

[No. 507, A.]

[Published April 7, 1887.]

CHAPTER 274.

AN ACT to revise, consolidate and amend chapter 280, of the laws of 1883, entitled, "an act to incorporate the city of Marshfield."

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

SECTION 1. Chapter 280, laws of 1883, entitled, "an act to incorporate the city of Marshfield," is hereby revised, consolidated and amended so as to read as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country in the county of Wood, hereinafter described, shall be a city by the name of the city of Marshfield, and the people now inhabiting, and those who shall hereafter inhabit said district, shall be a municipal corporation by the name of the city or Marshfield, 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 impleading in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

SECTION 2. The west half of the township numbered twenty-five north, of range numbered three east, of the fourth principal meridian, shall be included in and constitute the limits of the city of Marshfield.

Ward bound
aries.

SECTION 3. The said city shall be divided into four wards, and the number and boundaries shall be as follows: The first ward shall embrace all of the said territory north of the line of the Wisconsin Central railroad, and west of Center avenue and its continuation. The second ward shall embrace all of the said territory south of the aforesaid railroad and west of Center avenue and its continuation, being on the line between sections seventeen and eighteen, nineteen and twenty, twenty-nine and thirty, thirty-one and thirty-two. The third ward shall embrace all of the said territory, south of Second street and its continuation, and east of Center avenue not contained in the second ward. The fourth ward shall embrace all territory north of Second street and its continuation, and east of Center avenue and its continuation.

ELECTIONS.

Regarding
elections.

SECTION 4. 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 nine 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. The elective officers of said city shall be a mayor, a treasurer, a municipal judge, an assessor, three justices of the peace and two constables for the city at large, two aldermen and one supervisor for each ward. The mayor, treasurer and municipal judge shall be qualified voters and freeholders in the said city, and the ward officers shall be qualified voters and freeholders in the ward for which they were elected. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. All elective officers, except justices of the peace, shall, unless otherwise provided, hold their respective offices for one year, except as otherwise provided, and until their successors are elected and qualified; provided, however, the common council shall have power, for due cause, to expel any of its 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 justices of the peace shall hold their offices for two years, and until their successors are elected and qualified. The mayor shall have power to suspend any police officer or watchman appointed by the council, when complained of, 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.

SECTION 5. Whenever a vacancy shall occur in the office of mayor, treasurer or alderman, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Vacancies, how filled.

SECTION 6. All elections by the people shall be by ballot, and plurality of the votes cast 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 times and in such manner as it shall direct.

Elections shall be by ballot.

SECTION 7. All persons entitled to vote for county or state officers shall be entitled to vote for any officer entitled to be elected under this law, and hold any office hereby created.

Eligibility to office.

SECTION 8. The election in said city shall be held and conducted by three inspectors and two clerks in each ward, who shall be appointed by the common council of said city at least three days before the holding of said election. The inspectors and clerks so appointed shall take the usual oaths or affirmations as prescribed by the general laws of this state to be taken by judges and inspectors of election, and shall have power to administer the necessary oaths. Such elections shall be held and conducted in the same manner and under the same penalties as prescribed by the general laws of this state regarding elections.

How elections shall be conducted.

Procedure in
case of illegal
voting.

SECTION 9. If either of the inspectors shall suggest that any person offering a vote does not possess the necessary qualifications of an elector, or if such vote shall be challenged by an elector, the inspectors, before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be,) that you are twenty-one years of age, and that you are a citizen of the United States (or have declared your intention of becoming a citizen, conformably with the laws of the United States on the subject of naturalization); that you have resided within the state of Wisconsin one year preceding this election; that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election." And if the person offering the vote shall take such oath falsely, he shall be deemed guilty of wilful 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 in the one in which he resides, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding 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 the 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 person 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 wilfully make untrue and incorrect count and tallies of votes, each and every inspector or 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.

Canvass of
returns.

SECTION 10. 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.

SECTION 11. Special elections to fill vacancies, or for any purpose, shall be held and conducted by the aldermen of such ward, and 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 to fill vacancies.

SECTION 12. 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 common council shall proceed to fill such vacancy as herein provided.

When office shall be deemed vacant.

SECTION 15. There shall be elected at the first election under this act, two aldermen from each ward as follows: One for one year, one for two years, who shall hold their office until their successors are elected and qualified, and hereafter one alderman shall be elected from each ward, whose term of office shall be for two years and until his successor is elected and qualified. The supervisors elected under this act shall hold their offices for one year and until their successors be elected and qualified, and shall be entitled to seats as members of the county board of supervisors of Wood county.

Election of aldermen.

SECTION 14. The first election under this act shall be held on Thursday, April 14th, 1887, at such place in each ward as the mayor and common council of the city of Marshfield shall designate.

First election—when held.

SECTION 15. 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, duly certified by the officer taking the same, together

Oath of office.

with their official bond, with the clerk of the city; and the treasurer, clerk, marshal, constables, 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 Marshfield, 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 and liabilities, and said bond 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 defined.

SECTION 16. 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 objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the common council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections; and in case the council shall not, within one week after the receipt of 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 and publication of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

SECTION 17. At the first meeting of the common council in each year it shall proceed to elect by ballot one of its member president, and in the absence of the mayor the president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability 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 the president shall be absent at any meeting of the common council, it shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge the duties of the mayor. The president or temporary presiding officer, while presiding over the board or performing the duties of mayor, any act performed by them or any of them, shall have the same force and validity as if performed by the mayor, except the signing of city bonds and orders; and the said common council shall also, at its first meeting in each year, elect a marshal for the city, also a chief engineer and a first assistant engineer of the fire department, and a city clerk, who shall hold their respective offices for the term of one year and until their successors are elected and qualified.

Election of president.

SECTION 18. 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 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 all chattel mortgages so filed and the renewals thereof, shall be as valid and legal as if the same

City clerk and his duties.

had been 'filed in the town clerks' office in any town. The clerk shall have power and authority to administer oaths or affirmations.

Justices of the peace and their duties.

SECTION 19. The justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of 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; and in addition thereto they shall have jurisdiction in all cases arising under this act and the ordinances, resolutions and by-laws passed by said city council, unless therein otherwise provided. All constables elected by virtue of this act shall have and exercise the same powers and duties, and be subject to the same liabilities as constables of towns.

Duties of the treasurer defined.

SECTION 20. 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 said 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 or 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 persons from whom the amount of the several sums was received, which books shall, at all reasonable times, be open to the inspection of any person. He shall, every three months, if 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 receive the same compensation except as herein otherwise 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.

SECTION 21. 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 processes 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 persons 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.

Duties of marshal defined.

SECTION 22. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers appointed by them.

Other and further duties to be performed by any officer.

SECTION 23. The common council, at its first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city in which shall be published all ordinances and 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.

Official newspaper to be designated.

Filing official
copy.

SECTION 24. 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 the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

Penalty for failure to deliver to successor.

SECTION 25. 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 city one hundred dollars, besides all damages caused by his neglect or refusal to deliver, and such successor may recover the possession of such books papers and effects in the manner prescribed by the laws of this state.

Shall not be a party to any job or contract.

SECTION 26. 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 or any such contract, the common council may sue for and recover the amount so paid, from the parties to such contract and the aldermen interested in the same. The mayor or acting mayor, sheriff of Wood county, and each and every alderman, police justice, justice of the peace, marshal, under-sheriff and deputy sheriff of Wood county, constable, policemen and watchmen, 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 by-standers, and if need be of all citizens; and if any person, by-stander 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.

SECTION 27. There may be elected by the common council a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office in 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 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.

Duty of
surveyor.

SECTION 28. The common council may elect a city attorney and prescribe his duties and regulate his salary, and it may also elect a road commissioner, who shall be under the control of the common council, and who may be discharged at any time by said council.

Duties of city
attorney
defined.

CHAPTER II.

COMMON COUNCIL — POWERS AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The mayor and common council of the city of Marshfield do ordain, etc." The common council shall meet at such time and place as it by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Constitution of
common
council.

SECTION 2. The common council shall hold its first annual meeting in each year on the third Tuesday of April, and thereafter stated meetings at such times as it shall appoint, and the mayor may call special meetings by a notice to each of the members, to be served personally or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualifications of its own members, and have power to compel the attendance of absent members.

First annual
meeting.

SECTION 3. The common council shall have the management and control of the finances, except

Management
and control of
finance.

school moneys, and of all other property of the city, and shall likewise, in addition to the power herein vested in it have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, 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 it shall deem expedient, declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States, or of this state, and for these purposes they shall have authority, by ordinance, resolution or by-laws:

May issue licenses.

1. To license, regulate, suppress and 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, pool tables, and other devices for games, and to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state or at common law; and may grant licenses for and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit or suppress the same.

Suppress games, etc.

2. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices 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.

Riots.

3. To prevent riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses and 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 Marshfield, by reason of him or her being implicated in any such offense, but the testimony of any such witness shall in no case be used against such witness.

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

Cleanse
nauseous
places.

5. 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 explosives or combustible materials.

Slaughter
houses, mar-
kets, gun-
powder.

6. To prevent the incumbering of 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.

Incumbering
streets, etc.

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

Horse-racing,
swimming.

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

Restrain cattle.

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

Dogs.

10. To prevent any person from bringing, depositing or having within said city, any putrid carcass, 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.

Putrid car-
casses.

- Public pounds.** 11. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants; to erect lamps, and to regulate, license and suppress omnibus drivers, hackmen, coachmen, cartmen, draymen and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen, and all others who may pursue like occupations in this city, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise.
- Boards of health, cemeteries.** 12. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of bills of mortality, and to exempt burial grounds set apart for public use, from taxation.
- Size and weight of bread.** 13. 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.** 14. To prevent all persons riding and driving any ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks.
- Shooting fire arms, etc.** 15. To prevent the shooting of fire-arms 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.
- Drunkenness.** 16. To restrain drunkenness, or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.
- Runners and solicitors.** 17. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses or other establishments, and to establish and regulate the police of the city.
- Markets.** 18. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the observance of such rules and regulations.
- Provisions.** 19. To license and regulate butchers, stalls, shops and stands for the sale of game, poultry, butcher's meat, butter, fish and other provisions.
- Produce.** 20. 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, and appoint fish inspectors as herein provided, and to appoint a lumber and shingle inspector.

21. 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 authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.

Removal of snow, rubbish, etc.

22. To appropriate and levy a tax not to exceed two thousand dollars in any one year, for the purpose of purchasing and maintaining grounds suitable for holding an agricultural fair, and to regulate and control said grounds and buildings if so purchased.

Money for fair grounds.

23. To regulate the time, place and manner of holding public auctions or vendues.

Auctioneers and vendues.

24. To appoint watchmen and prescribe their duties.

Watchmen.

25. To provide by an ordinance for a standard of weights and measures, and the punishment of the use of false weights and measures.

False weights and measures.

26. To protect trees and monuments in said city.

Trees and monuments.

27. To prescribe and regulate the construction of sewers within the city.

Sewers.

28. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances, and to protect them from injury.

Repair of streets.

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

Change names of streets, etc.

30. 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.

Ordinances and by laws, etc.

31. To appoint regular fire policemen, not ex-

ceeding ten persons, and to appoint any number of temporary fire policemen.

Payment of
fire companies.

32. To provide for the payment of members of the fire companies, and to exempt them from serving as jurors.

Ordinances—
how passed.

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 city clerk in books to be provided for that purpose; but before any of said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof respectively within 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 taken 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 sanction of the mayor and council, shall be prima facie evidence of the due passage and publication of such law, ordinance regulation or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor.

Shall not bar
or hinder suits.

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 ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns and houses where spirituous, vinous or fermented liquors are sold without the license required thereof, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Examine and
adjust
accounts.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, marshal, and all other officers or agents of

the city, at such times as it 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 order 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 the adjustments and settlements.

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.

SECTION 8. All funds in the treasury 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 drawn upon the treasurer shall specify the purpose for which they are 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 on interest of any outstanding bonds of the city, which shall be collected in money or in orders drawn upon such fund respectively, and all orders shall be payable to the person or to the order of the person in whose favor they may be drawn.

SECTION 9. The common council of said city shall annually levy upon the taxable property of said city, to defray the current expenses of said

city, a tax sufficient to defray expenses, not exceeding twenty hundred dollars in any one year, unless at the annual or special meeting the qualified voters of said city shall direct a greater amount to be raised.

No power to issue bonds except in certain cases.

SECTION 10. 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, nor shall the common council issue in any one year orders upon the city treasurer 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; provided, a majority of the qualified voters at any annual or special meeting shall so direct.

Special taxes.

SECTION 11. Special taxes may also be levied by the city council at any regular meeting for the purpose of paying the interest or principal on any outstanding bonds, now due or hereafter to become due, issued by the city of Marshfield, or which may hereafter be issued by said city, by authority of law; provided, however, no greater tax shall in one year be levied than shall be necessary to pay the amount which will be due on such bonds at the time such tax shall be collected by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes. Said taxes when so levied shall be collected at the same time other city taxes are collected.

Verifying accounts.

SECTION 12. No account shall be allowed by the common council unless the same is verified by the owner thereof, or some person in his behalf.

Disallowing claims.

SECTION 13. When the claims of any persons against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court of the county of Wood, 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.

SECTION 14. 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 council he may be required to do, and shall make out a brief return of the proceedings in the case before said council with its decision thereon, and shall file the same, together, with the bond, and all papers in his possession, with the clerk of the circuit court for the county of Wood, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereon 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.

Notice of appeal to be given.

SECTION 15. No action shall hereafter be maintained by any person or against the city of Marshfield 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.

Claims must first be presented.

SECTION 16. 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 contract and agree to the institution and maintenance of an action by such claimant against the city; provided, however, that the common council shall refuse or neglect to act upon any claim duly presented to it, this chapter shall not be construed as to prevent the institution and maintenance of an action by said claimant against the city.

Determination of council to be final.

SECTION 17. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same as follows:

Power to lay out streets, etc.

Whenever ten or more freeholders residing in the city shall, by petition, represent to the common council that it is necessary to take certain lands within the city where such petitioners may reside for the public use for the purpose of laying out public squares, grounds, streets or alleys, of the enlarging of the same, the course and distance, 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 four weeks successively, at least once in each week.

What the notice shall state.

SECTION 18. Such notice shall state upon a day therein to be named, not less than ten days from the service of such notice of the expiration of such publication, as the case may be, application will be made to the county judge or a court commissioner for the county of Wood, for appointment of three jurors to view said premises, and to determine whether it will be necessary to take the same for the purposes specified in said petition.

Shall appoint jurors.

SECTION 19. Upon the presentation of such application, and upon proof of the publication of service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint three reputable 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 such 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 20. 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.

Marshal to
serve precept.

SECTION 21. If any of the jurors so appointed cannot be found or shall be disqualified from acting, or refuse to act, the judge or the court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

In case jurors
refuse to act.

SECTION 22. 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 to be
administered.

SECTION 23. 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 its proceedings confirming said report; and direct the same jurors, within twenty days thereafter, or such future time as shall be necessary, to again view said premises for the purpose of ascertaining

Jurors to view
the premises
in a body.

and determining the amount of damages to be paid to the 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 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 before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer that they are freeholders in said city, and not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

In case there is a building on land.

SECTION 24. 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.

Ten days' notice to be given.

SECTION 25. 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 non-resident, notice to all parties interested shall be given by publication in the official paper or papers of said city, three successive weeks. Such notice shall specify the building and 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 to allow such building to be taken with the land appropriated, or their intention to remove such building. He shall have such time for his purpose as the common council may allow.

In case owner refuses to take building.

SECTION 26. 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.

SECTION 27. 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 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 buildings (if the property of the owner of such lands), as estimated by them aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section 8, of this charter.

Shall view and examine the premises.

SECTION 28. 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 interest respectively, shall be awarded to them by the jurors.

In case lands or buildings belong to different parties.

SECTION 29. 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.

Award to be signed by jurors.

SECTION 30. Any person whose property is taken or against whom any assessment is 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 Wood county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond to the city, with sufficient surety to be approved by the clerk of said city or county judge or court commissioner, conditioned for the diligent prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant and such appeal shall be tried by the

Appeal, how made.

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.

Damages first to be tendered.

SECTION 31. The lands required to be taken for the purpose mentioned in this act, shall not be appropriated until the damages awarded therefor to the owner thereof, shall be paid or tendered to the owner or his agent, or in case the said owner or his 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 ordinances of the city, in the same manner as streets, alleys and public grounds opened or laid out.

Damages assessed may be paid or tendered within one year.

SECTION 32. 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 any such case shall be void.

When land may be appropriated.

SECTION 33. The city may pay, tender or deposit, as herein required, at any time within one year from the confirmation of such assessment and report the damages assessed in any such case: and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among its proceedings to take and appropriate such lands for the purposes required.

Covenants to case.

SECTION 34. 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, respectively cease and be absolutely discharged.

The same where part only is taken.

SECTION 35. When only a part of a lot or a tract of land or premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, consider-

ations 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.

SECTION 36. When any known owner of lands or tenements is affected by any proceedings under this act shall be an infant, or labor under legal disabilities, the judge of the circuit of Wood county, or in his absence the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

In case of infant or other disabilities.

SECTION 37. 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.

Accurate surveys may be made.

CHAPTER III.

ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; 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 may be altered by this act; provided, however that the common council may prescribe the form of the 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 it may, from time to time, deem advisable.

Assessment and taxation.

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

One week's notice of assessment roll—completion.

will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessor shall make such alteration or reduction as justice or equity shall require; provided, the time of hearing such objections shall not be more than one week from the expiration of such notice.

Return of
assessment to
board of
equalization.

SECTION 3. Within one week from 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 power to increase (the) amount of said roll, except by the value of such real property as may have been omitted by the assessor.

In case of the
omission of
land.

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 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 whosoever 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 or conveying of the same, but not affecting the equity or 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 it 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.

SECTION 5. The supervisors of each ward, the assessor, and the city clerk shall constitute the city board of equalization and shall meet on the second Monday of July in each and every year, at 9 o'clock in the forenoon, and shall proceed in all respects as town boards are required by law to proceed, as far as the same are applicable, reviewing, correcting and equalizing the assessment rolls of the city. They shall elect their own chairman, and the city clerk shall be clerk of said board and shall not vote except in case of a tie.

Board of equalization—how constituted.

SECTION 6. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk, thereupon the common council shall, by resolution, levy such sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the amount as so voted by the qualified electors of said city at a previous meeting.

Filing assessment roll.

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

Change in assessment roll shall be recorded.

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 from the time of the confirmation of such assessment roll, and upon 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 said lien; any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon real or personal property.

Taxes to remain a lien.

SECTION 9. From the assessment roll, when so corrected, the city clerk shall proceed to make out the tax roll for the city under the general laws of this state, except that he shall add four per centum to the tax on each valuation as a collection fee.

Collection fee.

Roll to be
prima facie
evidence.

SECTION 10. The said assessment roll and the tax roll and the warrant thereunto attached shall be prima facie evidence in all courts that the lands and persons therein named were subject to taxation.

General laws
to be in force.

SECTION 11. 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 treasurers to collect taxes, except as herein provided.

Notice by
treasurer.

SECTION 12. 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 tax roll (describing for what purposes such taxes are levied) has been committed to him for collection, and that he will receive payment for taxes at his office as prescribed by the general laws of this state for the collection of taxes.

Fees of treasurer.

SECTION 13. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, two per cent. upon all taxes collected by or paid to him prior to the tenth day of January in each year, and four per cent. upon all taxes collected by or paid to him on and after January tenth of each year, and in case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; the city treasurer shall collect the fees hereinbefore described, and shall keep in a book, to be 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 shall receive no other or further compensation for his services as treasurer, than as hereinbefore provided, except that the common council may provide.

SECTION 14. The city treasurer shall make returns to the county treasurer, according to the

general laws of this state, and the mayor and city clerk shall have the same power to extend the payment of taxes as are given to town boards under the general laws of this state.

City treasurer shall make return to the county treasurer.

SECTION 15. The general laws of this state for the assessment and collection of taxes, and for proceedings to set aside any assessment or levy of any tax, shall be applicable to the city of Marshfield, except as otherwise herein provided.

General laws to guard.

FIRE DEPARTMENT.

SECTION 16. The common council, for the purpose of guarding against the calamities of fire, shall have 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 damages, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Fire department.

SECTION 17. The common council shall have 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 and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as it shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufacturers, dangerous in causing or promoting fire; to regulate and prevent the use of fireworks 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

Construction of chimneys.

all by-standers 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 to purchase fire-engines.

SECTION 18. The common council shall have full power to purchase fire-engines and other apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and provide for the due and proper support and regulation of the same, and to order such companies 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 engineers, who shall be appointed by the common council, and form their own laws, not inconsistent with the laws of this state or with the ordinances and regulations of said city, and shall be formed only by voluntary enlistments.

Fire-wardens.

SECTION 19. The mayor shall appoint two fire-wardens 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 or enclosure for the purpose of inspecting the same.

Penalty for refusing to obey lawful order.

SECTION 20. When any person shall refuse to obey any lawful order of any engineer, fire-warden, or alderman the mayor or city marshal, or other officer, or special police, 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 officer, or any of them, may arrest, or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person shall be liable to penalty as the common council shall prescribe, not exceeding twenty dollars.

SECTION 21. The common council shall have Sack company. power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as it may select, and shall consist of not more than thirty members. Such company shall constitute and be enumerated as a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually are hereby authorized and empowered to act as a special police for the city of Marshfield, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officer in said city, and shall be entitled to all the rights and immunities of members of the fire department. 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 laws as it deem necessary not inconsistent with the laws of this state, or the ordinances of said city. 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.

SECTION 22. 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 engineer, and countersigned by the clerk of said department. Treasurer of fire department.

SECTION 23. There shall be elected by the members of each company aforesaid, annually, at their annual meeting, a clerk or secretary and a treasurer, who shall, on or before the first Monday in 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. Officers of fire company.

Record of
members to be
kept.

SECTION 24. 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 same 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 the fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Wood, 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; provided, the common council shall, by ordinance exempt members of said companies from serving as jurors.

CHAPTER IV.

MUNICIPAL COURT — POWERS AND JURISDICTION.

Municipal
judge.

SECTION 1. The judge of said court shall be known as the municipal judge.

Jurisdiction.

SECTION 2. The said municipal court shall have jurisdiction concurrently with the circuit court, to hear, try and determine all misdemeanors, and all other offenses which are punishable only by fine or imprisonment in the county jail, or both such fine and imprisonment.

Punishment for
offenses.

SECTION 3. When any person or persons shall be tried and convicted in said municipal court of any such offenses, the punishment of such offense shall be such as is now prescribed by law, and the judge of said court is hereby empowered to sentence such offenders, when so convicted, to such punishment, either by fine or imprisonment in the county jail, or both such fine and imprisonment, at his discretion.

Exclusive
jurisdiction.

SECTION 4. The municipal judge shall have exclusive jurisdiction of all misdemeanors and other offenses arising within said city, as provided in section 2, of this act, and exclusive jurisdiction to conduct all examinations of offenders against

the laws of this state, or persons accused of committing any criminal offense, when such offense shall be committed within the limits of said city, and of all actions arising by reason of the violation of any of the provisions of the charter of the city of Marshfield, or any of the ordinances or by-laws passed in pursuance thereof.

SECTION 5. The municipal judge shall have and possess all the authority, powers and rights and jurisdiction of a justice of the peace in civil proceedings; provided, that in all cases of which a justice of the peace has jurisdiction, to an amount, sum or value, not exceeding two hundred dollars, as provided by section 3572, of the revised statutes, of the year 1878, the said municipal judge shall have jurisdiction to an amount, sum or value, not exceeding one thousand dollars, and in all cases prescribed by said section 3572, the said municipal judge shall have jurisdiction to the sum, amount, value and extent of one thousand dollars; and provided further, that in actions founded on this account when the amount of the plaintiff's account, proven to the satisfaction of said judge, shall not exceed two thousand dollars, and when the same shall be reduced to an amount, not exceeding one thousand dollars, by credits given, or by the set off or demand of the opposite party, and all summons, warrants, writs, process, and all papers issued by said municipal judge, or in anywise relating to said municipal court, shall be modified and varied by said municipal judge accordingly, and so as to conform to the provisions of this act.

Extent of his jurisdiction.

SECTION 6. The provisions of the charter of the city of Marshfield and all other laws of the state relating to the municipal court shall be so construed as to apply to the said municipal court, so far as the same are not inconsistent with this act, and the jurisdiction and powers of the municipal court in both civil and criminal proceedings shall be the same as now provided by the municipal court, except as enlarged and modified by this act. The judge of said court shall be allowed the same fees for his services as are now allowed by law to justices of the peace, and in addition to such fees he shall be allowed the further sum of one dollar for each civil action commenced in said court, which is hereby imposed as a tax for entering

Provisions of this charter not to conflict with municipal court.

such action upon the docket of said judge, which last sum shall be taxed and recovered as a part of the costs in such action, in the same manner as the fees now allowed are taxed and recovered.

Attorney's
fees.

SECTION 7. In all civil cases brought in said municipal court, attorney's fees shall be allowed and taxed against the losing party, when an attorney of a court of record has appeared therein for the party obtaining judgment, either for damages or costs or both, and in all cases when the amount of judgment shall be fifty dollars or less, the attorney's fees taxed in favor of the prevailing party, shall be five dollars; and when the amount of the judgment shall exceed the sum of fifty dollars and less than two hundred dollars, the attorney's fees taxed in favor of the prevailing party shall be ten dollars; and on all judgments for two hundred dollars or over a sum equal to five percent. of the judgment; provided, that in no case shall the attorney fee exceed the sum of twenty-five dollars; and provided, further, that there shall be no attorney's fee taxed upon a confession of judgment.

Seal.

SECTION 8. The municipal judge may provide a seal for said court, and all papers, depositions, certificates, acknowledgements, examinations and other documents executed or signed by said judge, when sealed with the seal of said court, shall be evidence in all courts and places in this state, and shall have the same effect as the seal of the court of record.

Attest.

SECTION 9. All summons, executions and other suits and process, both civil and criminal, may hereafter be attested in the name of the municipal judge, and the form of all such suits and process may be the same as heretofore used in said municipal court; provided, that the judge of said court may alter and amend all such process and make them applicable to the municipal court.

May instruct
jury.

SECTION 19. In all criminal trials in said municipal court and in all cases in which the city of Marshfield shall be a party, the judge thereof may instruct the jury (when a jury trial is had) upon matters of law in relation to the case.

To be provided
with books.

SECTION 11. The city shall provide the municipal judge with necessary blanks and books for doing the criminal business of his court.

SECTION 12. In case of the absence, sickness or temporary disability of said municipal judge, he may, by order in writing to be filed in said court, appoint a justice of the peace of said city to discharge the duties of such judge during such absence, sickness or disability, and in case of vacancy in the office of municipal judge, the mayor may by an order in writing, to be filed in the office of the city clerk of said city, appoint a justice of the peace of said city to discharge the duties of municipal judge until another municipal judge has been elected and has qualified. And any justice of the peace discharging the duties of municipal judge shall have all the powers of such judge, and shall be entitled to the same fees for his services while administering such office.

In case of absence of municipal judge.

SECTION 13. The municipal judge provided for in this act shall be elected on the first Tuesday in April, 1887, and shall hold his office for the term of two years, and until his successor shall be elected and qualified, and the said judge shall, before entering upon the duties of his office, take and subscribe an oath to support the constitution of the United States and the state of Wisconsin, and to faithfully, honestly and impartially discharge the duties of his said office, which oath shall be filed in the office of the city clerk of the city of Marshfield, and a duplicate oath in the office of the clerk of the circuit court of the county of Wood, and shall execute a bond to the city of Marshfield, with such security and conditions as the common council of said city may direct and approve.

Election of municipal judge.

SECTION 14. The city shall not be liable to said municipal judge for his said fees, except such as shall accrue in prosecution for the violation of the charter or ordinances of the city, wherein the costs are not and cannot be collected of the offender. Appeals and writs of certiorari may be taken from the municipal judge in the same manner as from justices of the peace.

City not to be liable for judge's fees.

SECTION 15. The municipal judge shall quarterly report to the common council a list of all proceedings instituted before him in behalf of the city, and the disposition thereof, and shall at the same time account for and pay over to the treasurer the amount of all penalties and fines collected which may by law accrue to the city. The

List of proceedings to be quarterly furnished.

city shall not be liable for or pay any costs for violations of any law of this state, and such justice shall pay to the city treasurer all fines collected for offenses against the laws of this state, in the same manner as justices of the peace are required by law to do.

Appeals—how made.

SECTION 16. Appeals from the municipal court shall be made to the circuit court of Wood county, and appeals shall be allowed in all cases tried in said court, under the laws of this state, and the manner and form of taking such appeals may be the same as appeals from justices' courts, and all the laws of this state relating to justices' courts shall be construed so as to apply to the municipal court of the city of Marshfield, so far as the said laws do not conflict with this act.

Jury trials.

SECTION 17. Jury trials in said municipal court may be conducted in the same manner as in justices' court, unless otherwise provided. The common council of the city of Marshfield, may by ordinance, provide for a different manner of selecting jurors for said court, and any ordinance providing for the drawing or selecting of jurors for the said municipal court, shall have the force and effect of law. Any juror, when duly summoned to attend said court, and who shall not attend at the time he is summoned, shall be adjudged to be guilty of a contempt, and shall be fined in a sum not less than two nor more than ten dollars.

Contempt of court.

SECTION 18. The judge of the municipal court shall have the same power to punish contempts in the same manner and for like causes and to the same extent that the judges of the circuit courts are, or may be authorized by law, to punish for contempt.

Does not abridge circuit court.

SECTION 19. Nothing herein contained shall be so construed as to abridge or impair the jurisdiction of the circuit court.

Penalty.

SECTION 20. Any person or persons convicted of violating any of the provisions of this act or of any ordinance of the city of Marshfield, may be committed to the city jail of the city of Marshfield or to the Wood county jail.

CHAPTER V.

IMPROVEMENT OF STREETS AND SIDEWALKS.

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 lots or parcels of land abutting or fronting 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 paper of said city.

Improvement
in streets.

SECTION 2. The common council of the city of Marshfield shall have power to establish the grade of the streets of said city and change and re-establish such grade as it shall deem expedient; provided, that whenever it shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration or 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.

Establish the
grades of
streets, etc.

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 cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water-courses in said city are duly observed and kept. The street committee on streets shall have a general supervision over all works let by contract for the improvement of streets or sidewalks in said city, unless the common council shall otherwise provide.

Enforcement of
ordinance s.

SECTION 4. Sidewalks shall be constructed, reconstructed or repaired upon the proper estab-

Work to be done on properly established grade.

lished grade of any street in the 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 sidewalks shall 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 sidewalks 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.

What sidewalks may be immediately repaired.

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, or repair of sidewalks in the city of Marshfield in such manner as it 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, who shall award such 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 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 city marshal will not cost to exceed the amount of five dollars, in front of any one lot to repair the same, he shall be authorized and it is hereby made his duty to cause the same to be immediately repaired; and when the same is completed he shall make out an

itemized bill of the cost of such repair, specifying the lot and block, or piece or parcel of land, in front of which said work was done, verified by his oath, and shall deliver 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 Marshfield, 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 common 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 Marshfield, the said committee shall return said account to the common council, with his certificate stating that fact, and the council shall thereupon levy a special tax to pay the same in the manner in this section provided.

SECTION 6. The common council of said city shall have power, and may in its discretion by a vote of two-thirds 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.

What work shall be let to the lowest bidder.

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

May order construction.

SECTION 8. The costs and expenses of surveying, lands, 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. Sewers and gutters may be ordered by the common council and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which such sewer or gutter shall be constructed; provided, however, that where the

The costs and expenses.

sewers or gutters are constructed through alleys, no lots 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.

Estimates of
work to be
made.

SECTION 9. Whenever the common council shall determine to make any public improvement, as authorized by this chapter, it shall cause to be made an estimate of the whole expense thereof, and such estimates 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 as 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 contracts, 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 at least once, ten days prior to the letting, of said contract, in the official paper of the 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.

SECTION 10. Whenever the general interest of the city require deep cutting or extraordinary filling in any street, and the owners of the lots and lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby and shall represent to the council in writing that the expenses of such excavation or filling will exceed the proportion that should be justly or equitably charged upon the property assessed therefor, the council shall require the marshal to summon five freeholders, not residents of the ward and not interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed 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 lands on the streets so to be improved will be benefited by such deep cutting or filling, and how much and what proportion 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 such work the remainder shall be assessed upon the lots benefited by such improvements 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

In the matter
of deep cutting.

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.

Street commissioner to supervise.

SECTION 11. All work provided for in this chapter shall be done under the supervision of the street committee and shall be approved by it before it shall be accepted by the council.

When contractor shall be entitled to a certificate.

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 indorsement 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 or vitiate 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 on account thereof, or for any proceedings for the collection of the pay therefor.

Highway tax to be determined.

SECTION 13. The common council of the city of Marshfield shall, on or before the first Monday in May of each year determine and levy the amount of highway tax in said city for the ensu-

ing year, for the purpose of constructing and repairing streets, highways and bridges in said city, which amounts shall not be less than two or more than ten mills on the dollar upon all taxable property of said city, as the same shall appear by the last assessment roll of said property, and said tax shall be paid in money or labor, according to the general law now in force on said subject.

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 tax in said city, which list shall also contain a statement of all the taxable personal 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.

List of highway tax to be made out.

SECTION 15. The city 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 shall be filed in the office of the city clerk, and the other shall be delivered to the city treasurer.

Duplicate copy to be made.

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

Warrant.

To the road commissioner of the city of Marshfield:

You are hereby requested 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 returns thereof as required by law.

Dated _____ day of _____, A. D. 18—.
 _____, City Clerk.
 _____, Mayor.

Powers of road commissioner.

SECTION 17. The road commissioner shall have the same powers and proceed to collect said taxes, in the same manner as in the collection of general taxes, and in case the said treasurer shall be unable to collect any portion of said tax, he shall, on or before the first 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.

Delinquent tax roll.

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

MISCELLANEOUS PROVISIONS.

Work to be let by contract to lowest bidder.

SECTION 1. All work for the city or either wards, 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.

Moneys not to be appropriated.

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

Remission of penalties.

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, except in case of fines imposed for the violation

of any city ordinance when the mayor in his discretion may remit the same.

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 streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent landmarks as it 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 in the county of Wood. Surveys, etc.

SECTION 5. The survey of landmarks 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. Prima facie evidence.

SECTION 6. The common council may at such times as it may deem proper, establish the grade of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Wood county; and should the grades 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. Establishment of accurate profiles.

SECTION 7. The city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by the city, shall be exempt from taxation. City may own and purchase real estate.

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. Special taxes.

SECTION 9. Every individual or company of individuals or body corporate, owning a lot or tract of land within the corporate limits of the city of Marshfield, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond, in width and general Division of property into lots.

direction, with the streets and alleys through the lots and blocks in said city adjacent to said lot or tract so platted; and before making such plat as required by law, it shall be the duty of such person or persons or corporations making such plats to submit the same to the common council of said city for approval; and if said plat shall be approved by the common council, the said person or persons or corporation may cause said plat or plats to be recorded according to law; but except such plat be approved by a resolution adopted by said council, a copy of which, duly certified by said clerk, shall be affixed to or entered on such plat, it shall not be lawful for the register of deeds of the county of Wood to receive such plat for record, or to record the same, and the person or persons neglecting or refusing to comply with the requirements of this act, shall forfeit and pay a sum not less than one hundred nor more than one thousand dollars, and the register of deeds who shall record such plat without a copy of the resolution approving the same being entered on or affixed thereto, shall forfeit a sum not less than fifty nor more than one thousand dollars.

As to the city
deeds or leases.

SECTION 10. When the city of Marshfield deeds or leases any real estate or any interest therein owned by the said city, the party of the first part shall be the city of Marshfield, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor auth-
orized to deed
or lease.

SECTION 11. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, described 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, 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.

Copy of ordin-
ance to be
attached.

SECTION 12. 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, by 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 at-

tached, 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.

SECTION 13. 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 electing or organization may be had 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 and performed.

Failure to hold election shall not invalidate.

SECTION 14. 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 of this chapter.

Does not repeal.

SECTION 15. The common council shall have power to appropriate a sum not exceeding five hundred dollars to any public purpose that may be deemed proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen elect.

Money for any public purpose.

SECTION 16. Every male inhabitant of the city of Marshfield over twenty-one years of age, and under fifty, except 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 Marshfield, during the month of April, of each year, to make out a list of all persons liable to said tax in the city of Marshfield, and said assessor shall, on the last Monday of April of each year, deliver said list to the city clerk of said city of Marshfield, who shall insert the name of said persons in the highway mill tax warrant and deliver the same to the road commissioner who shall proceed to collect the same as provided for in the general laws of this state.

Poll tax.

Actions in
name of city.

SECTION 17. In all cases where an action might be brought by the city of Marshfield 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 Wood 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.

May require
trees set out.

SECTION 18. The common council shall have the power to require the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting on the same, and in default thereof to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expenses of the same.

Public act.

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

Compensation
of mayor and
aldermen.

SECTION 20. The mayor of the city of Marshfield shall receive the sum of one hundred dollars per year for his services, and each alderman shall receive each one dollar for every meeting of the common council attended. The city clerk shall keep the record of attendance of each alderman, and at the expiration of his term of office shall deliver to each of said aldermen the sum found due him, for said attendance, not to exceed, however, the sum of fifteen dollars per annum to any one alderman.

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

Approved April 2, 1887.