

[Published March 15, 1877.]

CHAPTER 259.

AN ACT to amend section 1, of chapter 227, of the laws of 1876, entitled "An act to provide for the recording of the lands of the Wisconsin Railroad Farm-Mortgage Land Company, in the register's office of the several counties in which such lands are situated."

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

Secretary of state to make lists of lands.

SECTION 1. Section 1, of chapter 227, of the laws of 1876, is hereby amended so as to read as follows: "Section 1. The secretary of state shall cause to be made out, from the best sources of information attainable, lists of the lands of the Wisconsin Railroad Farm-Mortgage Land Company situated in the several counties of this state. Said lists shall contain full descriptions of all such lands in any county, and shall be certified to by said secretary of state under his hand and the seal of his office, as being correct according to the best information that he has been able to obtain, and on or before the first day of July, A. D. 1876, such list certified to as aforesaid, shall be transmitted to the register of deeds of the several counties respectively, in which such lands are situated; *provided*, that in counties where the patents for such lands are recorded, such lists of lands need not be furnished by the secretary of state.

List to be sent to registers of deeds.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

[Published March 19, 1877.]

CHAPTER 260.

A BILL to revise, consolidate and amend the charter of the city of Stevens Point, approved May 17th, 1858, and the several acts amendatory thereof.

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

CHAPTER I.

THE CITY OF STEVENS POINT — ITS CORPORATE POWERS.

General corporate powers.

SECTION 1. All that district of country in the county of Portage and state of Wisconsin hereinafter described

shall be a city by the name of Stevens Point, and the people now inhabiting and those who shall inhabit said district, shall be a municipal corporation by the name of the city of Stevens Point, 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, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all the courts of law and equity, and shall have a common seal, and may alter the same at pleasure.

CHAPTER II

1878/5-4

CITY AND WARD BOUNDARIES.

SECTION 1. The west half of the northeast quarter, the west half of the southeast quarter and the west half of section No. four (4) and section No. five (5) and six (6), township No. twenty-three (23) north of range eight (8) east, and the southwest quarter of southeast quarter, and south half of southwest quarter section No. twenty-eight (28), the south half of section No. twenty-nine (29) and the south half of section No. thirty (30), all of sections No. thirty-one (31) and thirty-two (32) and the west half of northeast quarter and the west half of southeast quarter and the west half of section No. thirty-three (33) in township No. twenty-four (24) north of range No. eight (8) east, in the county of Portage and state of Wisconsin, shall be included in and constitute the limits of the city of Stevens Point. ^{City boundaries.}

SECTION 2. The city shall be divided into four wards, called first, second, third and fourth wards, and the said wards shall be limited and bounded as follows: All that portion of said city lying east of the middle of the main channel of the Wisconsin river and south of the middle of the channel of the main slough, the levee and Briggs street, and west of the center of Division street and north of the center of Ellis street, and north of south line of out lot No. six (6) to Third street, thence south to the Wisconsin river, together with all that portion of said city lying west of the middle of the main channel of the Wisconsin river and north of the center of Central avenue, and a line projecting southwesterly to the quarter line running east and west through the center of section number thirty-one, of ^{Ward boundaries.}

township number twenty-four, of range number eight, thence west on said quarter line to the west line of said city, shall constitute the first ward of said city. All that portion of said city lying east of the middle of the main channel of the Wisconsin river, and south of the center of Ellis street, and south of south line of outlet number six to Third street, thence south on center line of Third street to the Wisconsin river, and west of Division street and a line projected south to the south boundary line of said city, together with all that portion of said city lying west of the middle of the main channel of the Wisconsin river and south of the middle of Central avenue from west end of the bridge across the Wisconsin river to its intersection of the quarter line running east and west through section number thirty-one, aforesaid, and south of said quarter line from such intersection to the west boundary line of said city, shall constitute the second ward of said city. All that portion of said city lying east of the center of Division street and a line projected south from said street to the south boundary line of said city, and projected north from said street to the north line of said city, shall constitute the third ward of said city. All that portion of said city lying north of the middle of the main slough, the levee and Briggs street, and west of a line projected north of Division street, to north boundary line of said city, and east of the middle of the main channel of the Wisconsin river, shall constitute the fourth ward of said city.

CHAPTER III

ELECTIONS.

Annual elections.

SECTION 1. The annual election for ward and city officers, shall be held on the first Tuesday in April, in each year, at such place in each ward as the common council shall designate, and the polls shall be kept open from 9 o'clock in the forenoon till sundown; and ten days previous notice shall be given, by the common council, of the time and place of holding such elections, and of the city and ward officers to be elected.

City officers—Qualifications and terms of.

SECTION 2. The elective officers of said city shall be a mayor, a treasurer, city attorney, an assessor, a marshal, and three justices of the peace, elected by and for the city at large; and two aldermen, one supervisor, to represent his ward in the board of supervisors of Portage county, to be elected by and for each ward.

The mayor, treasurer, assessor, aldermen and marshal shall be freeholders in said city, and all the city and ward officers aforesaid shall be qualified voters and residents of the city, and in the ward for which they were elected. The city clerk and all other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council. All elective officers shall, unless otherwise provided, hold their respective offices for one year and until their successors are elected and qualified, except justices of the peace and aldermen, who shall hold their respective offices for two years, and until their successors are elected and qualified; *provided, however,* the common council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. The mayor shall have power to suspend any police officer or watchman, appointed by the council, when complained of, for cause, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being.

Powers of council and of mayor.

SECTION 3. Whenever a vacancy shall occur in the office of mayor, 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 duty thereof for the unexpired term, except in case of alderman, whose appointments shall continue only till the next charter election, when the vacancy shall be filled by an election, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

How vacancies to be filled.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct.

The vote.

SECTION 5. All persons who are qualified electors of the state of Wisconsin, and who shall reside in the ward where they offer their vote ten days next preceding such election, shall be deemed qualified electors of said city and ward.

Qualification of electors.

How elections
to be conducted

SECTION 6. The election in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of election for their respective wards, and shall take the usual oaths or affirmations, as prescribed by the general laws of this state to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks of such elections, and to administer the necessary oaths; and in case of the absence of any or all of the aldermen of the ward at the time for opening the polls, the voters present shall select some person or persons to act in their places as inspectors of election. Said elections shall be held and conducted in the same manner, and under the same penalties, and vacancies in the board of inspectors thereof filled as required by the laws of this state regarding elections.

Oath of elector.

SECTION 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote 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 intentions to become a citizen, conformably with the laws of the United States on the subject of naturalization); that you have resided within the state of Wisconsin one year; that you are an actual resident within the city, and, for twenty days, in the ward, and 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 on the result of this election;" and if the person offering to vote 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 one election, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes. And if any inspector shall knowingly and corruptly receive the vote of any per-

Penalty for
illegal voting.

son not authorized to vote, or shall make out false returns of an election, or if 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 inspector and clerk shall be liable to indictment, and, on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the circuit court of the county of Portage.

SECTION 8. When an election shall be closed and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person, for each and every office, and shall deliver or cause to be delivered such return to the city clerk, within three days after any election. The common council shall, on the fourth day after such election, meet and canvass said returns, and declare the result, as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

Canvass and return of votes.

SECTION 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward, in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance.

Special elections.

SECTION 10. 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 enter upon the discharge of 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 provided.

When office deemed vacant.

SECTION 11. There shall be elected at the first election under the act, one alderman for the fourth ward, who shall hold his office for one year, and one alderman for each ward, who shall hold his office for two years. The alderman having the highest number of votes in the fourth ward shall be alderman for two years; and thereafter, at each annual election there shall be elected an alderman in each ward, who shall hold his office for two years; there shall each year also be elected a supervisor for each ward, who shall represent the city in the county board of supervisors, who shall hold his office for one year.

Election of aldermen.

Form of ballot. SECTION 12. The votes for aldermen and all other elective officers, shall be on one ballot, and shall be deposited in one ballot box.

Present officers SECTION 13. All of the present officers of the city of Stevens Point shall hold their respective offices during the term for which they were elected or appointed.

CHAPTER IV.

OFFICERS — THEIR POWERS AND DUTIES.

Officers to take oath and enter into bonds. SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same with the clerk of the city; and the treasurer, clerk, marshal, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Stevens Point, a bond, with at least two sureties, who shall swear that they are worth in the aggregate the penalty specified in said bond over and above all debts, exemptions, or liabilities, and said bonds shall contain such penal sum, and such conditions as the common council may deem proper; and they may, from time to time, require new, additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duties of mayor. SECTION 2. The mayor shall, when present, preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer, and head of the police of the city, and in case of a riot or other disturbance, or apparent necessity, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of a tie. The mayor shall have power to veto any ordinance or resolution passed by the common council, by notifying the common council of his objection thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council on any day after the passage of the same, and before the expiration of the said sev-

en days, such notification shall be made by filing with the city clerk a copy of his objections; and in case the council shall not within one week after the receipt of such objections, or such filing with the clerk, re-enact such ordinance or pass such resolution by the votes of two-thirds of the aldermen elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after the passage of the same, unless sooner approved in writing, by the mayor, or acting mayor, for the time being.

SECTION 3. At the first meeting of the common council in each year, they shall proceed to elect by ballot, one of their number president, and, in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability, for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president, or temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled "acting mayor," and acts performed by them or any of them shall have the same force and validity as if performed by the mayor, excepting the signing of the city bonds; and the said common council shall, also at their first meeting in each year, elect a clerk for the city, also a chief engineer, and first and second assistant engineers of the fire department, who shall hold their respective offices for the term of one year, and until others are elected and qualified.

Election and duties of president of council.

SECTION 4. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council certified by him to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury 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

Duties of city clerk.

chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns; and chattel mortgages so filed, and the renewals thereof, shall be as valid and legal as if the same had been filed in the town clerk's office in any town. The clerk shall have power and authority to administer oaths or affirmations.

Jurisdiction and duties of justices.

SECTION 5. The justices of the peace, elected under this act, shall have the same jurisdiction, and perform all the duties of the justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements shall be approved by a majority of the common council.

Duties of city treasurer.

SECTION 6. The treasurer of said city 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. All moneys raised, received, recovered or collected, by means of any tax, license, penalty, fine, forfeiture, or otherwise, under the authority of this act, or which may belong to the said city, shall be paid into the city treasury, and shall not be drawn therefrom, except by an order, issued by order of the common council, and signed by the mayor, and countersigned and attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the person from whom the amount of the several sums was received, which book shall, at all reasonable times, be open to the inspection of any person. He shall, every three months, and so often as the common council require, render to such council a minute account of the receipts and expenditures of his office, and at the expiration of his office, he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be a collector of taxes, and for his services he shall be entitled to compensation as hereinafter provided, and he shall have the same powers, and be subject to the same liabilities, and be governed by the same laws, as treasurers of towns; *provided*, that he shall receive no other fees except the compensation hereinafter provided.

Duties of city marshal.

SECTION 7. The marshal shall attend all the meetings of the common council, and shall perform such duties as

shall be prescribed by the common council for the preservation of the public peace, and collection of license moneys and fines. He shall possess all the powers of constables of towns and be subject to the same liabilities. It shall be his duty to execute and return all writs and process to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend any person in the act of committing any offense against any ordinance of said city, or laws of this state; and within reasonable time bring such person before competent authority for examination; and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible and of whom he may require bonds for the faithful discharge of their duties.

SECTION 8. The common council shall have the 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 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, or for which he is elected or appointed.

Further duties
of officers.

SECTION 9. The common council, at their 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 other proceedings and matters required by this act, or by the by-laws or ordinances of the common council, to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders.

Printing and
publication.

SECTION 10. The city printer or printers, immediately after the publication of any notice or ordinance or 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

Proof of publi-
cation.

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the affidavit of his or their foreman, of the length of the 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.

Penalty for refusing to deliver books and papers to successor.

SECTION 11. 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, books, papers and effects belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the said city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

Alderman not to be interested in contract with city.

SECTION 12. No alderman shall be a party to or interested in any job or contract with the city or any of the wards; and any contract in which any alderman may be so interested, shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid, from the parties to such contract, and the alderman interested in the same.

Peace officers.

SECTION 13. The mayor or acting mayor, sheriff of Portage county, and each and every alderman, justice of the peace, marshal, under sheriff and deputy sheriff of Portage county, policeman and watchman shall be officers of the peace and may command 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 of all citizens and military companies, and if any person, bystander, military officer or private citizen shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case when the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

Election and duties of city surveyor.

SECTION 14. There may be elected by the common council 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 his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards shall be the property of

said 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 appertaining to said office, shall be delivered over by the surveyor, at the expiration of his term of office, to his successor or the common council.

SECTION 15. The justices of the peace elected under this act shall have the same jurisdiction in civil and criminal cases, and perform all duties of justices of the peace as provided by the general laws of the state, and in addition thereto they shall have jurisdiction in all cases arising under the ordinances heretofore or hereafter passed by said city, unless therein otherwise provided.

Jurisdiction of justices of the peace.

SECTION 16. The justices of the peace shall, as often as the common council may require, report to the common council all the proceedings instituted before him, in which the city is interested, and shall, at the same time, account for and pay over to the city treasurer, all fines and penalties collected by him, and belonging to said city; and said justices shall be entitled to receive from the county of Portage, such fees in similar cases as are allowed to other justices in the county, for similar services.

Justices to pay over fines and penalties to city.

SECTION 17. The city assessor shall assess the real and personal property of said city at the time and in the manner provided for assessing towns; and his compensation therefor shall be the same as provided by law for the compensation of town assessors.

Duties of assessor.

SECTION 18. The city attorney shall perform all professional services incident to the office, as prescribed by this charter, and the ordinances, resolutions, or by-laws of said city, and when notified shall appeal and conduct all prosecutions when the city is a party, and in all civil actions when the city is plaintiff, and all defenses when the city is a party, and when required shall furnish written opinions to the council or its committees.

Duties of city attorney.

CHAPTER V.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services, and the style of all ordinances shall be "the mayor and common council of the city of Stevens Point do ordain," etc. The com-

Common council—How constituted.

mon 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 their first annual meeting in each year, on the second Tuesday of 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 places 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 the power to compel the attendance of absent members.

General powers of council.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all the other public property in the city; and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, 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 so enforce 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, are hereby declared to be and have the force of law; *provided*, that they be not repugnant to the constitution and laws of the United States, or of this state, and for these purposes shall have authority, by ordinance, resolution, or by-laws,

To license and regulate shows and places of amusement.

1st. To license, regulate, suppress or prohibit the exhibition of common showmen or shows of any kind, or the exhibition 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 and suppress the same; *provided*, that the license for so dealing in or vending spirituous, vinous or fermented liquors, shall not be less than fifty dollars, or more than two thousand dollars per annum, and that all such licenses hereafter granted, shall run from the first day of May in each year to the first day

May following; *provided, however* that when any such license may be applied for, after that date, the same may be granted, to expire on the first day of May of each year, on applicant paying pro rata therefor; but no license shall be granted for a longer term or period than one year.

2d. To restrain, prohibit and suppress all descriptions of gambling and fraudulent vices and practices, and all playing of cards, dice or 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 spirituous, fermented or vinous liquors, unless duly licensed by the common council; and to license, regulate and suppress hawkers and peddlers.

To restrain
gambling, and
regulate sale of
liquors.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. 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 Stevens Point, by reason of him or her being implicated in any such offense; but the testimony of such witness shall in no case be used against such witness.

To preserve
order.

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 or 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.

To abate
nuisances.

5th. To direct the location and management of slaughter-houses and markets, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder or other combustible materials.

To regulate
markets.

6th. To prevent the encumbering of the streets, sidewalks, lanes or alleys with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, pine, wood or any other materials or substances whatever.

To prevent en-
cumbering of
streets.

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

Horse racing,
swimming, etc.

8th. To restrain the running at large of cattle, mules, horses, swine, sheep, poultry and geese, and to author-

Impounding of
cattle.

ize the distraining, impounding and sale of the same for the penalty incurred, and the cost of proceedings.

Dogs.

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

More dogs.

10th. To provide for licensing the keeping of dogs in the said city at a sum or rate of not less than one dollar nor more than ten dollars a year for each dog; and to provide for a badge or token to be carried by each licensed dog, and for the secure muzzling of licensed dog, and for the killing and destruction, in a summary manner, of all dogs not licensed, wherever the same may be found within the said city, and of licensed dogs running at large in the streets, alleys or public grounds in said city; and to punish persons keeping unlicensed dogs.

Removal of unwholesome substances.

11th. To prevent any person from bringing, depositing, or having, within said city any putrid carcasses, or other unwholesome substances, 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.

Pounds, wells, hackmen, illuminations, etc.

12th. To make and establish public pounds, pumps, wells, cisterns, and reservoirs, 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.

Boards of health, hospitals, pest-houses, cemeteries, etc.

13th. To establish and regulate boards of health, provide hospitals, pest houses 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.

Bread.

14th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Riding and driving on sidewalks.

15th. To prevent all persons riding or driving any ox, mule, cattle, or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks.

Firearms and Fireworks.

16th. To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks, in

any situation which may be considered by the council dangerous to the city, or any property therein, or annoying to any citizen thereof.

17th. 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. Drunkenness and obscenity.

18th. To restrain and regulate runners and solicitors for stages, public houses, or other establishments, and to establish and regulate the police of the city. Runners and police.

19th. To establish public markets, and make rules 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. Public markets

20th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions. Butchers' stalls

21st. To compel the owners and occupants of buildings and grounds, to remove snow, dirt, or rubbish from the sidewalks, streets or alleys, opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owner or occupant. Removal of snow and rubbish.

22d. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same. Hay, fuel, lime, etc.

23d. To regulate, control and prevent the landing of persons from railroad cars or stages, wherein are contagious or infectious diseases, or disorders, and to make such disposition of such persons, as to preserve the health of said city. Contagious and infectious diseases.

24th. To regulate the time, place and manner of holding of public auctions or vendues. Auctions and vendues.

25th. To appoint watchmen and prescribe their duties. Watchmen.

26th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. Weights and measures.

27th. To protect trees and monuments in said city. Trees and monuments.

28th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, Highways, streets, etc.

and to keep them free from incumbrances, and to protect them from injury.

Names of streets.

29th. To alter or change the name of any street in the city.

Police regulations.

30th. 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 and 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.

Breweries, tanneries and packing houses

31st. To direct the location, and regulate and license breweries, tanneries and packing houses.

How ordinances, etc., to be passed and made of effect.

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 be signed by the mayor, 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 said clerk, in books to be 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 said 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 deemed and take 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 record, certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been 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 the majority of the members of the common council in its favor.

What deemed nuisances.

SECTION 5. The powers 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. Depots, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the

license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, marshal, and all other officers and agents of the city, at such time as they may deem proper, and also, at the end of each year, and before the time for which the officers of 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, funds and moneys, accounts and vouchers, for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account, 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 adjustments and settlements.

Council to examine and audit accounts of officers.

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

In whom corporate authority of city vested

CHAPTER VI.

FINANCE AND TAXATION.

SECTION 1. All funds in the 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 and clerk, duly authorized by a vote of the common council, and all orders upon the treasury shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes, for bridges and school purposes, and except taxes levied for the payment of the principal or interest of any outstanding indebtedness of said city, which

How money to be paid from treasury.

City orders.

shall be collected in money or in orders drawn upon such fund respectively; and all orders shall be payable to the persons or to the order of the persons in whose favor they may be drawn, or bearer.

Levy of taxes.

SECTION 2. The common council of said city shall annually levy upon the taxable property of said city, to defray the current expenses of said city and its schools, a tax sufficient for that purpose.

Issuing of bonds, etc.

SECTION 3. The common council of said city shall not have power to issue any bonds or other evidences of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, and duly authorized by a majority vote of the electors of the city, nor shall the common council issue in one year, orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act; *provided*, that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose, not exceeding three thousand dollars in any one year; and the said taxes when so levied, shall be collected at the same time as other city taxes are collected.

Levy of taxes for outstanding indebtedness.

SECTION 4. Taxes may be levied by the common council, at any regular meeting, for the purpose of paying any outstanding indebtedness of the city of Stevens Point, and also for the payment of any bonds, or any other evidence of debt, hereafter issued or created, in accordance with the provisions of this act, or by any authority of law. Said taxes, when so levied, shall be collected at the same time that other city taxes are collected.

Accounts to be verified.

SECTION 5. No account shall be allowed by the common council unless the same is verified by the owner thereof, or some person in his behalf.

Appeals to circuit court.

SECTION 6. 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 for the county of Portage, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city with sufficient surety, to be approved by 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 the court.

Duty of city clerk in case of appeals.

SECTION 7. 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 the decision thereon, and shall file the same together with the bond, and all papers in the case in his possession, with the clerk of the circuit court for the county of Portage; 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 the allowance made by said common council upon any claim, and the recovery upon such 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 appellant for the amount of such excess.

Claims to be presented before suit commenced.

SECTION 8. No action shall hereafter be maintained by any person against the city of Stevens Point, upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim to the common council of said city, and neither the said city nor any ward thereof, nor officer within said city, shall be liable for any damage that may happen by reason of any defection in any sidewalk in said city, unless the street committee of the proper ward, or mayor or common council, shall have first had actual notice of such defection, and reasonable time thereafter to repair the same.

When city not liable for damages.

SECTION 9. The determination of the common council, disallowing, in whole or in part, any claim 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 and agree to the institution and maintenance of an action by such claimant against the city; *provided, however*, that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be construed so as to prevent the institution and maintenance of an action by said claimant against said city.

Determination of council to be final.]

CHAPTER VII.

OPENING OF STREETS AND ALLEYS.

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

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

Notice of application to be given.

SECTION 2. Such notice shall state that upon 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 court commissioner for the county of Portage for the appointment of twelve jurors to view said premises and to determine whether it will be necessary to take the same for the purpose specified in said petition.

Appointment of jurors to view premises.

SECTION 3. Upon the representation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve resident freeholders, residents of said city, but not residents of the ward in which said premises may be, nor 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 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 purposes specified in such application, and the said jurors, before entering

upon the discharge of their duties, shall take and subscribe an oath, faithfully and impartially to discharge their duties as such jurors, in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

SECTION 4. The city marshal shall serve his precept immediately, on the 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 judge or court commissioner who issued the same, together with his doings thereon. Duty of city marshal.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept. Substitution of Jurors.

SECTION 6. The said judge or court commissioner, or any justice of the peace, shall thereupon administer an oath to said jurors, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them. Oath of Jurors.

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 them respectively, 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 in said 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, or at such future time as shall be necessary to again view said premises, for the purpose of ascertaining and determining the amount of the damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return within the time limited, such damages to the common council, and after the jurors shall Duty of Jurors in viewing premises.

have made their report as to the taking of any lands or premises 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, in ascertaining the amount of compensation as above; and all the jurors shall, before entering upon the discharge of their duties in the premises, severally take an oath before some competent officer, that they are freeholders in said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

When land contains buildings.

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 assessment, 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 secondly the value of such building to him to remove.

How notice to be given to owners of property.

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, or left at his usual place of abode. If not known, or a new [non] resident, notice to all persons 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; it shall require the parties interested to appear by a day 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 their intention to remove such building. He shall have such time for this purpose as the common council may allow.

Sale of buildings.

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 premises, and estimate damages and benefits.

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 to 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 estimates 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 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 eight of this chapter.

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 persons or interests, respectively, shall be awarded to them by the jurors.

When property belongs to different persons.

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 such precept.

Return of award of jurors.

SECTION 14. Any person whose property is taken or against whom any assessments made may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Portage 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 six of chapter five of this act, and such appeal shall be tried by the court and 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.

Appeal to circuit court.

SECTION 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor, to the owner thereof, or party entitled thereto, shall be paid or tendered to the owner or party entitled thereto or his agent, or in case the said owner or party entitled thereto, or agent, cannot be found, or is unknown, 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 ordinan-

When land may be appropriated.

ces of the city, in the same manner as streets, alleys and public grounds, opened or laid out.

When damages to be paid or tendered.

SECTION 16. The damages assessed shall be paid or 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 such case shall be void.

City may pay or tender, and appropriate lands.

SECTION 17. The city may pay or 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 their proceedings to take and appropriate such lands for the purposes required.

When whole of property taken contracts to cease.

SECTION 18. When the whole of any tract or lot, or other premises, under lease or other contract shall be taken by virtue of this act, all the covenants, contracts or engagements, 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.

When only part of tract is taken

SECTION 19. When only part of a lot or tract of land or other premises, under lease or other contract shall be taken by virtue of this act, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof 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 owner of lands is an infant or under legal disability.

SECTION 20. 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 Portage county, or, in his absence, the judge of any court of record in said county, may, on the application of the common council, or such party, or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Survey to be made and filed.

SECTION 21. Whenever any public grounds, 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 clerk.

CHAPTER VIII

ASSESSING, LEVYING AND COLLECTING OF TAXES.

SECTION 1. All property, real or personal, within the city, excepting such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, its schools, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so 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 assessor, and make such rules and regulations in relation to revising, altering or adding to such rolls, as they may from time to time deem advisable.

What property subject to assessment.

SECTION 2. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper or papers, and shall fix a time and convenient place where he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessor shall make such alterations or reductions as justice or equity shall require; *provided*, the time of hearing of such objections shall not be more than one week from the expiration of such notice.

Assessor to give notice of completion of roll.

SECTION 3. Within one week after the time limited for the hearing of such objections, the assessor shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and, for the purpose of equalizing the same, may alter and add to, take from and otherwise revise and correct the same; *provided, however*, the board of equalization shall not have the power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessors.

Roll to be returned to board of equalization who may alter or add to the same.

SECTION 4. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year assess upon the lot or tract so omitted for such year or years, that it shall have been so omitted, the just value thereof, noting the year when such omission occurred and such

Lands omitted in previous year to be re-assessed.

assessment shall have the same force and effect as it would have had if made the year when the same was omitted, and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosever hands they may have come. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be relieved in such manner as they shall, by ordinance, direct; *provided*, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

When taxes to be relieved.

Board of equalization.

SECTION 5. The mayor, city clerk, city treasurer, and the assessor shall constitute the city board of equalization, and shall meet on the first Monday of July, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same are applicable, reviving [reviewing], correcting and equalizing the assessment roll of the city. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof.

Assessment to be filed with clerk.

SECTION 6. When the assessment shall have been revised and corrected, the same shall be filed with the clerk. Thereupon the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied.

Changes to be recorded.

SECTION 7. All changes of assessment roll by the board of equalization shall be duly recorded by the city clerk.

Taxes to be lien on property.

SECTION 8. All taxes and 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 on all personal property of any

person or body politic, assessed for personal taxes, from the delivery of the warrant for the collection thereof until such taxes shall be paid, and no sale or transfer of such real or personal estate shall affect such lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon real or personal property.

SECTION 9. It shall be the duty of the city clerk, Duty of city clerk to complete tax roll. immediately upon the reception of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with all the city and other local taxes, adding thereto per cent. for the expense of collection in an additional column prepared for that purpose in the assessment roll, setting down opposite the several sums set down as the valuation of real and personal property, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

SECTION 10. The said city clerk shall immediately Same to make duplicate copy. make out a duplicate copy of such assessment roll, when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year.

SECTION 11. To each assessment roll so delivered, Warrant to be affixed to assessment roll. a warrant, under the hand of the city and the corporate seal of said city, shall be annexed, substantially in the following form:

THE STATE OF WISCONSIN.

To the city treasurer of the city of Stevens Point, in Form of warrant. the county of Portage:

You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names and to the several parcels of land therein described; and in case any person and [or] corporation upon whom any such tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected after deducting your fees, you are first to pay to the treasurer of said county on or before the last Monday of January next, the sum of —, for state taxes, and the further sum

of —, for county taxes, and the balance of said money you are required to retain and pay out according to law, and in case said taxes and assessments shall not be paid the fourth Monday of February next, you are required to return the same to the county treasurer of the said county of Portage.

Given under my hand and the corporate seal of the city, this — day of —, 18—.

— —, City Clerk.

Assessment roll to be evidence.

SECTION 12. The said assessment roll and warrant thereto attached shall be *prima facie* evidence in all courts, that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

General laws of state to be applicable.

SECTION 13. All the general laws of this state, which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by law of the town treasurer to collect taxes, except as herein provided.

Treasurer to give notice of the collection of taxes.

SECTION 14. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city; that such tax list (describing for what purpose such taxes are levied) has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days ensuing the date of said notice. If the taxes are not paid within said time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days notice of the time and place of such sale, by posting up not less than three written notices in as many public places in said city.

Fees of treasurer for collection of taxes.

SECTION 15. The treasurer shall collect as fees for the collection of taxes two per cent. on all taxes collected by or paid to him prior to the second Monday of January in each year, and five per cent. upon all taxes or assessments paid to or collected by him after the second Monday in January; and in a case of a distress or sale made by him of goods and chattels, for the payment of any tax, he shall collect the same fees as are allowed constables on sales of goods upon execution; the city treasurer shall collect the fees hereinbefore prescribed and shall keep in a book provided for that purpose a true account and statement of all

fees by him received as city treasurer from any source whatever, and such book shall be open at all reasonable times to the inspection of any person; and the city treasurer shall when required make report to the common council duly certified on oath of all fees or other moneys received by him as treasurer, and he shall not be entitled to receive any other or further compensation for his services as treasurer than the salary of the said office, which shall be fixed and determined by resolution of the common council, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties.

SECTION 16. The treasurer shall on or before the third Monday in January in each year pay to the county treasurer the state tax assessed upon the lots and tracts of land and personal property in said city. When state tax to be paid over.

SECTION 17. All the directions hereby given for the assessing of lands and the levying and collecting 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 anywise affect the validity of the tax or assessment. Informality not to affect validity of the tax.

SECTION 18. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot, or tract, or to set aside, or to set up, or interpose any objections to the title derived by virtue of any tax deed executed in consequence of the non-payment of such taxes, and of the sale of the premises therefor, unless such persons shall first pay or tender to the proper party, or deposit for his use with the city treasurer, the amount of all state, county and city taxes that remain unpaid upon such lot, or tract, together with the interest and charges thereon. Back taxes to be paid or tendered before suit can be commenced.

SECTION 19. In case the city treasurer is unable to collect any tax assessed upon any personal property and payable by any person named in the tax list, he shall proceed in all things according to chapter eighteen of the revised statutes of the state and the acts amendatory thereof, in bringing such delinquent person before some justice of the peace, and such proceedings shall be had as are provided by said chapter eighteen, and as are prescribed by chapter one hundred and ninety-eight of the general laws of 1860, and any act that may be hereafter passed amendatory to said acts, or in addition thereto. Ch. 18, R. S., to apply.

CHAPTER IX.

FIRE DEPARTMENT.

Power of council to prescribe fire limits.

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 materials that shall not be considered fire proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings, within the fire limits where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Power of council to require precautions against fire.

SECTION 2. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers, and apparatus used in and about any building, and to cause the same to be removed or placed in a safe 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 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 bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

Power of council to purchase fire apparatus and to organize fire companies.

SECTION 3. The common council shall have full power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation 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 eighteen and fifty years, and may elect its own officers, except chief engineer and assistant engineer, who shall be appointed by the council, and form its own by-laws not inconsistent with the laws of the state or the ordinance and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from highway work and poll tax and from serving on juries and military duty, except in case of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years in either of such companies shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

SECTION 4. The mayor shall appoint two fire ward- Fire wardens.
 ens for each ward subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, store, barn, or enclosure for the purpose of inspecting the same.

SECTION 5. One half of the net proceeds of all fines Fines to be paid to fire department.
 and penalties recovered and collected for the breach of any ordinance, by-law or regulation made in pursuance of this chapter; shall be paid by the city treasurer to the fire department.

SECTION 6. When any person shall refuse to obey Penalty for disobedience of orders at fires.
 the lawful order of any engineer, fire warden or alderman of the city, the mayor or city marshal at any fire it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, constable or watchman or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall 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; 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 twenty dollars.

SECTION 7. The common council shall have power Organization of sack company.
 to organize a sack company, or to countenance any such company now organized, which shall be known by such names as they may select, and shall consist of not more than thirty members. Such company shall consti-

tute a part of the fire department, and at fires shall be subject to the control of the engineers; the members of the said company either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Stevens Point, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from injury or destruction; such company may, from time to time, adopt such by-laws as they may deem necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Duty of treasurer of fire department.

SECTION 8. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as shall be required, and with sureties to be approved by the common council; such moneys shall only be paid out on orders signed by the chief engineer, or acting chief engineer, and countersigned by the clerk of said department.

Election and duties of officers of fire companies.

SECTION 9. There shall be elected by the members of each company aforesaid, annually, at their annual meetings, a clerk or secretary, and a treasurer, who shall, on or before the first Monday of May, in each year, return to the city clerk a list containing the names of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

City clerk to keep record of members of fire companies.

SECTION 10. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries as above provided; and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall for any cause cease

to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Portage, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed or which may hereafter be appointed for the annual meetings of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

CHAPTER X.

ACTION TO RECOVER PENALTIES, ETC.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city, and shall be commenced by complaint substantially in the following form :

STATE OF WISCONSIN, *Portage County*, City of Stevens Point—ss. Form of complaint.

— being duly sworn, complains on oath to the justices of the peace of the city of Stevens Point, that — did, on the — day of —, 18—, violate the — section — of an ordinance, by-law or resolution (describing it by its title), which said — is now in force as this complainant verily believes, and prays that said — may be arrested and held to answer to the said city of Stevens Point therefor. Subscribed and sworn before me this — day of —, 18—.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated, in the foregoing forms of complaint; and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justices of the peace, he shall issue a warrant substantially in the following form :

STATE OF WISCONSIN — *City of Stevens Point* — County of Portage — ss.

To the sheriff or any constable of said county, or to the marshal of the city of Stevens Point, greeting: Form of warrant.

Whereas, —, has this day complained to me in writing, on oath, that — did on the — day of —, 18—, violate the section or sections of an ordinance,

by-law, regulation or law (describing it by its title), which said — is now in force and effect, as said complainant verily believes. Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said —, and bring him before the justice of the peace of said city, to answer to said city of Stevens Point on the complaint aforesaid.

Given under my hand this — day of —, 18—
 —————, Justice of the Peace.

How case to be
 proceeded with.

SECTION 2. Upon the return of the warrant, the court may proceed summarily with the case, unless it be continued by consent, or for cause. If the cause be adjourned, the defendant, if required by the court so to do, shall recognize with surety for his or her appearance, in such sum as the court shall direct, or in default therefor may be put in charge of the officer who made the arrest, or be committed to the common jail of Portage county. The complaint made aforesaid shall stand in lieu of a declaration and the plea of "not guilty" shall put at issue all subject matter which pertains to the defense of the action.

Printed copy of
 ordinance, etc.,
 to be evidence.

SECTION 3. A printed copy of an ordinance, by-law or resolution passed by the common council, and published in a newspaper or in pamphlet or book form shall be *prima facie* evidence of its due passage and publication, and may be received in evidence after issue joined and before trial in all cases cognizable before the justice of the peace. The defendant may demand a jury of not more than twelve nor less six men and shall designate the number at the time of the demand. The proper officer whom the justice may direct, shall thereupon make a list of twice the number of persons demanded who may be qualified to serve as jurors in courts of record in Portage county, and the parties shall then alternately strike therefrom, the defendant commencing, so many names as will leave remaining the number demanded. The court shall thereupon issue a venire commanding the officer to summon those so remaining to appear before him at such time as he may direct to make a jury for the trial of said action, and the court may compel their attendance by attachment. Either party may challenge any juror for cause, and deficiencies occasioned thereby or by any other cause shall be supplied by talesmen to be selected and summoned by the officer. If the defendant shall not demand a jury, the city or state may demand a like jury as is above provided, and if no jury be demanded, it shall be deemed a waiver of a jury trial.

Defendant may
 demand jury.
 How same to
 be drawn.

If either party declines to strike from the list the names which he is entitled to strike, the court shall strike the same for such party. Each juror shall receive for his services twenty-five cents.

SECTION 4. Witnesses and jurors shall attend before the police court, in all city and criminal prosecutions without the payment of fees in advance, or a tender thereof, upon the process of the court duly served, and in default thereof, their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time, should disagree, they shall be discharged, without the payment of fees, and thereupon the court shall adjourn the cause to a day certain and issue a new venire as aforesaid.

Witnesses and jurors to attend without prepayment of fees.

When jury disagree.

SECTION 5. In city prosecutions the finding of the court or jury shall be either "guilty" or "not guilty." If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act or in the ordinance, by-law or regulation for the violation of which the person or persons shall have [been] adjudged guilty, and for costs of suit; but if not guilty the costs of suit shall be taxed against the city. And 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 such fine and costs, the court shall enter a judgment that the defendant be imprisoned in the county jail of Portage 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 nonpayment 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 Stevens Point, in the said jail, or upon the public streets or elsewhere within said city, under the supervision of the city marshal or such member of the police force as may be detailed by the mayor 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

How city prosecutions to be conducted.

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.

Such execution may be in the following form :

COUNTY OF PORTAGE—*City of Stevens Point*—ss :

The State of Wisconsin, to the sheriff or any constable of said county, and to the keeper of common jail of said county, greeting :

Form of execution.

Whereas, the said city of Stevens Point, on the — day of —, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against —, for the sum of — dollars and — cents, costs of suit, for the violation of (section — of chapter — of this act, or section — of an ordinance or by-law or regulations of said city, describing it by its title): You are hereby commanded to levy distress of the goods and chattels of said —, excepting such as the law exempts, and make sale thereof according to law, to the amount of said sum, together with your fees and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of said —, and him convey and deliver to the keeper of the common jail in Portage county; and the said keeper is hereby commanded to receive, keep in custody, in said jail, the said —, for the term of —, unless the said judgment, together with all the costs and fees are sooner paid, or he be discharged by due course of law.

Given under my hand this — day of —, 18—. —, Justice of the Peace.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writs.

Appeal to circuit court.

SECTION 6. In all cases where judgment is rendered against a defendant for the recovery of fines or penalties mentioned in this act, or the ordinances now in force or hereafter to be ordained, the defendant may appeal from such judgment to the circuit court of the county of Portage; *provided*, such defendant within twenty-four hours enter into a recognizance with one or more sufficient sureties, to be approved by such justice of the peace, conditioned to appear before said court and abide the judgment of the court therein. The justice of the peace from whose judgment an ap-

peal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and copy of the entries on his docket in the action, together with the recognizance to be filed in the office of the clerk of said court, and the city may appeal from any such judgment, as in other cases before justices of the peace.

SECTION 7. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the justice of the peace shall be rendered, and no notice of trial shall be required to be given to or by either party.

How appeal to be tried.

SECTION 8. If the judgment of the justice of the peace shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law, or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts and enforce the same by execution as in action of tort.

When finding before justice court confirmed

SECTION 9. No person shall be an incompetent judge, justice, 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.

Residence not to disqualify as witness or juror.

SECTION 10. All ordinances and regulations now in force in the city of Stevens Point, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council after this act shall take effect.

Present ordinances to remain in force.

SECTION 11. All actions, rights and penalties, fines and forfeitures in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Actions, etc., to be vested in city.

SECTION 12. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk, so served, forthwith to inform the common council thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such case provided.

Service of process in suits against city.

SECTION 13. All 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, except as provided in chapter 9 of this act.

Penalties to be paid into city treasury.

Fire apparatus exempt from execution.

SECTION 14. All fire engines, hose, carts, hooks and ladders, and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose, hose carts, hooks and ladders and other apparatus and implements, shall be exempt from attachment or execution issued in any action or on any judgment wherein the said city shall be a party.

Private property not liable for city debts.

SECTION 15. No real or personal property of any inhabitant of said city, or of any individual or corporation shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or on any judgment against said city.

Power of mayor to grant pardons.

SECTION 16. The mayor shall have power to grant pardons or commutations after convictions for all offenses against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such actions to the council at its next meeting, with the reasons therefor.

CHAPTER XI.

How ordinance for construction of sidewalks to be passed.

SECTION 1. Every ordinance, resolution or by-law providing for the repairing, construction or reconstruction of any sidewalk or gutter, or for the grading, repairing or improving of any street at the expense in whole or in part of the owners of the lots or parcels of land abutting or fronting on such sidewalk, gutter or street shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law shall not be passed or adopted sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the council, had relative thereto, at the meeting when such ordinance, resolution or by-law was introduced, shall have been published in the official newspaper of said city.

Power of council to establish grade of streets.

SECTION 2. The common council of the city of Stevens Point shall have power to establish the grade of the streets of said city, and to change and re-establish such grade as they shall deem expedient; *provided*, that whenever they shall establish, change or alter the grade of any street, any person who shall claim to have sustained damages by such establishing, change or alteration of grade shall have his right of action against

the city for the recovery of such damages, but no suit shall be commenced against the city therefor until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same.

SECTION 3. It shall be the duty of the city marshal to see that all the ordinances of the city relating to the obstructions and cleaning of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water-courses in said city are duly observed and kept; the committee on streets shall have a general supervision over all works let by contracts for the improvement of streets or sidewalks in said city, unless the common council shall otherwise provide.

Duty of city marshal.

SECTION 4. Sidewalks shall be constructed, reconstructed or repaired upon the proper 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 ordinance, resolution, or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid in the manner, of the material or at the time as so directed, the common council may cause the same to be constructed forthwith, at the expense of such owner or owners. The contract for the construction of any such sidewalk, shall be let to the lowest reasonable responsible bidder, and notice shall be given by publication in the official paper of the city, at least for three days, of the time, place and manner of receiving such bids.

Construction and repair of sidewalks.

How contract to be let.

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 twenty days after 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 five days in the official paper of the city; *provided, further*, that lands used exclusively for farm purposes, not platted, shall not be liable for, nor the owner or owners thereof, be required to build or maintain sidewalks along or fronting such lands, under the provisions of this chapter.

Levy of special tax.

SECTION 5. The common council shall have power by a vote of two-thirds of all the members of the common council to order the building, construction, reconstruction

Power of council in construction and repair of sidewalks.

tion or repair of sidewalks in the city of Stevens Point in such manner as they may deem proper. The city clerk shall receive all proposals for constructing or repairing sidewalks, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder; *provided*, such bid is a reasonable one, subject to such provisions in the case of violation of contract, and to such other particular provisions as the council may prescribe; the proceedings for ordering the repair of sidewalks and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided, as in the case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from the city under any circumstances until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair, and so remain for the space of twenty-four hours, which, in the opinion of the street committee, will not cost to exceed the amount of five dollars, in front of any one lot, to repair the same, they shall be authorized, and it is hereby made their duty, to cause the same to be immediately repaired, and when the same is completed they shall make out an itemized bill of the costs of such repair, specifying the lot and block, or piece or parcel of land, in front of which said work was done, duly verified by his oath, and shall give the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Stevens Point, for payment, and if the owner of such lot, piece or parcel of land, shall refuse or neglect to pay the same for ten days then the clerk shall report the fact to the council and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land, does not reside in the city of Stevens Point the said committee shall return said account to the common council with their certificate stating that fact, and the council shall thereupon levy a special tax to pay the same in the manner in this section provided.

How contractor
to be paid.

Letting of contracts for construction and repair of sidewalks.

SECTION 6. The common council of said city shall have power, and may in its discretion, by a vote of a majority of its members, advertise and let to the lowest responsible bidder, whose bid it shall deem

reasonable and proper, the construction of any sidewalk or gutter or the making of improvement on or along any street or highway in said city limits which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract sufficient to pay the cost of constructing the same without giving notice requiring the owners of such lot or lots or pieces of ground to construct the same.

SECTION 7. The common council of the city of Stevens Point shall have the power, by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading and paving and repairing, and cleansing of streets, and parts of streets, alleys, public grounds, reservoirs, gutters and sewers in the manner hereinafter mentioned, and direct and control the persons employed thereon.

Power of council to construct and repair streets, alleys, etc.

SECTION 8. The costs and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of any public improvement shall be chargeable to, and payable by the city; the cost and expense of opening, grading or graveling, planking, paving of streets and alleys shall be chargeable to the lots of land, except farming lands, fronting on such street or alley, so that each lot or parcel of land, except farming lands, shall pay for work between the front of each lot or parcel of land, and to the center of such street or alley; *provided*, that the common council may order such cost and expense to be paid by the lots or land, except farming lands, fronting on such streets or alleys, by a *pro ratu* tax, based upon the last assessment made prior to such order by the common council. Sewers and gutters may be ordered by the common council and built at the expense of lots or parts of lots benefited thereby, and fronting upon the side of the street along which said sewer or gutter shall be constructed; *provided, however*, that when sewers or gutters are constructed through alleys, no lot shall be assessed therefor, except those situated in the block through which such sewers or gutters may be constructed; and *provided, further*, that in all cases when improvements or work of any kind are chargeable by virtue of this section upon lots benefited, all such improvements across streets, alleys and public grounds, shall be made and paid for by the city, in proportion to the width of the street, alley or public ground. Lots shall be liable, as in this chapter pro-

Charges payable to city.

What charges payable by property holders.

vided, for the improvements of streets to the center of the street on which they abut or join; and corner lots, for all sidewalks up to the crossings or crosswalks.

Estimate of expense of improvement to be made and filed.

SECTION 9. Whenever the common council shall determine to make any public improvement as authorized by this chapter, they shall cause to be made an estimate of the whole expenses thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground aforesaid, and such estimate shall be filed in the office of the city clerk for the inspection of the parties interested, before such work shall be ordered to be done. The common council may authorize the letting of such work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part as aforesaid; all bids for doing the same to be approved by the council; and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as they shall direct; such contract, when approved by the council, to be executed on the part of the city by the mayor, and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days in the official paper of said city. The common council, instead of letting such work by contract to the lowest bidder, may, by an affirmative vote of two-thirds of the members of the council, order the grading, repairing or improving of any street or the making of any public improvement to be done directly by and under the supervision of the street committee, at the uniform expense, in whole or in part, of the lots or parcels of land abutting or fronting on such street or public improvement.

Letting of work by contract and payment therefor.

Work may be done by street committee.

When deep cutting or filling is required, jury to be appointed to determine to whom expenses should be charged.

SECTION 10. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots and land fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the council in writing that the expense of such excavation or filling will exceed the proportion assessed therefor, the council shall require the marshal to summon five freeholders not residents of the ward nor interested in said lots or lands who, after being sworn to faithfully and im-

partially to discharge the trust imposed in them, shall examine the premises within five days therefrom, and if in their opinion the cost of such work will exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and what lots and parcels of land on the streets so to be improved will be benefited by such deep cutting or filling and how much or what portion shall be chargeable to them and to make a report thereof in writing as soon as practicable, but within ten days after such examination, to the common council, and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned shall be assessed upon and collected from the same in the same manner as herein provided; in case such owners shall not do the work, the remainder shall be assessed upon the lots benefited by such improvement in proportion to their respective benefit as determined by said jury. The sum so assessed shall become a lien upon the premises assessed and shall be collected therefrom as a special assessment in the same manner as other special assessments for improvements are collected; *provided*, that should said jury find that said petitioners were not entitled to any division of the expense so assessed upon their lots or parcels of land, then the expenses of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same upon the filing of the petition; *provided, also*, that the petition of no owner, feeling himself aggrieved, shall be received unless the same be presented within twenty days after the publication of the notice requiring the same to be done; and *provided further*, that when it shall appear to the council that any such lands belong to non-residents, infants or persons laboring under legal disability who shall not be represented by an agent or guardian or not to be benefited by the making of streets in front of such lots or lands to the amount of the costs and expenses thereof, it shall then be the duty of the said council to cause to be summoned a jury as herein provided.

Assessments to be levied on property.

SECTION 11. All work provided for in this chapter shall be done under the supervision of the street committee, and shall be approved by them before it shall be accepted by the council; *provided*, that whenever upon complaint made to, and the common council shall deem any lots injurious to public health by rea-

Work to be done under the supervision of street committee.

son of stagnant water, or from any other cause, they may order that such nuisance be abated by draining or filling such lot, or in any other manner by the owner or occupant of such lot, and upon their failure so to do, the street committee, by order of the common council, may abate, or cause to be abated, at the expense of such lot, by taking the same proceedings as are required for the building of sidewalks.

How payment
for work to be
made.

SECTION 12. Whenever any work has been done under contract as provided in this act, and the work shall have been approved by the mayor, street committee and city surveyor, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor and the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon; and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots of land respectively as a special tax, and to be collected therefrom for the benefit of the holder of said certificate as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate such assessment; *provided*, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for or on account thereof, or for any proceedings for the collection of the pay therefor.

Highway tax.

SECTION 13. The common council of the city of Stevens Point shall, on or before the first Monday in May in each 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 be less than one or more than five mills on the dollar upon all of the taxable property of said city as the same shall appear by the last assessment roll of said property.

Duty of city
clerk in assess-
ing highway
tax.

SECTION 14. The city clerk shall within fifteen days after said highway tax shall be so levied, make out and deliver to the city treasurer, a list of all persons liable to pay highway taxes in said city, which list shall also contain a statement of all the taxable per-

sonal property, and a description of all lots or parcels of land within said city, with the value of each lot or parcel set opposite to such description, as the same shall appear on the assessment roll of the previous year, and if such lot or tract was not separately described in such roll, then in such proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part, and the amount of such tax shall be carried out in a separate column opposite the name of each person or persons, corporation or corporations to whom each item of taxable property upon said list is to be assessed.

SECTION 15. The clerk shall make a duplicate of such list, both of which shall be signed by the mayor, and countersigned by the city clerk, one of which lists shall be filed in the office of the city clerk, and the other shall be delivered to the city treasurer.

Clerk to make and file duplicate list.

SECTION 16. The city clerk shall annex to each such tax list a warrant signed by the mayor and city clerk, which shall be in substance in the following form:

Form of warrant.

To A. B —, Treasurer of the City of Stevens Point:

You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of the real estate described therein, the taxes set opposite to such persons, corporations and property within the time limited by law, and to apply the taxes by you so collected, and make due return thereof as required by law.

Dated — day —, 18—.

— —, City Clerk.
— —, Mayor.

SECTION 17. The city treasurer shall have the same power and proceed to collect said taxes in the same manner as in the collection of the general taxes, and in case the said treasurer shall be unable to collect any portion of said tax, he shall, on or before the third Monday in November in each year, make out and deliver to the city clerk of said city a list of all such unpaid taxes, which list shall contain the names of all persons, corporation or corporations, and the description of all real estate or personal property included in said tax roll, and the amount of such tax against each of such descriptions or items so uncollected, which said list shall be sworn to by said city treasurer, before some officer authorized to administer oaths.

Powers and duties of city treasurer in collecting taxes.

SECTION 18. Upon the receipt of such list the city clerk shall, at the time of making out the general an-

Clerk to place delinquent tax on tax roll.

nual tax roll of said city for that year, place in a separate column on said roll the amount of said delinquent tax against the proper description of real estate and personal property, which shall be collected or returned in the same manner as general taxes are collected or returned by law.

CHAPTER XII.

Public schools. SECTION 1. The public schools of said city shall be under the control and general management of the board of education, authorized by chapter 167 of the laws of 1873, approved March 4th, 1873, and which is hereby continued in full force, except as herein modified by the provisions of this act.

Board of education — Election of members of. SECTION 2. The members of the board of education, as constituted, shall hold their offices until their successors are elected, as herein provided. At the next election for electing the members of the board of education, as provided in chapter 167 of the laws of 1873, there shall be elected from each ward of the city two members of the board of education, one of whom shall hold his office for the term of two years, and the other shall hold his office for one year, and annually thereafter one member of said board shall be elected from each ward, whose term of office shall be for two years.

Powers of board of education. SECTION 3. The board of education shall have power in their discretion to extend the school limits of school district number one of said city, so as to include the entire city limits, to appoint a city superintendent of schools, fix his salary and prescribe his duties, to cause to be repaired school houses, and to erect new school houses when deemed necessary, to make an annual report or statement of the estimate required for carrying on the schools for the ensuing year, and specifying the amount required for the erection of a new school house; when such sum forms part of such annual estimate, and which sums so estimated and reported by the board of education, shall be, by the common council of the city, levied and collected in the same time and manner as other general taxes are; from and after the appointment of such city superintendent of schools, the city shall be and is hereby declared independent of the jurisdiction of the county superintendent of schools of Portage county, and all property therein exempt from taxation for his salary.

CHAPTER XIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. All work for the city or either ward, including all printing and publishing, may in the discretion of the council, unless otherwise ordered, be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting the contracts.

Work for city to be let by contract.

SECTION 2. No moneys shall be appropriated for any purpose whatever except such as are expressly authorized by this act.

Only authorized appropriations to be made.

SECTION 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a two thirds vote of the aldermen elect.

Penalties not to be remitted.

SECTION 4. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent land marks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk, and recorded in the office of the register of deeds of Portage county.

New survey may be made.

SECTION 5. The surveys and land marks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks in all cases in which they shall be drawn into controversy in all courts in this state.

Survey to be evidence.

SECTION 6. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade; *provided, however*, that nothing in this section contained shall be so construed as to prevent the street committee of the several wards of the said city from ordering or causing to be done the grading of any street within their ward to a temporary grade to be established by such committee.

Power of council to establish grades of streets.

SECTION 7. The city may have, purchase and hold real and personal estate, sufficient for the conveniences

City may hold real and personal property.

of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by said city, shall be exempt from taxation.

All property subject to special tax.

SECTION 8. Real estate exempt from taxation by the laws of this state, shall be subject to special taxation as other real estate under this act.

Deeds to be made in name of city.

SECTION 9. When the city of Stevens Point deeds or leases any real estate or any interest therein owned by said city, the party of the first part shall be the city of Stevens Point, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Deeds and leases to be signed by mayor.

SECTION 10. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed, under and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Duty of city clerk in execution of deeds.

SECTION 11. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds, with said deed or lease, and such copy so attached and record thereof shall be in all courts of this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

When elections not held, or other things not done, at prescribed time

SECTION 12. If any election by the people for common council shall for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending, or absolving said corporation, but such election or organization may be held at any subsequent day by order of the common council; and if any of the duties enjoined by this act or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said act may be done or performed.

Act not to be repealed by general laws.

SECTION 13. No general law of this state contravening the provisions of this act shall be considered as repealing, annulling or modifying the same, unless

such purposes be expressly set forth in such law as an amendment to this chapter.

SECTION 14. The common council shall have power to appropriate a sum not exceeding five hundred dollars to any public purpose they may deem proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen elect.

Power of council to appropriate money.

SECTION 15. All moneys paid to the city on account of any or all licenses whatsoever, granted or issued by the common council of said city, including licenses for the sale of malt, spirituous or intoxicating liquors, shall be set apart as a special fund for the purpose of rebuilding the bridge across the Wisconsin river in said city, and from and after the completion and payment for said bridge, said moneys accruing from such licenses shall be applied to a sinking fund for the purpose of paying up the bonded indebtedness of the city.

License money to be set aside as special fund.

SECTION 16. Every male inhabitant in the city of Stevens Point over twenty-one years of age, and under fifty, except active members of the fire department and those otherwise exempt by the general laws of this state, shall pay into the city treasury annually the sum of one dollar and fifty cents each, as a poll tax. It shall be the duty of the assessor of the city of Stevens Point, during the month of April of each year, to make out duplicate lists of all persons liable to said tax in the city of Stevens Point; and said assessor shall, on the last Monday of April of each year, deliver one of said lists to the city clerk and one to the treasurer of said city of Stevens Point. The said treasurer shall thereupon immediately proceed to collect the same. The moneys collected as herein provided for shall be kept as a distinct fund, and shall be expended for the benefit and improvement of the streets of the city of Stevens Point. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax, and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall collect the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property; *provided*, that if any person desires to, he shall be permitted to perform one day's work upon the streets of the city in the ward in which he resides, and the certificate of the street committee, that such person has performed one

Poll tax.

full day's labor shall be received by the city treasurer in full discharge of such tax.

Actions to be prosecuted in name of city.

SECTION 17. In all cases where an action might be brought by the city of Stevens Point against any person, company or corporation, such action may be commenced and prosecuted in the name of the city by any electors of said city; *provided*, that the complaint is made by any person other than a police officer of said city, sheriff of Portage county, or any officers of said city. The justice may, in his discretion, require seventy-five cents as in civil courts before justices of the peace.

City may use county jail.

SECTION 18. The use of the jail of Portage county, until otherwise provided, shall be granted to said city, for the confinement of 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.

Construction of act.

SECTION 19. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

Repealed.

SECTION 20. All acts or parts of acts inconsistent and conflicting with the provisions of this act, are hereby repealed; but the repeal of said acts, or parts of acts, shall not, in any manner affect, injure or invalidate any contract, claims, penalties or demands that may have been entered into, performed, commenced, or that may exist under or by virtue, or in pursuance of the said acts, or any former act incorporating the city of Stevens Point, or any of them, but the same shall exist and be enforced and carried out and completed, as fully and effectually, to all intents and purposes, as if this act had not been passed.

SECTION 21. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.