

[No. 177. S.]

[Published April 17, 1883.]

## CHAPTER 191.

AN ACT relating to and amendatory of the charter of the city of Merrill.

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

SECTION 1. Section 8, of chapter 5, of the general laws of 1883, entitled "an act to incorporate the city of Merrill," is hereby amended so as to read as follows: Section 8. All necessary officers not hereinbefore named as elective officers, shall be appointed by the council. All elective officers, except justices of the peace, shall, unless elected to fill a vacancy, hold their respective offices for one year, and until their successors are elected and qualified; provided, that the council shall have power, for due cause satisfactory to it, to expel any of its own number and to remove from office any officer or agent of the city, except justices of the peace, due notice and an opportunity for a hearing having been first given to the officer proposed to be removed. Justices of the peace shall hold their offices for two years, and until their successors are elected and qualified. The term of office of every officer elected or appointed under this act shall commence on the second Tuesday in March of the year for which such officer is elected or appointed, except those of superintendent of schools and school commissioner, which shall commence on the second Tuesday of July next succeeding their appointment, and the term of office of all other appointed officers shall expire on the second Tuesday of March next succeeding their appointment, unless sooner removed.

Regarding officers of the city.

SECTION 2. Section 26, of said act is hereby amended so as to read as follows: Section 26. The mayor or acting mayor, sheriff of Lincoln county, and each and every member of the common council, justice of the peace, marshal, constable 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 purposes may command the assistance of all bystanders, and, if need be, of all citizens; and if any person or bystander shall refuse to aid in main-

Officers of the peace.

taining the peace when so required, every such person shall pay a forfeiture of not more than fifty dollars (\$50); and in cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present in the order above mentioned in this section shall direct the proceedings.

Gambling and kindred vices.

SECTION 3. Subdivision 2, of section 31, of said act is hereby amended so as to read as follows: 2. To restrain and prohibit all descriptions of gaming and fraudulent [devices] and practices, and all playing of cards, dice or other games of chance for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors unless duly licensed by the council; provided that no license shall be issued by said council for the sale of spirituous, vinous or fermented liquors, at less than the following rates: For a license to sell such liquors to be drank upon the premises, or not to be drank upon the premises, and in any quantity whatsoever (meaning hereby to include both a wholesale and retail license), the sum of two hundred dollars (\$200). For a license to sell such liquors in any quantity not to be drank upon the premises, the sum of one hundred dollars (\$100). For a license to a druggist to sell such liquors, solely upon the prescriptions of practicing physicians, the sum of twenty-five dollars (\$25).

How to prosecute—mode of procedure.

SECTION 4. Section 40, of said chapter 5, is hereby amended so as to read as follows: Section 40. Upon presentation of such application, and upon due proof made in the same manner as is required to make proof of service of the summons in civil actions in courts of record, of the publication or service of the notice hereinbefore required, the said judge or sheriff, as the case may be, shall thereupon appoint as jurors twelve reputable freeholders, residents of Lincoln county, possessing the qualifications of jurors of said county, but not residents of the ward in which such premises lie, nor interested in the result of such application. The said judge or sheriff shall thereupon issue his precept directed to said jurors, requiring them at some time therein specified, within thirty days from the date thereof, to view such premises to be specified in said precept, and to make return under their hands, to the council, whether, in its judgment, it is necessary to take or use said

premises for the purposes specified in said application. In selecting such jury, the same rights of challenge peremptorily for favor or for cause may be exercised by the city attorney or other representative of the city, and by the owner of the land sought to be taken, his agent or attorney, as a party to a civil action in the circuit court, is entitled to have; and the judge or sheriff, as the case may be, shall decide the same in like manner, and replace the name of any jurors successfully challenged with the name of some other competent person, until a jury of twelve be chosen.

SECTION 5. Section 93, of said chapter 5, is hereby amended so as to read as follows: Section 93. The city treasurer shall receive city orders for city tax and county orders for county tax, but on no other account whatever shall the said treasurer receive as payment anything but coin, coin certificates, treasury notes and national currency.

What treasurer shall receive for taxes.

SECTION 6. Section 104, of said act is hereby amended so as to read as follows: Section 104. From and after the second Tuesday in July, A. D. 1883, all the district of country within the corporate limits of the city of Merrill shall be known and designated as school district number one, of the city of Merrill, for all purposes.

School district No. 1.

SECTION 7. Section 105, of said act is hereby amended so as to read as follows: Section 105. The common council shall, on or before the first Tuesday in July, elect one commissioner of schools for each ward, three of whom, to be designated by the council, shall hold their offices for one year, and the remaining three shall hold for two years. Thereafter the council shall annually, on or before the first Tuesday in July, elect from each ward, where the term of office of a school commissioner expires, a school commissioner for a term of two years; and the council may make appointments of school commissioners to fill vacancies which may occur from any cause.

Commissioner of schools.

SECTION 8. Section 119, of said act is hereby amended so as to read as follows: Section 119. No tax for general city purposes shall be levied in any year exceeding two per cent. of the assessed valuation of property in the city in that year.

Two per cent.

SECTION 9. Section 132, of said act is hereby amended so as to read as follows: Section 132. Every license issued under the charter, or the or-

Licenses, by whom signed.

dinances of the city, shall be signed by the city clerk and sealed with the corporate seal, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors unless the same shall have been authorized by the council, and the applicant shall have filed his receipt as aforesaid, together with a bond as required by the laws of this state, which shall be approved by the council; provided, that the sum to be paid for any such license shall not be less than the amount fixed by this charter, and that all licenses shall be granted to expire on the first day of April next following, in each year.

Right of action  
by the city.

SECTION 10. Section 136, of said chapter 5, is hereby amended so as to read as follows: Section 136. The city shall have a right of action against any of its officers, agents or employes, and against any person or corporation, to recover all damages which it has been compelled to pay on account of the act, default, tort, or neglect of such officer, agent, employe, person or corporation. But the liability of all such officers, agents, employes, persons and corporations, shall be ascertained and determined conformably to the general law of the state.

Disallowing  
claims.

SECTION 11. Section 151, of said chapter 5, is hereby amended so as to read as follows: Section 151. The determination of the council disallowing any such claim in whole or in part, shall not be final, but the claimant may appeal as in this act provided for, or may bring an action to recover the same within the time limited by law. In case action is brought by such claimant, and on the trial thereof he shall not recover a sum exceeding the amount allowed by the council, and interest thereon to the time of trial, the city shall recover costs in such action, to be ascertained and collected in the manner provided for in section 150 of this act, when costs are recovered by the city, in cases tried on appeal.

Free use of all  
school houses.

SECTION 12. Section 153, of said act is hereby amended so as to read as follows: Section 153. School district number one of the city of Merrill, shall have the free use of all school houses, sites, and appurtenances within the limits of said school

district, and the old school district, as it shall be constituted after this act takes effect, shall have the free use of all school houses, sites and appurtenances without the city limits until such time as a settlement can be made and a division of the property and indebtedness under the statutes in such cases made and provided. The high school of district number one of the town of Merrill shall remain intact, and shall continue under its present management until the annual meeting of 1883; thereafter it shall be continued under the management of the city of Merrill, and shall be known and designated as the Merrill high school, and the high school district shall be co-extensive with the territory of school district number one of the city of Merrill. The school commissioners of the city of Merrill, *ex officio*, shall be the high school board and shall perform all the duties of such board as required by statute on the subject of free high schools.

SECTION 13. Section 154, of said act, is hereby amended so as to read as follows: Section 154. The school district officers of school district number one, of the town of Merrill, shall continue and remain in office, and act as the school board of said school district, and perform all the duties thereof, until the appointment of such school commissioners, as hereinbefore provided. It shall be their duty, acting as such school board, to designate a proper and suitable place for holding the annual school meeting in such school district, for the year 1883, and to give proper and suitable notices thereof. At the annual school meeting of said school district number one, of the town of Merrill, in the year 1883, there shall be a full complement of school officers elected for said school district.

Tenure of office  
of school officers.

SECTION 14. The common council of the city of Merrill shall have power to order and direct the building of sidewalks in any part of the city, at the expense of the city at large; such expense not to exceed one thousand dollars (\$1,000) in any one year, and this power shall expire upon the second Tuesday in March, A. D. 1885.

Sidewalks.

SECTION 15. This act shall take effect and be in force from and after its passage and publication.  
Approved March 30, 1883.