

abridged dictionary.

on behalf of the state, two hundred and fifty copies of the latest editions of Webster's Unabridged Dictionary, at a cost, delivered at his office, not to exceed eight dollars per copy.

Manner of distribution of same.

SECTION 2. The said dictionaries, when procured, shall be distributed in accordance with the provisions of chapters sixteen and thirty-two of the general laws of 1867.

SECTION 3. There is hereby appropriated out of the general fund, a sum sufficient to pay for the dictionaries above provided for

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1874.

CHAPTER 222.

[Published March 18, 1874.]

AN ACT to amend and revise the charter of the city of Wausau.

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

CHAPTER I.

CORPORATE POWERS—CITY AND WARD BOUNDARIES.

City limits defined.

SECTION 1. All that district of country situated in the county of Marathon and state of Wisconsin, and known as sections thirty-six (36), twenty-five (25), twenty-six (26), and thirty-five (35), of township twenty-nine (29), north of range seven (7), and east of the 4th principal meridian, shall be known and designated as the city of Wausau, and the people now inhabiting, and those who may hereafter inhabit said district of country, while so inhabiting shall constitute and be a municipal corporation by the name of the city of Wausau, and shall be so known and designated in all courts and places, and said city shall have and possess all the general powers and privileges had and possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers and privileges hereinafter set forth and granted by this act. And said city may acquire,

hold, possess, enjoy, convey or dispose of personal and real property, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, in any or all courts of law or equity, and to do and perform all acts in its corporate capacity necessary for its maintenance in its general or special powers and privileges, and may have a common seal, and alter or change the same at pleasure.

SECTION 2. The city shall be divided into four wards, as follows: All that territory within said city lying west of Main street and west of the east bank of the Wisconsin river, shall constitute the first ward; all that territory within said city lying south of Washington street and between Fourth street and Main street, and bounded by the Wisconsin river from the end of the continuation of Fourth street where it touches the Wisconsin river, to the end of Main street where it touches the Wisconsin river, shall constitute the second ward; all that territory within said city north of Washington street, shall constitute the third ward; and all that territory within said city south of Washington street and east of Fourth street, and the Wisconsin river from the end of Fourth street where it touches the Wisconsin river, to the southern limits of said city, shall constitute the fourth ward.

Ward limits defined.

SECTION 3. The corporate authority of said city shall be vested in one chief officer styled the mayor, one board of aldermen, consisting of two aldermen and one supervisor from each ward, who with the mayor shall constitute the common council, and shall be so known and designated, together with such other officers as are mentioned and created by this act.

Corporate authority in whom vested.

CHAPTER II.

ELECTION OF OFFICERS.

SECTION 1. The annual election for city and ward 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 until five o'clock in the afternoon, and ten days' previous notice of such election shall be given by the city clerk, stating the places of voting and the city or ward officers to be elected.

When annual elections to be held.

Elective officers.

SECTION 2. The elective officers of said city shall be a mayor, a marshal, a treasurer, an assessor and a city clerk, to be elected by and for the city at large; and in each ward, two aldermen who shall be members of the common council of said city, and also one supervisor who shall be a member of the common council of said city, and shall also represent his ward in the board of supervisors of Marathon county and be a member thereof. Also one justice of the peace and one constable. The mayor, treasurer, marshal, assessor and city clerk, shall be qualified electors and residents within said city, and the aldermen, supervisors, justices of the peace and constables, shall be qualified electors and residents of the ward wherein elected. All elective officers, except justices of the peace, shall hold their respective offices for one year, or until their successors are elected and qualified: *provided, however*, the common council shall have power for any cause to expel and remove from office any one of their own number, except the mayor, due notice having first been given to such person. The justices of the peace shall hold their offices for two years and shall be subject to the same duties and obligations and shall have and possess the same powers, jurisdiction and authority as any and all justices of the peace under any and all laws of this state.

Vacancies how filled.

SECTION 3. Whenever a vacancy shall occur in any city office, such vacancy may be filled by a special election, which shall be called by the common council; all other vacancies may be filled by appointment of the common council, and the common council shall have power to remove, by a two-thirds vote, any appointees of its own, except the police justice.

Votes to be taken by ballot.

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

Plurality to elect.

Who deemed qualified electors.

SECTION 5. All persons who are qualified electors of the state of Wisconsin and who shall be actual bona fide residents of said city, having no residence elsewhere, shall be deemed qualified electors of said city, and shall be entitled to vote in the ward where they reside at any city or ward election:

provided, however, that persons, although qualified electors of the state of Wisconsin, not having resided in said city for ninety days next preceding any election, shall not be allowed to vote for any city officer unless he shall subscribe to an oath or affirmation that it is his actual and bona fide intention to make the city of Wausau his place of residence from such time onward.

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

Elections by whom conducted.

SECTION 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote 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 intentions to become a citizen, conformably with the laws of the United States on the subject of naturalization); that you have resided within the state of Wisconsin one year; that you are an actual resident within this city and ward, that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election; and if the person offering to vote shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person

If vote challenged, oath to be administered.

Form of oath.

Penalty for illegal voting.

duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes. And if any inspector shall knowingly and corruptly receive the vote of any 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 willfully make untrue and incorrect counts and tallies of votes, each and every inspector and clerk shall be liable to indictment, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the circuit court of the county of Marathon.

Canvass and return of votes.

SECTION 8. When an election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered, such return to the city clerk, within three days after any such 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.

Special elections how held and conducted.

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

Vacancies, how filled.

SECTION 10. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. Every person elected under the provisions of this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officers taking the same, together 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 Wausau a bond, with at least two sureties, who shall swear that they are worth in the aggregate the penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bonds shall contain such penal sum and such conditions as the common council may deem proper; and they may from time to time require new additional bonds, and remove from office any officer refusing or neglecting to give the same.

Powers and duties of officers.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and in case of a riot or other disturbance, or apparent necessity, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of a tie. The mayor shall have power to veto any ordinance or resolution passed by the common council by notifying the common council of his objection thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the 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 city clerk a copy of his objections; and in case the council shall not, within one week after the receipt of such objections, or such filing with the clerk, re-enact such ordinance or pass such resolution, by the vote of two thirds of the alder-

Mayor to preside when present.

Duties of mayor or in case of riot.

When ordinance shall take effect.

When president of common council shall be elected.

men elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after its passage, unless sooner signed by the mayor and approved by him.

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

Clerk to keep seal and records.

Copies of records certified by him to be received as evidence.

Shall file chattel mortgages.

SECTION 4. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office and transcripts from the records of the common council, certified by him to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the original 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 had been filed in the town clerk's office in any town. And said city clerk shall have power

and authority to administer oaths or affirmations, and to take acknowledgments of deeds and certify the same.

May administer oaths and take acknowledgments of deeds.

SECTION 5. 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 their official bonds shall be approved by a majority of the common council; and in addition thereto whenever any one shall be appointed police justice as herein provided, he 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, and may hold their offices and courts in any part of the city. 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 justice of the peace.

Powers and duties of constables.

SECTION 6. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city, or the laws of this state. All moneys raised, received, recovered or collected by means of any tax, license, penalty, fine, forfeiture, or otherwise, under the authority of this act, or which may belong to the said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order issued by order of the common council and signed by the mayor and countersigned or attested by the clerk, except school moneys, which shall be drawn as herein otherwise provided. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, and shall keep each fund separate in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the person from whom the amount of the several sums was received, which book, shall, at all reasonable times, be open to the inspection of any person. He shall, every three months, and as often as the common council require, render to such council a minute account of the receipts and expenditures of his office, and at the expiration of his office he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be a collector of taxes, and for his services 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

Powers and duties of treasurers.

Treasurer to be collector of taxes.

he shall receive no other fees except the compensation hereinafter provided.

Marshal, duties of.

SECTION 7. The marshal shall attend all the meetings of the common council, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and collection of license moneys and fines. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and 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 this state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city; to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and, within reasonable time, bring such person before competent authority for examination; and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties.

Fees of marshal.

Compensation of all officers to be determined by the common council.

SECTION 8. 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 fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he is elected or appointed.

Common council to provide for the publication of ordinances and other proceedings.

SECTION 9. The common council, at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinance of the common council to be published in a public newspaper.

Duties of public printer.

SECTION 10. The city printer or printers, immediately after the publication of any notice, or ordinance or resolution or by-law, which by this act is required

to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or 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.

SECTION 11. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so 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.

City officers to deliver all public property to their successors.

Penalty for neglect.

SECTION 12. No city officer 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 city officer may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid, from the parties to such contract and the city officer interested in the same.

City officers prohibited from being interested in any job or contract.

SECTION 13. The mayor or acting mayor, sheriff of Marathon county, and each and every alderman, supervisor, police justice, justice of the peace, marshal, under sheriff and deputy sheriff of Marathon county, constable, policeman and watchman, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all by-standers, and if need be, of all citizens and military companies. And if any person, by-stander, military officer or private citizen shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case when the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

Who to be officers of the peace.

Their powers and duties.

SECTION 14. There may be elected by the common council, a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation of any services performed by him. All

City surveyor by whom elected.

Surveys, books and papers to be delivered to his successors.

surveys, profiles, plans or estimates made by him for the city or either of the wards, shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested, and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office to his successor or the common council.

Justices of the peace, by whom first appointed.

SECTION 15. At the first meeting of the common council after the first election under this act, the common council shall appoint from the number of the justices of the peace elected, one police justice, to hold as such during the term for which he was elected. And

Vacancies, how filled.

whenever a vacancy occurs in such office by expiration of term of office or otherwise, the common council shall fill such vacancy by appointment in the same manner. The police justice shall have and possess all

Police justice, powers and duties.

the authority, powers and rights of a justice of the peace in civil proceedings, and may sign his name of office as police justice, and shall have sole exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace in which the city is a party; but warrants returnable before said justice may be issued in criminal cases by any other justice in the city, but no fees shall be received therefor by said justice. The said police justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the said city of Wausau, or its charter, or for a breach or violation of any such ordinance, by-law and regulation, and in all cases of offenses committed against the same. All prosecutions

Prosecutions for assaults and batteries, how brought.

for assaults, batteries and affrays not indictable, and for a breach or violation of any such by-law, ordinance or regulation, shall be commenced in the name of the city of Wausau, and the same proceedings shall be had in all civil and criminal suits before said justice, when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace. In all cases of conviction for assaults, batteries and affrays within the said city, or in all cases of conviction under any ordinance of said city for any breach of the peace, disorderly conduct, keeping houses of ill-fame or of frequenting the same, and of keeping and main-

taining disorderly and ill-governed houses, and said justice shall have power in addition to the fine or penalty imposed, to enter judgment for costs of prosecution against the defendant, and to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justice shall have the same power and authority in case of contempt as a court of record: *provided*, that nothing herein contained shall be deemed to divest the circuit judges of their authority as conservators of the peace, nor to affect in any manner the jurisdiction or powers of the circuit courts or supreme court of this state. In case of absence, sickness or other inability of such justice, or for any sufficient reason, the mayor, by warrant, may authorize any justice of the peace within said city to perform the duties of said justice for the city temporarily, and it shall thereupon be the duty of the mayor to inform the city attorney and police of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, or appoint some other justice of the peace; and the justice of the peace so appointed shall, for the time being, possess all the authority, powers and rights of said police justice. All fines and penalties imposed by the police justice for offenses committed within the city limits, or for violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finance of said city, and the clear proceeds of the same shall be paid into the school fund, as provided by law and the constitution of the state of Wisconsin.

Powers of justices in case of contempt.

Fines and penalties how disposed of.

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

Police justice shall report to the common council.

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

Duties of city assessor.

His compensation.

City attorney,
by whom ap-
pointed.

SECTION 18. The common council shall, at their annual meeting in each year, elect a city attorney who shall hold his office for one year and perform such duties as may be required of him by the common council by resolution or by-law. The city attorney shall receive such pay for his services as may be agreed upon.

His compensa-
tion.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

Common coun-
cil, duties of.

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

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday of April, and thereafter, stated meetings, at such times as they shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have the power to compel the attendance of absent members. No member of the common council shall receive any compensation for his services as such.

To have con-
trol of finances
and all public
property of the
city.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all the other public property in the city; and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of trade, commerce and health thereof, and so enforce the same as they shall deem expedient, declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, 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

Ordain, modify
or repeal ordi-
nances.

States or of this state; and for these purposes shall have authority, by ordinance, resolution or by-laws—

1st. 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, and to provide for the abatement and removal of all nuisances, under the ordinances of said city, the laws of the state, or at common law, and may grant licenses for and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same: *provided*, that the license for so dealing in or vending spirituous, vinous or fermented liquors shall not be less than fifty dollars or more than three hundred dollars per annum, and that all such licenses hereafter granted shall run from the first day of May in each year to the first day of May following: *provided, however*, that when any such license may be applied for after that date, the same may be granted, to expire on the first day of May of each year, on the applicant paying pro rata therefor, but no license shall be granted for a longer term or period than one year.

To regulate exhibitions, theatrical performances and all games.

May grant licenses.

2d. To restrain, prohibit and suppress all descriptions of gambling and fraudulent vices and practices, and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending, giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers.

May prohibit gambling.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinance of the city of Wausau by reason of him or her being implicated in any such offense, but the testimony of such witness shall in no case be used against such witness.

To suppress riots, disorderly assemblages, and houses of ill fame.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time as often as it may be nec-

To abate nuisances.

essary for the health, comfort and convenience of the inhabitants of said city.

To regulate the storage of gunpowder and other combustible materials.

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

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

To prevent immoderate riding or driving.

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

To restrain the running at large of horses, cattle, etc.

8th. To restrain the running at large of cattle, mules, horses, swine, sheep, poultry and geese, and to authorize the distraining, impounding and the sale of the same, for the penalty incurred and the costs of proceedings.

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

To prevent the introduction of unwholesome articles of food.

10th. To prevent any person from bringing, depositing or having within said city, any putrid carcasses, or other unwholesome substances, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins or substances of any kind, and in default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

To establish public grounds.

11th. 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.

To license hackmen, draymen and omnibus drivers.

To establish boards of health

12th. To establish and regulate boards of health, provide hospitals, pest houses and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds, set apart for public uses, from taxation.

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

14th. To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks. To protect sidewalks.

15th. To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof.

16th. 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. To restrain drunkenness or obscenity.

17th. To restrain and regulate runners and solicitors for stages, public houses or other establishments, and to establish and regulate the police of said city.

18th. 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 due observance of such rules and regulations. To establish public markets.

19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish, and other provisions.

20th. 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. To regulate hay and wood market.

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

22d. To regulate, control and prevent the landing of persons from railroad cars or stages wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. To guard against contagious or infectious diseases.

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

24th. To appoint watchmen and prescribe their duties.

To provide for standard of weights and measures.

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

26th. To protect trees and monuments in said city.

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

28th. 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.

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

To provide for the good order and government of the city.

30th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city by this act or which may be vested in any officer of said city by any ordinance thereof.

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

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 the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and 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 the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor. And all

Shall be published.

Appropriations how made.

the by-laws and ordinances of the city of Wausau now in force shall be and remain in full force and effect until the same are altered or repealed by the common council.

SECTION 5. The powers conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required thereof, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

What to constitute public nuisances.

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 time as they may deem proper, and also at the end of each year and before the time for which the officers of the said city are elected or appointed shall have expired, or at any time thereafter. And the common council shall require each and every such officer and agent to exhibit his books, funds and moneys, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

when public accounts to be audited.

CHAPTER V.

FINANCE AND TAXATION.

SECTION 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council; and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of

City orders, how receivable.

any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of the principal or interest of any outstanding indebtedness of said city, which shall be collected in money or in orders drawn upon such funds respectively, and all orders shall be payable to the persons or to the order of the persons in whose favor they may be drawn, or bearer.

Common council to levy tax.

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

Common council prohibited from issuing bonds except in certain cases.

SECTION 3. The common council of said city shall not have power to issue any bonds or other evidences of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, or whenever duly authorized by a majority vote of the electors of the city, 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, or for any other special purpose, 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, and whenever authorized by a vote of the people an additional amount of the bonds of said city may be issued in any year, for the same or for any other purpose, not exceeding ten thousand dollars.

Common council may levy special taxes for special purposes.

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

No account to be allowed unless it be verified.

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

When account is disallowed, an appeal may be taken on giving security for costs.

SECTION 6. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court for the

county of Marathon, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety, to be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

SECTION 7. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with their decision thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the circuit court for the county of Marathon, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner: *provided, however,* that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceeds the sum recovered, judgment shall be rendered against appellant for the amount of such excess.

Duties of city clerk in cases of appeal.

SECTION 8. No action shall hereafter be maintained by any person against the city of Wausau 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.

Accounts to be presented to common council before action can be maintained thereon

SECTION 9. The determination of the common council disallowing in whole or in part, any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an appeal shall be taken from the decision and determination of such common council as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city: *provided, however,* that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be so construed as to prevent the institution and maintenance of an action by said claimant against said city.

When appeal must be taken.

CHAPTER VI.

OPENING OF STREETS AND ALLEYS.

Powers of common council in relation to street and alleys.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys and to alter, vacate or enlarge the same, and the members of the common council shall be ex officio commissioners of highways, and there is hereby conferred upon the common council of the city of Wausau, in the same manner and under the same requirements as is now, or hereafter may be, conferred upon town boards of supervisors under the laws of this state, authority to open, lay out, establish, keep up and maintain such streets or alleys, public squares or grounds as the said common council shall deem necessary, or to vacate, alter, enlarge or discontinue the same.

CHAPTER VII.

ASSESSING, LEVYING AND COLLECTING OF TAXES.

What property subject to taxation.

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

Assessors to give notice of the completion of assessment roll.

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

When assessor shall return the assessment roll

SECTION 3. Within one week after the time limited for the hearing of such objections, the assessor shall return the said assessment roll to the board of equaliza-

tion of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same, may alter and add to, take from and otherwise revise and correct the same: *provided, however*, the board of equalization shall not have the power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessor.

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, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be re levied in such manner as they shall by ordinance direct: *provided*, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

Duties of assessor where lands have been omitted in assessment rolls of previous years.

SECTION 5. The mayor, city clerk, city treasurer and the assessors shall constitute the city board of equalization, and shall meet at the office of the city clerk on the first Monday of July, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing correcting and equalizing the assessment rolls of the several wards in the city. The mayor shall be presi-

City board of equalization of whom composed.

dent of the board of equalization, and the city clerk the clerk thereof.

Assessment roll to be filed with the clerk.

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 sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied.

Common council to levy tax.

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

All taxes and assessments to be a lien upon the real property assessed.

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 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.

City clerk to calculate and carry out taxes.

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

To make duplicate copy.

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

Warrants to be attached to assessment roll.

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

Form of warrant.

THE STATE OF WISCONSIN—

To the city treasurer of the city of Wausau in the county of Marathon:

You are hereby commanded to collect from each

one of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation upon whom any such tax is imposed shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, after deducting your fees, you are first to pay the treasurer of said county, on or before the last Monday of January next, the sum of —, for state taxes, and the further sum of —, for county taxes, and the balance of said money you are required to retain and pay out, according to law; and in case said taxes and assessments shall not be paid before the fourth Monday of February next, you are required to return the same to the county treasurer of the said county of Marathon.

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

— —, *City Clerk.*

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

Such roll and warrants to be *prima facie* evidence that lands and persons were subject to taxation.

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

Taxes how collected.

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

Upon receipt of tax roll, treasurer to give notice.

Treasurers fees.

SECTION 15. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, one per cent. upon all taxes collected by or paid to him prior to the first Monday of January in each year, and three per cent. upon all taxes or assessments paid to or collected by him after the said first Monday in January; 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 prescribed, 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 he shall receive no other or further compensation for his services as treasurer, than as hereinbefore provided, except that the common council shall provide him all necessary books, blanks, stationery and expenses requisite to the discharge of his duties.

When city treasurer to pay county treasurer.

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

No error or informality to invalidate tax.

SECTION 17. All the directions hereby given for the assessing of lands and the levying and collecting of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

All taxes to be paid before proceedings can be commenced to set aside a tax deed.

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

Personal property tax, how collected.

SECTION 19. In case the city treasurer is unable to collect any tax assessed upon any personal property,

and payable by any person named in the tax list, he shall proceed in all things according to chapter eighteen of the revised statutes of this state, and the acts amendatory thereto, in bringing such delinquent person before some justice of the peace, and such proceedings shall be had as are provided by said chapter eighteen, and as are prescribed by chapter one hundred and ninety-eight of the general laws of 1860, and any act that may be hereafter passed amendatory to said acts, or in addition thereto.

SECTION 20. The said treasurer of the city of Wausau shall return all delinquent taxes of said city to the county treasurer in the same manner and form as is now or may hereafter be provided by the general law of this state for the return of delinquent taxes by town treasurers, and it is hereby made the duty of said county treasurer, that he shall, immediately after the sale of lands for taxes on the second Tuesday of May in each year, receive from the county clerk of Marathon county the amount due said city for delinquent taxes, as appears from the county treasurer's certificate of delinquent taxes from said city filed in the office of said clerk, in tax certificates issued on lands sold at said sales, within the corporate limits of said city.

Delinquent taxes to be returned to county treasurer.

CHAPTER VIII.

FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other 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 penalties for the violation of any resolution or ordinance passed under this section.

The common council to prescribe fire limits.

SECTION 2. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many

Common council to regulate construction of chimneys fire places, etc.

Duties of fire wardens.

fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures, dangerous in causing or promoting fire; to regulate and prevent the use of 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 the fire all idle and suspected persons, and to compel 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.

May purchase fire engines and other fire apparatus.

Authorize formation of fire companies.

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

Members of fire companies exempt from highway and poll tax.

Fire wardens appointed by the mayor.

SECTION 4. 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, barn or inclosure for the purpose of inspecting the same.

Fines and pen-

SECTION 5. The net proceeds of all fines and pen-

alties recovered and collected for the breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid by the city treasurer to the fire department; *provided, however,* the common council may order to the contrary.

alties recovered, how disposed of.

SECTION 6. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, the mayor or city marshal, at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the marshal, constable or watchman or any citizen, to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers or any of them may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Penalty for refusing to obey the orders of engineers or fire wardens.

SECTION 7. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Wausau, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires, they shall take charge of all property which may be exposed and endangered, and shall, as far as may be in their power, preserve the same from injury or destruction. Such company may, from time to time, adopt such by-laws as they may deem necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any service rendered in their official capacity. They shall, in case of riot or other disturbances of the peace have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Sack company, its duties and powers.

SECTION 8. The treasurer of the fire department shall receive and pay out all moneys belonging to said

Treasurer of fire department his duties.

department, and shall secure the faithful performance of his duty by his bond to said city in such penal sum as shall be required, and with sureties, to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer and countersigned by the clerk of said department.

When clerk and treasurer shall be elected

SECTION 9. There shall be elected by the members of each company aforesaid, annually, at their annual meetings, a clerk or secretary and a treasurer, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the name 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.

Duties of city clerk.

SECTION 10. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries, as above provided; and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall, for any cause, cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Marathon, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meetings of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

CHAPTER IX.

ACTION TO RECOVER PENALTIES, ETC.

Actions to recover penalties how brought.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act or the section of the ordinance, by-law or regulations under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

In case of adjournment, the defendant may

SECTION 2. In all prosecutions for any violation of any of the provisions of this act of any by-law, or-

dinance or regulation, the first process shall be a summons, unless oath be made for a warrant as in criminal cases before justices of the peace under the general statutes of the state. Upon return of the warrant, if commenced by warrant, the justice may proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with security, to be approved by the court, for his or her or their appearance, in such sum as the court shall direct, or, in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Marathon county. The complaint made as aforesaid shall be the only complaint required, and the plea of not guilty shall put in issue all subject matter not embraced in the action.

be required to recognize for appearance at court.

SECTION 3. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

Printed copy of ordinance, by-law or regulation may be received in evidence.

SECTION 5. Witnesses and jurors shall attend before the police justice, in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment.

Witnesses and jurors to attend before the police without payment of fees in advance

SECTION 5. In city prosecutions, a jury shall be allowed either party or may be tried by the court, and the findings of the court or jury shall be guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the nonpayment thereof, the justice shall forthwith issue execution, as in cases of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall, in either case, determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

City prosecutions may be tried by court or jury.

Form of execu- COUNTY OF MARATHON—CITY OF WAUSAU—ss.
tion.

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

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

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

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

Where fine is more than \$10. appeal may be taken.

SECTION 6. In all cases where the fine is more than ten dollars, the defendant may appeal from such judgment to the circuit court of the county of Marathon: provided, such defendant, within twenty-four hours, enter into a recognizance, with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and copy of the entries on his docket in the action, together with the recognizances, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment, as in other cases before justices of the peace.

Appeal, how tried.

SECTION 7. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided

by law, in said circuit court, at the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to or by either party.

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

If judgment of justice be affirmed, or the defendant shall be convicted, the court shall inflict the penalty provided for by the city charter.

SECTION 9. No person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

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

What ordinances to remain in force.

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

Actions now pending, how disposed of.

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

Process against the city, how served.

SECTION 13. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury, for the use and benefit of said city, except as provided in chapter nine of this act.

Penalties and forfeitures recovered how disposed of.

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

SECTION 15. No real or personal property of any inhabitant of said city, or of any individual or corpo-

Fire engines and fire apparatus, exempt

from execution
against the city

ration, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city or on any judgment against said city.

Mayor may
grant pardons.

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

CHAPTER X.

IMPROVEMENT OF STREETS AND SIDEWALKS.

Ordinances for
grading, etc
shall not be act-
ed upon until
fourteen days
after being in-
troduced.

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

Common coun-
cil may estab-
lished grade of
streets.

SECTION 2. The common council of the city of Wausau shall have power to establish the grade of the streets of said city, and to change and re-establish such grade as they shall deem expedient: *provided*, that whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have his right of action against the city for the recovery of such damages, but no suit shall be commenced against the city therefor until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same.

Party sustain-
ing damages
shall have right
of action
against the city

Duties of city
marshal.

SECTION 3. It shall be the duty of the city marshal to see that all the ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses in said city are duly observed and kept. The committee on streets shall have a general supervision over all works let by contract for the

improvement of streets or sidewalks in said city, unless the common council shall otherwise provide.

SECTION 4. Sidewalks shall be constructed, re-constructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, of such materials and in such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk 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 sidewalk shall be let to the lowest, reasonable responsible bidder, and notice shall be given by publication in the official paper of the city, at least for three days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same: *provided*, that no such contract shall be let until twenty days after notice shall have been given to such owner or owners, of the ordinance resolution or order requiring the construction of such sidewalk, by the publication of the same at least five days in the official paper of the city: *provided, further*, that lands used exclusively for farm purposes, not platted, shall not be liable for, nor the owner or owners thereof be required to build or maintain sidewalks along or fronting such lands under the provisions of this chapter.

Construction of sidewalks.

Contract let to the lowest bidder.

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 or repair of sidewalks in the city of Wausau, in such manner as they may deem proper. The city clerk shall receive all proposals for constructing or repairing sidewalks and shall open them in the presence of the council, which shall award the contract to lowest responsible bidder: *provided*, such bid is a reasonable one, subject to such provisions in the case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided as in the case of constructing a new sidewalk, except as otherwise provided

Common council may order the construction of sidewalks.

City clerk to receive proposals.

When contractor shall receive pay.

When marshal may repair sidewalk.

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 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 costs 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 Wausau, for payment, and if the owner of such lot, piece or parcel of land, shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the city of Wausau, the said clerk 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.

Common council may let to lowest bidder the construction of sidewalks, etc.

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, and levy a tax upon each lot or piece of ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract, sufficient to pay the cost of constructing the same, without giving notice requiring the owner or owners of such lot or lots or pieces of ground to construct the same.

When common council may contract for grading and paving of streets.

SECTION 7. The common council of the city of Wausau shall have the power by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading, paving and repairing, draining and cleansing of streets and parts of streets, alleys, pub-

lic or private grounds, reservoirs, gutters and sewers, or any vacant unoccupied lands in the manner herein mentioned, and direct and control the persons employed thereon.

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. The cost and expense of opening, grading or graveling, planking, paving of streets and alleys or draining any lands, shall be chargeable to the lots or lands so improved or fronting on such street or alley, so that each lot or parcel of land shall pay its due proportion of such improvement: *provided*, that the common council may order such cost and expenses to be paid by the lots or lands in any other manner by *pro rata* tax, based upon the last assessment made prior to such order by the common council. Sewers and gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which said sewer or gutter shall be constructed: *provided, however*, that when sewers or gutters are constructed through alleys no lot shall be assessed therefor, except those situated in the block through which such sewers or gutters may be constructed; and *provided, further*, that in all cases when improvements or work of any kind are chargeable, by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city, in proportion to the width of the street, alley or public ground.

SECTION 9. Whenever the common council shall determine to make any public improvement, as authorized by this chapter, they shall cause to be made an estimate of the whole expenses thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground aforesaid; and such estimate shall be filed in the office of the city clerk, for the inspection of the parties interested before such work shall be ordered to be done. The common council may authorize the letting of such work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part, as aforesaid, all bids for doing the same to be approved by the council; and the said council shall have power

Costs and expense of surveying streets, how paid.

Costs and expense of grading, etc chargeable to the lots improved thereby.

Estimate of expense to be made.

Common council may let contract to lowest bidder.

May reject all bids.

to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as they shall direct; such contract, when approved by the council, to be executed on the part of the city by the mayor and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days in the official paper of said city. The common council, instead of letting such work by contract to the lowest bidder, may, by an affirmative vote of two-thirds of the members of the council, order the grading, repairing or improving of any street or the making of any public improvement to be done directly by and under the supervision of a 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, or out of the general fund in the city treasury for such purposes.

May order work done under the supervision of a street committee.

In case of deep cutting or extraordinary filling, parties aggrieved may appeal to the council for relief.

SECTION 10. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots and land fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the council in writing that the 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, nor 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 land on the streets so to be improved will be benefited by such deep cutting or filling, and how much or what portion shall be chargeable to them, and to make a report thereof in writing as soon as practicable, but within ten days after such examination, to the common council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same, in the same manner as herein provided; in case such owners shall not do such work, the remainder shall be assessed upon the lots benefited by such improvement, in propor-

tion to their respective benefit as determined by said jury. The sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment, in the same manner as other special assessments for improvements are collected; *provided*, that should said jury find that said petitioners were not entitled to any division of the expense so assessed upon their lots or parcels of land, then the expenses of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same upon the filing of the petition: *provided*, also, that the petition of no owner feeling himself aggrieved shall be received unless the same be presented within twenty days after the publication of the notice requiring the same to be done; *and provided further*, that when it shall appear to the council that any such lands belong to non-residents, infants or persons laboring under legal disability, who shall not be represented by any 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, and any other equitable award of such jury shall be binding upon the city.

SECTION 11. All work provided for in this chapter shall be done under the supervision of a street committee, and shall be approved by them before it shall be accepted by the council. Street committee—its duty.

SECTION 12. Whenever any work has been done under contract as provided in this act, and the work shall have been approved by the mayor, street committee and city surveyor, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor, and the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon; and, if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots of land respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given as herein pre- When contractor entitled to certificate.

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

When highway tax may be levied.

SECTION 13. The common council of the city of Wausau may, on or before the first Monday of May in each year determine and levy the amount of highway tax in said city for the ensuing year, for the purpose of constructing and repairing streets, highways and bridges in said city, which amount shall not be more than five mills on the dollar upon all the taxable property of said city, as the same shall appear by the last assessment roll of said property.

City clerk to prepare list.

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

Make duplicate list.

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

Annex warrant thereto.

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

Form of warrant.

To A. B., *Treasurer of the city of Wausau*:

You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of real estate described therein, the taxes set opposite to such persons, corporations and property, within the time limited by law, and to

apply the taxes by you so collected, and make due return thereof as required by law.

Dated — day of —, 18—.

— —, *City Clerk.*
— —, *Mayor.*

SECTION 17. The city treasurer 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 third Monday in November in each year, make out and deliver to the city clerk of said city, a list of all such unpaid taxes, which list shall contain the name 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.

City treasurer to collect taxes.

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.

City clerk to prepare delinquent list.

CHAPTER XI.

PUBLIC SCHOOLS.

SECTION 1. The common council of the city of Wausau shall, at their first regular meeting after this charter shall go into effect, elect as school commissioners two persons of said city, who shall hold office until the first Monday in July, 1875, and two other persons who shall hold office until the first Monday in July, 1876, and two persons who shall hold office until the first Monday in July, 1877; and annually thereafter the said common council shall, at their regular meeting in May, elect two school commissioners, who shall hold office for three years, unless sooner removed for misconduct or other sufficient cause, by a vote of two-thirds of the appointing power. The terms of office of said commissioners who shall be elected after the first election, shall commence on the first Monday in July in each year.

Common council to elect school commissioners.

Terms of office.

SECTION 2. The school commissioners elected under the provisions of section one of this chapter shall

Board of education.

form the "board of education of the city of Wausau," and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the mayor and common council to supply by appointment any vacancy which may occur from time to time in the number of said school commissioners, by resignation or otherwise.

School commissioners, when to organize.

SECTION 3. The school commissioners first elected under this act shall, at their first regular meeting, or within fifteen days thereafter, elect some suitable person having the necessary qualifications, as city superintendent of schools, whose term of office shall commence immediately, and who shall hold his office until the first Monday of July, 1875, and thereafter, until his successor shall be elected; and thereafter the said board of education shall annually, as hereinafter provided, elect a city superintendent of schools, whose term of office shall commence on the first Monday of July, and the said superintendent shall continue in office for one year, and until his successor shall be elected, unless sooner removed by a two-thirds vote of the common council, for misconduct or other sufficient cause.

Elect president

SECTION 4. The board of education shall, at its first regular meeting, and on the first Monday in July of each year thereafter, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order, subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teachers' and janitors' wages, and all other incidental and necessary expenses of said board of education, including superintendent's salary, and in all suits brought by or against the school district, he shall appear in behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board: *provided*, that on all questions requiring appropriations of money, or the adoption of new text books, the votes shall be taken by ayes and noes, and on any other question the ayes and noes shall be called when any member shall request it: *provided, further*, that in the absence of the president, the board shall elect a president pro tempore.

His duties.

Times of meeting.

SECTION 5. The board of education shall have at least one regular meeting in each month, at such time and place as may be designated by them; and they may have special meetings at such other times as they may deem necessary, or when called together by the president; but no such special meeting shall be legal

unless each member of the board shall have first been served with notice in writing of the time and place of such meeting.

SECTION 6. The city superintendent of schools shall receive an annual salary, to be paid quarterly, the amount of which shall be determined from year to year by the common council, but the members of said board of education shall receive no compensation for their services as such.

SECTION 7. The duties and powers of the board of education shall be as follows:

1st. To elect at their regular meeting in July, in each year, a city superintendent of schools; but if such election shall not then be had, the said superintendent shall be elected at some regular meeting thereafter.

2d. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and the amount of salary to be paid each, and to hire and make contracts with teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by said board of education, or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the secretary and the other copy delivered to the teacher.

3d. To arrange and determine terms and vacations in all public schools, to establish uniformity in the school system, and to require and secure uniformity in text books, and to adopt and reject text books at will.

4th. To establish rules and regulations for schools not in conflict with the constitution or laws of this state; and shall have full control over all schools and school districts within said city, except as herein provided.

5th. To make contracts for fuel, stationery and articles of furniture required for the use of the schools; to make all necessary repairs in school houses, lighting fires, sweeping school rooms, etc., and such contracts, when executed, shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by the president of the board of education, and countersigned by the secretary of said board.

6th. The said board shall annually, on or before the first day of October in each year, submit a statement to the mayor and council, showing the amount of

Board of education, duties

Elect school superintendent

Employ teachers.

Determine terms and vacations.

Establish rules

Make contracts

Submit statement to mayor.

teachers' wages that have accrued and become due during the year, and the amount of all other indebtedness accruing on contract or otherwise that has been made by order of the board; and for that purpose they shall cause entries to be made in a book or books to be provided by the city, of all contracts made by the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said board at the time the same shall be made or authorized by said board, at the time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board, and they shall, at the same time, submit for the consideration of the council, a statement of the estimate required for carrying on the schools for the ensuing year, specifying the amount required for teachers's wages, and other items separately and specifically. Nothing in this section contained shall prevent the mayor and common council from taking into consideration the amount to be received from the state from the income of the school fund, and the amount to be received from the county school tax during the ensuing year, and the common council may order and direct by two-thirds vote, any other duty or thing to be done by said board.

Provide for making repairs

SECTION 8. Whenever repairs to a larger amount than one hundred dollars shall, in the opinion of the board, be required for any one school house, they shall cause a statement to be made showing the repairs required, and an estimate of the cost thereof, to be laid before the common council; and whenever, in their opinion, another school house shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same to be made, and submit the same for the consideration of the common council, who shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a two-thirds vote of the whole number of aldermen and supervisors of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased, or building or buildings erected; and it shall be the duty of said board to enter into contracts for making such repairs or for the erection of such buildings or for the purchase of such sites, whenever it shall be made to appear that the nec-

essary tax for the same has been levied or authorized by the mayor and council.

SECTION 9. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasurer, payable out of the school fund, for teachers' and janitors' wages, and all other expenditures authorized by this act, and said orders shall be paid by said treasurer out of the funds drawn upon, and in no other way shall the school fund be paid out by said treasurer.

President and secretary to draw orders on city treasurer.

SECTION 10. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made in which any member of said board shall have such interest, shall be absolutely void.

Prohibited from having interest in any contract made by the board.

SECTION 11. The duties of city superintendent shall be as follows :

Duties of city superintendent

1st. To examine all applicants for teachers' licenses in the branches taught in the public schools of said city, and if approved, give them certificates authorizing them to teach in the city.

Examine applicants for teachers.

2d. To annul a teacher's certificate whenever he may think proper: *provided*, that such teacher shall have the right to appeal to the board of education.

Annual teachers certificates.

3d. To visit each school department in said city at least once during each week.

Visit schools.

4th. To report for the consideration of the board of education such text books as he may think advisable and proper for the use of the schools, and to report such alterations therein, from time to time, as he may think most beneficial for the schools in said city.

Advise use of text books.

5th. To report to the board of education at such regular meeting, relative to the conditions of the schools under his supervision, and particularly as to the average attendance at each school since the previous regular meeting; to make such recommendations as shall, in his judgment, conduce to their welfare, and perform such other duties as may be required of him by the board.

Report to board of education.

6th. He shall, between the first and tenth day of September, in each year, make a statement of the number of children, male and female, designated separately, over the age of four and under the age of twenty years, residing in the city on the last day of August previous to the day of such report; and shall, on or before the 10th day of October in each year, make and transmit to the state superintendent a report containing the facts set forth in the general school laws of this

Make annual statement.

state, a copy of which report he shall present to the board of education at their first meeting thereafter.

Attend meeting board of education.

7th. He shall attend all the meetings of the board of education, and shall be the secretary thereof, and then make any suggestions he may think advisable relative to the government of the schools in said city.

Board of education powers of.

SECTION 13. Said board of education shall have power to allow the children of persons not residing within the city, to attend any of the schools in said city, upon such terms as said board shall by resolution prescribe.

City exempt from jurisdiction of county superintendent.

SECTION 14. The territory embraced within the limits of the city of Wausau is hereby declared to be, and is independent of the jurisdiction of the county superintendent of schools of the county of Marathon, and exempt from all taxation for his support and salary, and the superintendent of schools of Marathon county shall hereafter, after the termination of the present term, be elected independent of said city of Wausau.

Powers of common council.

SECTION 15. The common council shall have the power to change the boundaries of school districts situate within the limits of the city of Wausau; to form new districts, and to do all things in relation to the alteration, formation or consolidation of school districts that the town board of supervisors can by law now do, and until otherwise ordered by the common council, all that territory within said city shall be one school district, to be called school district number one of the city of Wausau.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

Work to be let by contract.

SECTION 1. All work for the city or either wards, 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. No moneys shall be appropriated for any purpose whatever, except such as are authorized by this act and in the manner herein authorized.

City authorized to subscribe to stock of Wausau boom company.

SECTION 2. The city of Wausau is hereby authorized to subscribe to the stock of the Wausau Boom Company, to an amount not exceeding the sum of thirty thousand dollars, and to issue the bonds of said city to said company in payment therefor, and to levy upon the taxable property of said city, taxes to pay the interest as it accrues upon said bonds, which the said city may issue, and to establish a sinking fund for the gradual and ultimate redemption of said bonds at

maturity, and the mayor and common council of said city shall have power to negotiate and arrange with said boom company the terms and conditions upon which such subscription for stock shall be made; to enter into all proper contracts with said company in relation to the same, and to adopt such ordinances and regulations pertaining thereto, or to the taxes to be levied under this act, as may be expedient and proper and consistent with law, *provided*, that before any such bonds shall be issued or contracted for by said city, the question of granting the same shall be submitted to a vote of the electors of said city, as hereinafter provided.

SECTION 3. The common council of said city of Wausau may, at any time after the passage of this act, give six days public notice of the time and place of holding a special election for the purpose of voting upon the question of taking stock and issuing bonds for the purpose aforesaid, by publishing such notice once at least in each newspaper published in said city, and by posting three copies of such notice in each of the wards in said city in public places. Such notices to be posted at least six days prior to such election. And such notices shall specify the amount of stock of said company to be subscribed for, the amount of the bonds of said city (not exceeding thirty thousand dollars) to be issued therefor, the rate of interest (not exceeding ten per centum per annum) such bonds shall bear, and when such interest shall be made payable, and the time when such bonds shall mature, which shall not be more than ten years from the time the same shall be issued. Question sub.
mitted to vote.

SECTION 4. Such special election shall be held in the several wards in said city, at the usual place of holding elections, and be managed by the officers authorized to manage general elections, and the same shall in like manner be conducted, canvassed and certified.

SECTION 5. Those voting for the proposed taking of stock in said company shall deposit a ballot containing the words "for taking stock in the boom company," and those voting against it shall deposit a ballot containing the words "against taking stock in the boom company." All qualified electors shall be authorized to vote, and a majority of the votes cast on the subject shall govern. In case a majority of the votes cast shall be against such taking of stock, the city council may call further elections in the manner herein provided to

vote upon the same or other propositions in relation to the same matter.

SECTION 6. In case a majority of the votes cast at any such election shall be in favor of taking such stock in the manner proposed, it shall be the duty of the mayor and common council of said city to subscribe to the stock of said company, and to issue the bonds of said city, which shall be signed by the mayor and city clerk, to the amount and in the manner specified in such notice, and no other; *provided*, that such bonds shall not be delivered to said boom company until the certificates of the stock of said company to the amount and in the manner agreed upon, shall be deposited with the city clerk and accepted by said city council.

SECTION 7. In case the said city shall become subscribers to the stock of said company, as hereinbefore provided, they shall be entitled to vote upon the same and to control and dispose thereof in the same manner as other stockholders, and receive any and all benefits that may arise therefrom.

Judgments in favor of city, how remitted.

SECTION 8. 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.

Common council may cause new surveys and plats to be made.

SECTION 9. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent land marks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk, and recorded in the office of register of deeds of the county of Marathon.

Shall be prima facie evidence.

SECTION 10. The surveys and land marks so made and established, shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

May establish grades.

SECTION 11. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Marathon county: *provided, however*, that nothing in this section contained shall be so construed as to prevent the street committee of the several wards of the said city, from ordering or causing to be done the grading of any street within their ward

to a temporary grade, to be established by such committee.

SECTION 12. 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 said city shall be exempt from taxation. May purchase and hold real estate.

SECTION 13. Real estate exempt from taxation by the laws of this state shall be subject to special taxation as other real estate under this act. Real estate exempt from taxation.

SECTION 14. When the city of Wausau deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Wausau, and the person or persons authorized to execute such deed or lease need not be named in the body thereof. May convey real estate.

SECTION 15. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed under and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of the city, and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as is provided for the execution of deeds and conveyances. Deed executed by mayor and countersigned by clerk.

SECTION 16. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with said deed or lease; and such copy so attached, and record thereof, shall be in all courts of this state prima facie evidence of the authority of the mayor to make and execute such deed or lease. Deed to be prima facie evidence.

SECTION 17. If any election by the people for common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be 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 elect common council in manner prescribed, shall not absolve corporation.

No general law considered as repealing charter.

SECTION 18. No general law of this state contravening the provisions of this act shall be considered as repealing, annulling or modifying the same, unless such purposes be expressly set forth in such law as an amendment to this chapter.

Make appropriations.

SECTION 19. The common council shall have power to appropriate a sum not exceeding five hundred dollars, at any one time, to any public purpose they may deem proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen elect.

Who subject to poll tax.

SECTION 20. Every male inhabitant of the city of Wausau, over twenty-one years of age and under fifty, except active members of the fire department, and those otherwise exempt by the general laws of this state, shall pay into the city treasury annually, the sum of one dollar and fifty cents each, as a poll tax.

Assessor to make out lists.

It shall be the duty of the assessor of the city of Wausau, during the month of April of each year, to make out duplicate lists of all persons liable to said tax in the city of Wausau, and said assessor shall, on the last Monday of April of each year, deliver one of said lists to the city clerk, and one to the treasurer of said city of Wausau. The said treasurer shall thereupon immediately proceed to collect the same, or may require the marshal to do so and make return to him, and all persons liable to pay such tax, who shall not have paid the same after demand, either personal or by written notice left at their usual place of abode, on or before the first day of June of each year, shall be liable to and shall pay a penalty of two dollars, in addition to said poll tax, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Wausau. The process in each case shall be by warrant, as provided for in chapter nine of this act, entitled "actions to recover penalties," etc.; and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail ten days. The moneys collected as herein provided for, shall be kept as a distinct fund, and shall be expended for the benefit and improvement of the streets of the city of Wausau. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax, and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall

Treasurer to collect tax.

Penalty for neglect to pay.

Mayor, city clerk and treasurer to determine who are liable to pay such tax.

receive the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property: *provided*, that if any person shall desire to, he shall be permitted to perform one day's work upon the streets of the city in the ward in which he resides, and the certificate of the street committee, that such person has performed one full day's labor shall be received by the city treasurer in full discharge of such tax.

Fees of city treasurer.

SECTION 21. The jurisdiction of the police justice of the city of Wausau, shall be co-extensive with the county of Marathon, and the said police justice shall have exclusive jurisdiction to try all criminal cases, and conduct all examinations within said city in which the city is a party under the laws in which justices of the peace have jurisdiction, and according to this act. And the police justice shall have and possess all the rights, powers and privileges, of said justices of the peace and all the laws of this state concerning justices' court shall apply to the police court of the city of Wausau, except so far as the said law conflicts with the provisions of this act.

Jurisdiction of police justice.

SECTION 22. In all cases where an action might be brought by the city of Wausau 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 Marathon county, or any officer of said city. The justice may, in his discretion, require security for costs as in civil cases, before justices of the peace. And the city of Wausau shall have the free use of the county jail for the purposes of this act.

Actions by the city, by whom brought.

Justice may require security for costs.

SECTION 23. The common council shall have 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.

Ornamental trees.

SECTION 24. The right of the citizens of the city of Wausau to use the Wausau cemetery for burial purposes shall not be impaired, anything in this act to the contrary notwithstanding, and the citizens residing within the said city shall always have and enjoy the same rights and privileges in said cemetery as heretofore.

Rights of citizens to use Wausau cemetery.

SECTION 25. It shall be lawful for the supervisors of any town in Marathon county to hold their meetings for the transaction of town business at any proper place

Where town officers may meet.

within the city of Wausau, and the said town board may authorize and empower the town clerk and town treasurer of the said town to keep the books and papers of their respective offices at some suitable place within the limits of the said city: *provided*, that the said city shall not be chargeable with nor liable for any of the expenses arising or growing out of any of the provisions of this or the preceding section: *and, provided further*, that the place of meetings, and a place for the town clerk and treasurer of the town mentioned in this and in the preceding section, shall not be at any place or places of meeting of the common council or of officers of the city, without consent first being obtained of the common council.

Support of
poor.

SECTION 26. The laws of this state for the relief and support of the poor in towns, shall apply to said city, and the common council shall make such rules, regulations, ordinances and provisions in relation to the same as they shall deem proper, and may adopt the county system in accordance with any resolution of the county board. This act is hereby declared a public act and shall be liberally construed in all courts of this state.

Act repealed
hereby, not im-
pair contracts.

SECTION 27. All acts and parts of acts inconsistent and conflicting with the provisions of this act, are hereby repealed; but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contracts, claims, penalties or demands, that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said acts, or any former act incorporating the city of Wausau or any of them; but the same shall exist and be enforced and carried out and completed, as fully and effectually, to all intents and purposes, as if this act had not been passed.

SECTION 28. This act shall take effect and be in force from and after its passage.

Approved March 10, 1874.

CHAPTER 223.

AN ACT to provide for the completion of the improvements about the capitol park.

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

\$4,000 appro-
priated.

SECTION 1. There is hereby appropriated the sum