incompatible with the nature of their respective offices.

Election of city
officers.

SECTION 2. On the first Tuesday in April next, the qualified electors of said city shall elect one mayor, one treasurer, one marshal, four aldermen, two justices of the peace, two constables, and two assessors, which said officers shall be qualified voters resident in said city. The said O. S. Powell, C. H. Crossman and George Pratt, or a majority of them, shall designate the place of holding the first election in said city, by posting at least three notices thereof in conspicuous places in said territory at least five days before said election, and at each election the voters present shall have power to proceed by nomination and viva voce election of three inspectors and two clerks, whose duties shall be (after being sworn by any officer competent to administer an oath by the laws of this state) to see that said election shall be conducted in accordance with existing laws of the State of Wisconsin, and any fraud or violation of said laws at said election shall be punishable as any

violation of the election laws in any part of said state; and at every subsequent first Tuesday in April, elections shall be held for the officers above designated, and said election shall be presided over by the aldermen of said ward, or in case of their absence or disability to attend, the voters present at the hour of opening of polls shall elect by viva voce a sufficient number of inspectors to make three with the aldermen present, who shall be sworn in accordance with the laws of the state; they shall appoint and swear two clerks and shall see the names of the voters registered and the ballots safely deposited in the ballot box, shall decide all questions that may arise as to the legality of the votes presented, shall count the ballots at the close of the polls and shall certify and seal returns, and the day following the election shall direct and return the said return to the clerk of the city council. The mayor of the city and such members of the common council as shall hold over shall constitute a board of canvassers who shall, within five days after election, meet at the common council chamber and canvass such returns and after the aforesaid returns have been canvassed by said board the mayor shall notify by certificate the persons elected to the respective offices. The returns of the first election shall be made to the persons constituting the board of inspectors first herein provided for, and they or any two of them, shall canvass said votes and shall certify to and notify the officers elected. The polls shall be kept open in the ward from nine o'clock in the forenoon until five o'clock in the afternoon.

SECTION 3. In the event of a vacancy in the office of mayor and justice of the peace, by death, removal or disability, the common council shall order a new election and shall give not less than five days notice thereof. Any vacancy in other offices shall be filled by the common council. The person appointed or elected to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections to fill vacancies.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All elections by the common council may be viva voce. 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

What elections by ballot and what viva voce
Tie vote.

by casting of lots in the presence of the common council at such time and in such manner as they may direct.

Qualifications
of voters.

SECTION 5. All persons entitled to vote for state and county officers, and who shall reside within the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created.

Oath of elect-
ors.

SECTION 6. If either of the inspectors of elections or aldermen shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector or aldermen, before receiving any such vote, shall require the voter offering to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age; that you are a citizen of the United States (or have declared your intentions to become a citizen, conformable to the laws of the United States on the subject of naturalization), that you have resided in this state one year, and now reside in this ward, and that you have not voted at this election, and that you have made no bet or wager depending upon the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any election, he shall be liable to indictment, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and shall swear in their votes; and if any inspector or alderman shall knowingly or corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every such inspector or clerk shall be liable to indictment, and upon conviction thereof shall severally forfeit and pay a sum not exceeding five hundred

Penalty for
taking oath
falsely and for
making false
returns.

dollars, nor less than one hundred dollars. All such indictments shall be tried in the circuit court of the county.

SECTION 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen or inspectors as provided by this act, and returns thereof shall be made in the same time, form and manner as of general or annual elections.

Special elections.

SECTION 8. There shall be elected at the first election under this act, three aldermen, who shall hold office for one year, and three aldermen who shall hold office for two years, and at every annual election thereafter, three aldermen who shall hold office for two years.

Election of aldermen.

SECTION 9. Any officer removing from the city, and any officer who shall neglect or refuse to qualify on or before the second Monday next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as hereinafter provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such offices immediately after receiving notice of such election or appointment.

When vacancy to be declared and how filled.

CHAPTER III.

SECTION 1. Every person elected or appointed to fill any vacancy under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, marshal, constable, policeman, justice and justice of the peace, and such other officer as the common council may direct, shall severally, before they enter upon the discharge of their respective offices, execute to the city of River Falls a bond, in such sums and with such security and such conditions as the common council may direct, and the common council may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Officers to take oath and give bonds.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and the ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall communicate in writing to the common council once a year such in-

Duties of mayor.

formation as the common council may require, and shall communicate once a year such information as he may deem necessary.

President of council.

. SECTION 3. At the first meeting of the common council each year, or as soon thereafter as may be, they shall proceed to elect by ballot one of their number president, and in absence of the mayor the said president shall preside over the meeting 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 discharge all the duties of mayor. In case the mayor and president shall be absent from any meetings of the common council, they shall proceed to elect a temporary presiding officer who for the time being shall discharge all the duties of mayor. The president or temporary presiding officer shall while presiding over the council or performing the duties of mayor, be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor.

Duties of city clerk.

SECTION 4. The common council shall elect a city clerk; he shall keep a corporate seal and all the papers and records of the city; he shall attend the meetings and keep a record of the proceedings of the common council. The records of the common council kept by him shall be evidence of all legal proceedings. Copies of all papers filed in his office and transcripts from the records certified by him under the corporate seal shall be evidence in all courts in like manner as if the originals were produced. He shall keep a full and accurate account of all orders drawn on the city treasury in a book procured for that purpose, and shall also keep an accurate account with the treasurer, and charge him with all the tax-lists delivered to him for collection and all sums of money paid into the city treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk *pro tem*. The city clerk shall have power and authority to administer oaths and affirmations.

Duties of city treasurer.

SECTION 5. The treasurer shall receive all moneys belonging to the city and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as he shall be required, and annually, at least ten days before the annual election, make a full and detailed account of all the receipts and ex-

penditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk.

SECTION 6. The marshal shall perform such duties as shall be prescribed by ordinance for the preservation of the public peace, and the collection of fines and license money. He shall possess the power of constable at common law, or by the laws of this state, co-extensive with the county of Pierce, shall be subject to the same liability and receive like fees. Duties of marshal.

SECTION 7. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office. Power of council to require further duties of officers.

SECTION 8. The common council shall annually provide that all advertising or publishing authorized or required by them to be done for their use for the city, shall be let by contract to the lowest bidder for the term of one year; *provided*, that no bid therefor shall be considered unless the same shall be lower than the rate of legal advertising fixed by law; all ordinances and other proceedings required by this act, or by the by-laws or ordinances of the common council shall be published in the newspapers selected under the provisions of this section, 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 said ordinance, by-law or proceedings have been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, proceeding or by-law. How advertising and printing to be done.

SECTION 9. If any person having been an officer in said city shall not within ten days after notification and request deliver to his successor in office all property, money, books, papers and effects of every description in his possession belonging to said city, or pertaining to the office he may have held he shall forfeit and pay to the city for its use one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover Penalty for neglect or refusal to deliver books and papers to successor.

the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Peace officers
and powers of
same.

SECTION 10. The mayor, sheriff of Pierce county aforesaid, each and every aldermen, justice of the peace, marshal, constable and watchman, shall be officers of the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be all citizens and military companies; and if any person, bystander, military officer or private, shall refuse to aid in maintaining the peace when required, such person shall forfeit and pay a fine of fifty dollars; and in case where the civil power may be required to suppress riot or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

City surveyor.

SECTION 11. The common council shall elect a city surveyor who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe the duties and fix the fees and compensation for any service performed by him. All surveys, profiles, plans, or estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested, and the same together with all books and papers pertaining to said office shall be delivered to his successor or the common council at the expiration of his term of office.

CHAPTER IV.

How common
council consti-
tuted.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the city of River Falls do ordain," &c. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Meetings of
council.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings by notice to each of the members to be served personally or left at their usual place of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members.

SECTION 3. The common council shall have control and management of the finances, and of all property of the city, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health as they shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of 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 of the United States and of this state, and for these purposes shall have authority, by ordinance, resolution or by-law: 1st. To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement of and removal of all nuisances under the ordinances or at common law; and to grant license for selling spirituous, vinous or fermented liquors, and to regulate groceries, taverns, victual-houses and the persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by laws of this state and that no license shall be granted for a less time than one year, and shall expire on the first Tuesday in April, except in special cases the council may issue the same for a fractional portion of a year to expire on that day; *and provided further*, that no person thus licensed shall sell or give away spirituous, vinous or fermented liquors on election days; and all moneys derived from licenses shall be paid into and constitute a part of the city general fund. 2d. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards or dice or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council. 3d. To prevent any riots, noise, disturbances or disorder-

General powers
of common
council.

To issue license

To prevent
gambling, riots
etc.

To abate nuisances.

To prevent encumbering of streets, horse-racing, and running at large of cattle, dogs, etc.

To require removal of unwholesome substances.

ly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gaming. 4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap-factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city. 5th. To direct the location and management of slaughter-houses and markets, and to prevent the erection of, and use and occupation of the same, when the offal or filth therefrom shall discharge into the waters of the rivers, lakes, ponds or sloughs, and to establish rates for and license vendors of gunpowder, and regulate the storage, keeping and conveying of the same, or other combustible material. 6th. To prevent the encumbering of streets, sidewalks, lanes or alleys with carriages, sleighs, boxes, lumber, firewood or any other materials or substances whatever. 7th. 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 said city. 8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same. 9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance. 10th. To prevent persons from bringing, depositing or having within said city any putrid carcass or unwholesome substances, and to require the removal of the same by any person who may have upon his premises, any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, or on default, to authorize the removal thereof by some competent officer, at the expense of such person or persons. 11th. To establish and make public pounds, pumps, wells, cisterns and reservoirs of the city, to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps for lighting the streets, public grounds, and public buildings, with gas or otherwise. 12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds, set apart for public use, from

taxation. 13th. To establish the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. 14th. To prevent all persons from riding or driving any horse, mule, or any other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks. 15th. To prevent any shooting of fire-arms or crackers, and to prevent the exhibitions of fire-works in any situation which may be considered by the council dangerous to the city or to any property therein, or annoying to the citizens thereof. 16th. To restrain drunkards, immoderate drinking, or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. 17th. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments. 18th. To make rules and ordinances for the government of the police of the city. 19th. 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 punish and restrain all persons from interrupting the due observance of such rules and regulations; to regulate and license butchers' stalls, shops and stands for the sale of game, poultry, meats, fish and other provisions. 20th. To regulate the place and manner of weighing hay, selling the same and measuring and selling fuel and other gross commodities, and to appoint suitable persons to superintend and conduct the same. 21st. To compel owners of buildings or grounds, or the occupants, when the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto; and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in default, to authorize the removal or destruction of the objectionable substance by officers of the city at the expense of such owner or occupant. 22d. To regulate, prevent and control the landing of persons from cars and stages, wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. 23d. To regulate the time, place and manner of holding public auctions and vendues. 24th. To appoint watchmen and regulate their duties. 25th. To provide by ordinance for a standard of weights and measures, and for the pun-

To preserve
good order.

To establish
markets.

To make vari-
ous police reg-
ulations.

ishment for the use of false weights and measures. 26th. To alter or change the name of any street in the city, and to re-number the lots and blocks of the city or any part thereof, and to cause a revised and consolidated plat of the same to be recorded in the office of the register of deeds of the county in which the same is situated: and after the making and recording of such plat, such lots or tracts may be assessed or conveyed by the numbers or designations upon such plat, and such numbers and designations shall be valid descriptions for all purposes of assessment, tax-deeds and conveyances.

To lay out and compel improvements of streets, grounds etc.

27th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes or alleys, and sidewalks and bridges, and to keep them free from incumbrance, and to protect them for injury. 28th. The common council shall have power to require the owner of any lot or grounds in the city to set out shade or ornamental trees, in street or streets, fronting the same, and in default thereof to cause the same to be done, and to levy a special tax upon such lot or grounds, to pay the expense of the same. 29th. The common council shall have jurisdiction over the entire water-courses bordering on such city, or running through the same, so as to prevent any deterioration of the waters or any nuisance being cast therein by which the health of the inhabitants of the city or the purity of the waters shall be impaired, and may also prohibit the taking of fish in the waters thereof, during such months as they shall designate.

How laws, ordinances, etc., to be passed.

SECTION 4. All laws, ordinances, regulations, resolutions and by-laws, shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in a paper or papers, both selected by the common council, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books provided for that purpose; but before any of the said laws, ordinances, regulations, or by-laws shall be recorded, the publication thereof, respectively within the same time, shall be proved by the affidavit of the foreman or publisher of each newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

What considered nuisances.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions

or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold, without the license required thereof, houses or buildings of any kind, wherein more than 100 pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

SECTION 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal, and all other officers and agents of the city, at such times as they may deem proper; also at the end of each year, and before the term for which the officers of the said city are elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books accounts and vouchers for such examination and settlement; and if any such officers or agents shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render their accounts, or present their books 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 delinquent or defaulting in his accounts or in the discharge of his official duties and shall make a full record of all such settlements and adjustments.

Council to audit accounts of officers and settle with same.

CHAPTER V.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same as follows: Whenever ten or more freeholders, residing in any ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for public use for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening of the same, the course 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 the petitioners, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be, or if a portion of such lands

Power of council to lay out streets, etc., and to take lands therefor.

Notice to owner of lands to be given.

shall not be in actual occupation of any person, then the common council shall cause such notice, describing, as near as may be, the premises proposed to be taken, to be published in the official paper for four weeks, at least once in each week.

Form of notice SECTION 2. Such notice shall state on a certain date 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 judge of the circuit or county court for the county in which such lands may be situated, for the appointment of six jurors to view said premises, and to determine whether it will be necessary or expedient to take the same for the purposes specified in said petition.

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

Substitution of jurors. SECTION 4. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Jurors to view premises and hear testimony SECTION 5. The said jurors, at such times as they shall agree upon, shall proceed in a body to view the premises in question; and shall hear such testimony as may be offered by any person interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Report of jurors. SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and shall state whether in their judgment it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited therein.

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council shall enter an order among their proceedings confirming said report and directing the said jurors within one month thereafter, or such further time as may be deemed proper to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid, to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefited by such taking, and to assess and return, within the time limited, such damages and benefits to the common council.

In case it is reported necessary to take premises.

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

In case of lands being occupied by buildings.

SECTION 9. At least ten days previous notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper three successive weeks. Such notice shall specify the building and the award of the jurors. It shall also require parties interested to appear by a day to be therein named or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken, with the land appropriated or of their intent to remove said building, at the value thereon set by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council shall allow.

Notice of determination to be given owners of land.

Parties interested to appear and give notice of intent.

SECTION 10. If the owner refuses 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 said 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.

In case owner refuses to take building to remove.

SECTION 11. The said jurors within the time limited, shall view and examine the premises proposed to be taken and all such other premises as will in their judgment, be injured or benefited thereby. After hearing

Jurors to view premises and appraise value thereof.

such testimony as may be offered by any parties interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken; and the injury arising to them, respectively, in consequence of the taking thereof, shall be awarded to the owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvements. In the estimate of damages to the land, the jurors shall include the value of the building or buildings (if the property of the owner of such land) as estimated by the owner 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.

Damages or benefits to be determined.

SECTION 12. If the damage to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the jurors shall strike a balance and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners, respectively, and the difference only shall in any case be collected by or payable to them.

When property belongs to several persons or is subject to lease or mortgage.

SECTION 13. If the lands or buildings belong to several persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests, respectively, may be awarded to them by the jurors less the benefits resulting to them respectively from the proposed improvements.

Jury to apportion and assess damages and expenses.

SECTION 14. Having ascertained the damages and expense of the proposed improvement as aforesaid, the jurors shall thereupon apportion and assess the same together with the cost of the proceedings upon the real estate, by them deemed benefited, in proportion to the benefits resulting from the proposed improvement as nearly as may be, and shall describe the real estate upon which the assessments may be made. The award of such jurors shall be signed by them and returned together with the testimony taken, to the common council within the time limited in their order or appointment.

When lands shall become vested in city.

SECTION 15. The lands required to be taken for the purpose mentioned in this act shall not be appropri-

ated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent; and in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit, with the city treasurer, and then, and not before, such lands may be taken and appropriated for the purpose required, and the same shall thereafter be subject to all laws and ordinances of the city, in the same manner as streets, alleys, and public grounds, heretofore opened and laid out.

SECTION 16. When the whole of any lot or tract of land, or other premises, under lease or under contract, shall be taken by virtue of this act, all the covenants, contracts or agreements between landlord and tenant or any other contracting parties touching the same, or any part thereof, shall, upon the confirmation of such report, respectively, cease and be absolutely discharged.

Contracts, leases, etc., to be discharged.

SECTION 17. When only 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 such report, shall be absolutely discharged, as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for, or in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more shall be paid or recoverable for, or in respect to the same.

When only part of land taken, contract or lease of balance to remain valid.

SECTION 18. The damages assessed shall be paid or tendered or deposited as herein required, within six months after the confirmation of such assessment and reports, and if not so paid, tendered and deposited, all the proceedings in any case shall be void. The benefits so assessed from the confirmation of such report shall become and remain a lien upon the premises so determined by the opening or widening of such street, alley or public ground.

Damage to be paid within six months.

Benefits assessed to become a lien.

SECTION 19. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant or labor under legal disability, the judge of the circuit court of the county in which said lands may be situate, or in his absence, the judge of any court of record in said county may, upon the application of the common council, or such party or his next friend, appoint a guardian for such

When lands belong to an infant or person under legal disability.

party, and all notices required by this act shall be served upon such guardian.

Council may
appoint new
jurors.

SECTION 20. After the jurors shall have made their report as to the necessity of taking any lands under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors, in the place of any who shall neglect or refuse to serve, and the jurors before entering on the discharge of their duties, shall severally take an oath before some competent officer that they are freeholders of said city, and not interested in the premises proposed to be taken; and that they will faithfully and impartially discharge the trust reposed in them.

Jurors to take
oath.

Right of appeal
to circuit court

SECTION 21. Any person whose property is taken, or against whom an assessment is made, may, within ten days from the return of said jurors to the common council, appeal from the said assessment of damages or benefits, to the circuit court of the county in which such lands may be situate, where such appeals shall be tried by the court and jury as in ordinary cases. The common council shall have the same right to appeal.

Survey and
profile of
street alley or
public ground
to be made.

SECTION 22. Whenever any public ground, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor.

CHAPTER VI.

Council may
survey and
cause map of
streets to be
made.

SECTION 1. The common council may cause a survey of all streets to be made and the grade thereof established, and an accurate and perfect map and profile of the same made and deposited with the clerk of said city, with suitable field notes and explanations thereof, to enable the same to be fully understood, which grade shall be strictly complied with, unless altered and modified as hereinafter provided, in the opening and grading of all streets, and in the erection of all bridges, sluices, water-courses and drains, and in constructing all sidewalks, platforms, cross-walks and alley-ways.

Power of
council to alter
grades of
streets.

SECTION 2. Upon application in writing of the resident owners of three-fourths of the lots upon any street, or upon that part of any street in which the grade is proposed to be changed, the common council shall have power to alter such grade, or establish a

new one in such street or part of street set out in such application as the public good may seem to require.

SECTION 3. Any person not being a signer of such application, who shall complain to have sustained damages by such change of grade, shall have his right of action against the city for the recovery of the same; *provided*, that no suit shall be brought against the city for the recovery of such damages until application shall have been made to the city council, and said council shall have refused or neglected for three months to settle the same; the signing of such application shall be taken and construed as a release of all claims for damages of every such signer.

Right of action against city for damages sustained.

SECTION 4. The common council shall have power to elect a street commissioner who shall have power to require every resident liable to work on the highways, by the laws of this state, to perform one day's labor in each year on the streets in said city and in case any such person shall neglect or refuse to perform such labor at such time and place as such commissioner shall direct, to assess, sue for and collect of every such person, one dollar and fifty cents in lieu thereof, which shall be expended in improving the streets, under the direction of the common council, by said commissioner.

Street commissioner—his duties.

Poll-tax.

SECTION 5. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers and watercourses, are duly observed and kept, and direct and control the persons employed therein. The street commissioner shall have a general supervision over all work let by contract for the improvement of the streets or sidewalks, unless the common council shall otherwise provide. The street commissioner shall annually report to the common council a correct statement of all moneys by him collected under the provisions of the fourth section of this chapter, and the manner of expending the same.

Street commissioner to enforce ordinances relating to streets, etc.

Other duties of same.

SECTION 6. Sidewalks shall be constructed upon the proper and established grade of any street in said city, of such width, in such manner, of such materials and in such time as the common council, by the ordinances, resolution or order, shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not

Construction of sidewalks.

How expenses
to be paid.

construct such sidewalk as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city for at least ten days, of the time and place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; *provided*, that no such contract shall be let until sixty days' notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same at least ten days in the official paper of the city; *provided*, that no such sidewalk shall be constructed except upon the petition of two-thirds of the owners of such lots and blocks, who shall be residents of such city. Such sidewalks shall be maintained at the expense of the city.

CHAPTER VII.

Control of
council over
city funds.

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 be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by the common council, and in no other way; and in all appropriations of money by the common council the ayes and noes shall be taken, and recorded on the journal.

How orders to
be drawn.

SECTION 2. All orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be made payable to the order of the person entitled to receive the same, and shall be payable generally out of any funds in the treasury belonging to the city, and all such orders shall be received in payment of any debt or demand due to or tax or assessment levied by authority of the city, except taxes levied for school purposes.

Debts to be
authorized by
council.

SECTION 3. No debt shall be contracted against the city, or order drawn upon the city treasury, unless the same shall be authorized by a majority of the common council, and no money be appropriated, for any purpose whatever, except such as is expressly authorized by this act.

SECTION 4. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys accruing for licenses shall be paid into the city treasury and become a part of the general fund, except as otherwise provided in this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of the aldermen elect.

Forfeitures, etc
to be paid into
city treasury.

SECTION 5. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; the assessor elected under this act shall have and possess the same powers that are or may hereafter [be] conferred upon township assessors, except as far as they may be altered by this act; *provided, however*, that the common council may prescribe the form of assessment-rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to the revising, altering or perfecting such rolls as they may from time to time deem advisable.

Taxes and as-
sessments.

SECTION 6. On or before the third Monday of June in each year, the assessors shall, with the president of the common council and the city clerk, meet at the common council chamber, and shall organize by electing one of their number chairman, and, on or before the first day of July of each year, the said assessors shall make out an accurate and complete assessment-roll, which shall contain a description, as near as may be, of all lands, lots, or parcels of land within the city, sufficient to indentify the same; and also of all persons or bodies politic liable to pay taxes on personal property, and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite to the name of each person or body politic shall be affixed the value of personal property to each. When there are buildings upon any lot or tract of land the value of the same shall be set forth separately, when so desired by the owners thereof. The assessor may assess any lot or tract of land in such parcels as he may deem proper, but it shall be necessary to enter the name of the owner, when known, opposite to any tract, lot or parcel of land. The assessment shall be certified to by the chairman or majority of the assessment board, and such certificate shall be conclusive

Assessment
roll—how to be
made.

evidence of the organization of the assessment board and the election of such chairman.

Board of review.

SECTION 7. On the first and second Monday of July and at such other times as they may appoint, the assessment board shall meet at the common council chamber for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same shall make such alteration as justice and equity may require.

Revision of assessment roll.

SECTION 8. On or before the first day of September in each year the assessment roll shall be returned to the common council by depositing the same with the clerk. The common council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from, and otherwise revise and correct the same, but shall not have power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessor.

Levy of taxes.

SECTION 9. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk, and an order approving the same shall be entered in the proceedings of the common council. On the first Monday of October in each year, or within ten days thereafter, the common council shall determine the amount of taxes to be levied for general city purposes, and also to be levied for school purposes, and shall by resolution levy the same; but no such resolution shall be adopted except by a vote of two-thirds of the members elect which shall appear in the proceedings of the common council; *provided*, that the said council shall not levy a tax for general purposes exceeding three-fourths of one per cent. upon the assessed valuation of said city in any one year, unless authorized to raise a greater sum by a majority of the electors of said city at a general or special election.

Taxes to be lien on property.

SECTION 10. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic, assessed for personal taxes from the date of the warrant for the collection thereof until such taxes shall be paid, and no sales or transfer of such real property shall affect such lien. Any personal property belonging to the person taxed may be sold for the payment of taxes upon personal property.

SECTION 11. The board of supervisors of the county of Pierce may levy a tax or taxes upon such portion of the territory of such city as may be comprised within the limits of such county, as now is or may be provided by law hereafter in relation to towns, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law in relation to towns and town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

Board of supervisors of Pierce county may levy taxes

SECTION 12. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes of any previous years, and all special taxes levied by the common council since the making out of the annual tax list, in such separate columns as may be necessary, with the total footings carried out opposite each tract or lot of land or persons named therein, which statement shall be called the tax list of the city of River Falls, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

City clerk to make out tax-roll.

SECTION 13. The tax list made out and preserved as aforesaid, shall be *prima facie* evidence in every court of record in this state, that every act or thing required by law to be done, relating to assessing or levying taxes, from the election of officers to the completion of the tax list inclusive, has been done regularly and correctly as required by law.

Tax-list to be evidence.

SECTION 14. Immediately after making out the tax list as aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor or clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list in the manner provided by law, and said clerk shall on or before the twenty-fifth day of November of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

Duplicate tax-list to be delivered to the treasurer.

SECTION 15. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to

Treasurer to collect taxes.

collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive two per cent. fees upon all taxes paid to him before the first day of January, and five per cent. fees upon all taxes paid or collected after that time, to be added to the the amount of taxes and collected with the same, and two per cent. upon all moneys paid into the treasury, which shall be in full for services performed by said treasurer under this act or the ordinances of the city.

Fees of treasurer.

Treasurer to make out delinquent tax-list.

SECTION 16. On or before the fifteenth day of February of each year the said treasurer shall make out and return to the treasurer of the county in which said lands may be, a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is, or may hereafter be required of town treasurers. The said treasurer shall also at the same time make out and deliver to the city clerk a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest, penalties or fees to such delinquent returns as are allowed or are required by law upon delinquent returns from the several towns.

Sale of delinquent lands.

SECTION 17. The county treasurer shall sell all delinquent lands and lots returned from the city of River Falls at the same time and in the same manner as other delinquent lands are sold in said county.

No exemptions from special taxes.

SECTION 18. 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.

Assessment not vitiated by informalities.

SECTION 19: All the directions hereby given except in section nine, of this chapter, for the assessing of lands and the assessing and levying, collections and returns of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or the assessment.

CHAPTER VIII.

SCHOOLS.

SECTION 1. The common schools of the city of River Falls shall be under the supervision and control of the district boards of each district, in the same manner as if this act had not been passed, and the same relations shall be sustained between said city and such schools, as near as may be, as between a township and the schools therein, and the same reciprocal powers and duties.

Status of public schools.

CHAPTER IX.

FIRE DEPARTMENT.

SECTION 1. The common council for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden 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 limits prescribed, shall be made of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire-limits when 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.

Power of council to prescribe fire limits.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers, and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactures dangerous in causing or promoting fire; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all by-

Power of council to guard against fires.

standers to aid in the extinguishment of fires as the common council may deem expedient.

Purchase of fire apparatus and organization of fire companies.

SECTION 3. The common council shall have power to purchase fire engines and other fire apparatus; *provided*, that the common council shall not expend for such purposes a sum exceeding one thousand dollars in any one year without first submitting the question to a vote of the electors of said city, and being authorized by them to expend a larger sum; and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support of the same, and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able-bodied men between the ages of fifteen and sixty years, and may elect its own officers and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments.

Appointment of chief engineer and assistants.

SECTION 4. There shall be a meeting of the members of said companies on the third Monday of June in each year, at such place as may be designated by the mayor, when they may nominate and recommend to the common council, for appointment, one chief engineer, and one assistant engineer, and the common council shall thereupon confirm such nominations; and the persons so appointed shall perform such duties as the common council shall prescribe.

Fire warden—his duties.

SECTION 5. At such times the members of said company shall nominate, and the common council shall appoint the fire-warden, who shall perform such duties as the common council shall prescribe, and they may at any time enter into or open any house, store-house or other building or enclosure, for the purpose of inspecting the same, and with a view to guard against fire.

Fines, etc., to be paid to fire department.

SECTION 6. One-half of the net proceeds of all fines and penalties recovered for the breach of any ordinance, by-laws or regulation made in pursuance of this chapter, shall be paid to the fire-department.

Arrests for disobedience of orders, and for disorderly conduct.

SECTION 7. Whenever any person shall refuse to obey any lawful order of engineer, fire-warden, mayor, or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, constable, watchman or citizen to arrest such person, and to confine him temporarily in any safe place, until such fire be extinguished; and in the

same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

SECTION 1. All work for the city, exceeding the sum of fifty dollars, shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract.

Work for city
to be let by
contract.

SECTION 2 All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of this act, or by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by warrant, as the exigencies of the case may require; *provided*, that nothing herein contained shall be so construed as to prevent any police officer from arresting without process any person found in a state of intoxication or guilty of immoderate drinking, improper reveling, noisy, boisterous or disorderly conduct on the streets or public places, and taking such persons forthwith before the police justice of the peace, or keeping them in confinement until such time as said justice can reasonably hear and dispose of such offender.

Actions to be
brought in
corporate name
of city.

Proviso.

SECTION 3. Execution shall issue forthwith on the rendition of judgment, unless the same be stayed or appealed, according to the laws of this state. The execution, except in cases ex-contract, shall require the defendant in any such action, in case no goods or chattels, land or tenements whereof the judgment can be found, to be imprisoned in the jail of Pierce county for a term not exceeding three months in the discretion of the justice or judge rendering judgment, unless the same be sooner paid, or discharged by the common council.

Executions—
persons against
whom directed
may be impris-
oned.

Residence not to disqualify witnesses, etc.

SECTION 4. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in a proceeding or action in which he shall be a party in interest.

When election not held at prescribed time, may be held subsequently.

SECTION 5. If any election of the people or common council shall not, for any cause, be held at the time and in the manner herein prescribed, or if the council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving such corporation, but such election or organization may be had at any subsequent day by order of the mayor, and in case of the failure of the first election, by order of the proper person, be done by any person or persons at any time specified; and if the same are not done and performed, such persons or officers may appoint or give notice of another time at which such acts may be done and performed.

Executions against city—how paid.

SECTION 6. When judgment shall be recovered against the city or any ward thereof, or against any city officer in any action prosecuted by or against him in his name of office, where the same shall be paid by the city, no execution shall be awarded or issued upon such judgment, except as herein provided, but the same, unless reversed, shall be levied and collected as other city charges, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher; but if payment thereon be not made within sixty days after the city treasurer is required to make his return of city taxes, next after rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue such execution on a special application therefor; nor shall any execution be levied upon any property of any individual, nor shall such property be in any manner seized, taken, held or sold for any debt or liability of said city.

Private property not liable for city debts.

Actions against city—how conducted.

SECTION 7. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such demand or proceedings as the ordinances or resolutions of said council may provide.

City may hold property.

SECTION 8. The said city may lease, purchase and hold real and personal property, sufficient for the convenience of the inhabitants thereof, and may sell

and convey the same, and the same shall be free from taxation.

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

General laws not to affect charter.

SECTION 10. No compensation or salary shall be paid out of the city treasury to the mayor or any alderman of said city for any services while attending any meeting of the common council; and compensation for other services shall not exceed the sum of two dollars per day.

Compensation of city officers.

SECTION 11. The citizens of the town of River Falls shall have power to hold all town meetings and general or special elections at such place, either in the town of River Falls or city of River Falls, as they may determine, in the same manner as if this act had not passed, and with like effect as if held in the town of River Falls.

Town election may be held in city.

SECTION 12. Every license issued by authority of this act or the ordinances of the city, shall be signed by the city clerk and sealed by the corporate seal, but no such 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 licence be issued for dealing in, selling, or vending spirituous, vinous, or malt liquors, until the same shall have been authorized by the common council, and the applicant shall have filed the receipt as aforesaid, together with a bond as required by the laws of this state, which bond shall be approved by the mayor. Every such license shall contain a clause prohibiting the selling, vending, or giving away of any spirituous, vinous or malt liquors on general or special election days.

Licenses—how issued.

SECTION 13. Every person having such license, who shall vend, sell, or give away any spirituous, vinous, or malt liquors, on any election day, shall be liable to prosecution under this act, or the ordinances of the city, or may be indicted in the circuit court of the county in which such offense may be committed, and upon conviction thereof every such offender shall forfeit and pay a sum not exceeding two hundred dollars nor less than fifty dollars, or be imprisoned in the jail of such county not more than thirty days nor less than ten days, at the discretion of the court, and the license held by such person shall be forfeited and void.

Penalty for selling liquors on election day

Proceedings to recover title of lands sold for taxes.

SECTION 14. No suit or proceeding shall be commenced or prosecuted to recover title or possession of any lot, piece or parcel of land situated within the city limits, held or claimed by virtue of any deed purporting on its face to be executed on account of any sale for taxes or assessment levied after the passage of this act, until the person commencing the suit or proceeding shall have deposited with the court in which such proceeding is or shall be commenced, for the use of the holders or claimant under such deed, an amount of money equal to the amount of taxes, charges and costs paid in procuring such deed and all subsequent taxes, costs and charges upon the lot or lands described in such deeds and paid by such holder or claimant under such deed, except in cases when the taxes were paid before sale, or the lands redeemed according to law. In the trial of every such cause on the part of the defendant, such deed shall be first read in evidence to the jury, and shall be evidence in such suit or proceeding to the extent specified and provided in section one hundred and nine (109), chapter fifteen (15), title five (5), of the revised statutes.

Jail of Pierce county to be used by city.

SECTION 15. The use of the jail of Pierce county, until otherwise provided, shall be granted to said city for the confinement of persons or offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe-keeping and delivery the said sheriff shall be responsible as in other cases; but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

Relations between city and town of River Falls.

SECTION 16. From and after the first Tuesday in April, A. D. 1876, if this charter be accepted by the electors of said territory, as herein specified, all connections between said territory and the town of River Falls shall cease for town purposes; but such territory shall be liable to pay its just proportion of all the indebtedness of said town, and shall be entitled to receive a like proportion of any surplus in the treasury of said town. The town clerk of said town of River Falls shall immediately after receiving notice of the assessments as equalized by the county board, certify to the city clerk of the city of River Falls the amount of indebtedness of his town of which the said city should pay a proportionate part and the amount of interest, or principal and interest,

which said town had determined to pay on such year, and the proportion of the territory taken from said town and incorporated in such city, should pay, which amount shall be determined from the equalized assessment made by the county board of supervisors of the county of Pierce, and it is hereby made the duty of the board of supervisors of the county of Pierce to determine such relative value from year to year, of such portions of such territory so long as such indebtedness shall continue to exist. The city clerk of such city shall at the time of making the tax-roll of said city each year, carry out upon such tax-roll against the property, real and personal, in such territory, a tax sufficient to pay the proportionate amount so certified by each town clerk, and the treasurer of said city shall pay over such amount to the treasurer of such town, on or before the first day of February following such assessment, taking the receipt of such treasurer for the same.

SECTION 17. At the first election held in said city, the qualified electors shall elect six aldermen, two in each ward, three of whom shall hold their office one year, and three shall hold their office two years, and each voter shall specify upon his ballot the term for which each alderman shall hold his office. And at every annual election thereafter there shall be elected three aldermen who shall hold their offices two years. Election of aldermen.

SECTION 18. The justices of the peace in said city shall have jurisdiction to try all offenses against the ordinances of said city, and may impose such penalties as such ordinances may prescribe. Jurisdiction of justices of the peace.

SECTION 19. The qualified electors in each ward in said city shall annually elect one supervisor to represent such ward in the county board of the county in which said ward is situated. Supervisors.

SECTION 20. This act shall be in force and take effect from and after its passage and publication.

Approved March 13, 1876.