

SECTION 30. This act shall take effect and be in force from and after its passage and publication.  
Approved March 16, 1880.

[No. 184, A.]

[Published March 31, 1880.]

## CHAPTER 323.

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

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

### TITLE I.

#### CITY AND WARD BOUNDARIES.

City bound-  
aries.

SECTION 1. All that district of country included in the north half of section one, in township number twenty-eight north, of range seven east, and sections number twenty-five, twenty-six, thirty-five, thirty-six and that portion of sections number twenty-three and twenty-four, situated east of the Wisconsin river, all in township number twenty-nine north, of range seven east, of the fourth principal meridian, in the county of Marathon, and state of Wisconsin, shall be known and designated as the city of Wausau.

Ward bound-  
aries.

SECTION 2. The said city of Wausau shall be and is hereby divided into five wards, as follows, to-wit: All that territory within said city lying west of Main street, and west of the northern extension thereof, known as the Wausau and Jenny road, and west of the east bank of the Wisconsin river, shall constitute the first ward. All that territory within said city lying east of Main street, and between Washington and Forest streets, and between lines extending easterly, drawn parallel with said Washington and Forest streets, and extending the same to the east line of said city, shall constitute the second ward. All that territory within said city lying east of Main street, and between Washington and McClellan streets, and between lines extending easterly, drawn parallel with said Washington and McClellan streets, and extending the same to the east line of said city, shall constitute the third ward. All that territory within said city lying east of Main street, and east of the east bank of the Wisconsin river, and south of Forest street, and south of a line extending easterly, drawn parallel with said Forest street, and extending the same to the east line of said city, shall constitute the fourth ward. And all that territory within said city lying east of Main street, and

east of the northern extension thereof, known as the Wausau and Jenny road, and north of McClellan street, and north of a line extending easterly, drawn parallel with said McClellan street, and extending the same to the east line of said city, shall constitute the fifth ward: *provided*, that the common council shall have the power to change, alter and define the boundaries of the wards in said city, by ordinance, as it shall from time to time deemed expedient.

## TITLE II.

### CORPORATE NAME AND POWERS.

SECTION 3. The inhabitants residing in said city shall be a municipal corporation, under the name and style 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 fourth and granted by this act, and said city may acquire, hold, possess and 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 and change the same at pleasure.

SECTION 4. 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.

## TITLE III.

### CITY AND WARD OFFICERS AND THEIR ELECTION.

SECTION 5. 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 supervisor and aldermen thereof 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 and

ward officers to be elected, by posting such notices in at least three public places in each ward, and by publication thereof at least once in a weekly newspaper published at said city of Wausau.

Elective officers.

SECTION 6. The elective officers of said city shall be a mayor, a city clerk, a treasurer, an assessor, a marshal, a street commissioner who shall also be the sealer of weights and measures, and two justices of the peace, to be elected by the city at large; and in each ward 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; and two aldermen, who shall be members of the common council of said city; and one constable. *Provided*, that in case of the absence or inability from any cause such supervisor shall be unable to attend any meeting of the county board, either of the aldermen of such ward, to be designated by themselves, (and if they shall disagree, they shall decide the same by lot) shall attend such meeting and act as member of such county board. Each of said officers shall be qualified voters of said city, and the mayor and the supervisors and aldermen shall also be freeholders as well as voters in the ward from which they shall be elected.

Terms of offices.

SECTION 7. 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 of its own number, except the mayor, due notice having first been given to such person. The term of all the officers of the city as mentioned, shall commence on the second Tuesday of April next after said election.

Election of justices of the peace.

SECTION 8. At the next ensuing election there shall be chosen one justice of the peace to hold his office for the term of one year, and one justice of the peace to hold his office for the term of two years, and at every ensuing annual election there shall be chosen one justice of the peace for the term of two years. The term of office of the justices of the peace to be elected under this act shall commence on the first Monday of May next ensuing their election. Every justice so elected shall file the oath and bond necessary to qualify, before entering upon the duties of his office as prescribed in the statutes at large for the justices of the peace, and the city clerk shall certify to the clerk of the circuit court immediately after the election, the

names of the persons elected justices of the peace, and the terms for which they were respectively elected.

SECTION 9. The term of office of each justice of the peace now in said city, shall expire and be fully determined on the first Monday of May, 1880, and they and each of them shall at once transmit to the nearest justice elected under this act all the books and papers relating to his office.

Terms of present justices to expire on first Monday in May, 1880.

SECTION 10. The inspectors of all elections in said city shall be chosen in the same manner and be the same as the general laws of the state require; and every inhabitant qualified by law to vote at a general election, shall be entitled to vote in the ward in which he resides, and shall have resided for ten days previous to said election, for all officers to be elected by virtue of this act. Any person may be challenged in the same manner, and the same proceedings held thereon, as are or shall be prescribed by law in relation to a general election, so far as the same shall be applicable to a charter election: *provided*, that the registry law shall not be taken to apply to an election under this act.

How inspectors to be chosen.

SECTION 11. Whenever a vacancy shall occur in any elective 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.

How vacancies to be filled.

SECTION 12. 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 its next meeting after such election in such manner as it shall direct.

Elections by ballot.

SECTION 13. 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.

Canvass of votes.

Special elections.

SECTION 14. Special elections to fill vacancies, or for any other purpose, shall be held and conducted 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.

What constitutes vacancy.

SECTION 15. 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.

#### TITLE IV.

##### OFFICERS, THEIR POWERS AND DUTIES.

Powers and duties of officers.

SECTION 16. 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, street commissioner, 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 it may from time to time require new additional bonds, and remove from office any officer refusing or neglecting to give the same.

Mayor.

SECTION 17. 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 policemen 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

Mayor may veto

ordinance or resolution passed by the common council, by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the common council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the city clerk a copy of his objections; and in case the council shall not, at the next ensuing regular meeting, re-enact such ordinance or pass such resolution, by the vote of two-thirds of the aldermen elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after its passage, unless sooner signed by the mayor and approved by him. He shall possess all the powers and authority conferred upon mayors of cities by any general statute of the state. The mayor shall, at the first regular meeting of the common council in each year, make out and announce the standing committees of the year on the following subjects, who shall consist of three members each, except the committee on streets and sidewalks, shall consist of five members, and one from each ward:

Mayor to make and announce standing committees.

- 1st. On streets and sidewalks.
- 2d. On finances and taxation.
- 3d. On licenses.
- 4th. On ordinances.
- 5th. On fire department and jail.

On streets, etc.  
On finances, etc.  
On ordinances.  
On licenses.  
On jail, etc.

Which shall be entered in the proceedings of said council.

SECTION 18. At the first meeting of the common council in each year after the charter election, it shall proceed to elect, and elect by ballot, one of its members president; and in the absence of the mayor, the president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability for any reason, or in case of vacancy of the office, to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor. In case the mayor and president shall be absent at any meeting of the common council, it shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of mayor. The president or temporary presiding officer, while performing the duties of mayor, shall be styled acting mayor, and all acts performed by either in such case or cases, shall have the same force and validity as if performed by the mayor.

Council to elect president

Powers and duties of president.

Duties of city clerk.

SECTION 19. The city clerk shall attend the regular and special meetings of the common council, and keep a record of its proceedings, and shall have the custody of the corporate seal, and shall keep all papers that by any provision of law, or by the direction of the common council, are required to be kept in his office or filed by him; and copies, printed or written, or partly printed and partly written, of all papers filed in his office, and transcripts from the records of the proceedings of the common council, and copies of the ordinances, by-laws, resolutions and regulations of the city, shall be evidence in all courts and in all places, in like manner as if the originals were produced and proved. He shall see that all ordinances, orders, resolutions, notices and other matters requiring publication are promptly and correctly published in such paper as the council may have directed, and that the proof thereof be made and recorded. He shall record all papers and proceedings required by any of the provisions of this act to be recorded in his office. He shall attest all orders drawn upon the treasury, and keep a full and accurate account of the same, and of the fund to which chargeable. He shall have power to administer oaths and affirmations, and take the acknowledgments of deeds or other instruments, and certify the same. He shall serve or cause to be served all notices required to be given under this act, except when otherwise especially provided; he shall countersign all licenses granted by the common council, and enter in an appropriate book the name of every person to whom a license shall be granted, the date thereof, the time during which it shall be in force, and the sum paid therefor; he shall perform such other duties, not here enumerated, as may be required of him in his said capacity by the common council, or by the general laws of the state of Wisconsin, in relation to the assessment and collection of taxes in said city. In case of sickness, absence, or disability of said city clerk to act, the common council may supply the vacancy by an appointment *pro tempore*; in which case, such appointee shall have all the powers, and discharge all the duties of city clerk.

Justices of the peace.

SECTION 20. The justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of justice 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 the mayor, 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.

SECTION 21. 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, and 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 he shall receive no other fees except the compensation hereinafter provided.

Duties of city treasurer.

SECTION 22. 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.

Duties of marshal.

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.

Powers of common council.

SECTION 23. 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 first regular meeting in the month of March, and shall not be increased or diminished during the term such officer shall remain in office, or for which he is elected or appointed.

Official publications.

SECTION 24. The common council, at its first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council to be published in a public newspaper.

City printer.

SECTION 25. The city printer or printers, immediately after the publication of any notice, or ordinance, or resolution, or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

Penalty for refusal to deliver books, papers, etc.

SECTION 26. 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 for-

feit 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.

SECTION 27. No city officer shall be a party to, or interested in any job or contract with the city or any of its 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 not to be interested in contracts.

SECTION 28. The mayor or acting mayor, sheriff of Marathon county, and each and every alderman, supervisor, municipal judge, justice of the peace, marshal, under sheriff and deputy sheriff of Marathon county, constable, policemen and watchmen, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all bystanders, and, if need be, of all citizens. And if any person, bystander 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 supervisor or senior officer present in the order mentioned in this section shall direct the proceedings.

Officers of the peace.

SECTION 29. There may be elected by the common council, a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards, shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested, and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office, to his successor or the common council.

Officers elected by common council.

SECTION 30. 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

City assessor.

law for the compensation of town assessors, unless a different compensation shall be determined upon by the common council.

**City attorney.**

**SECTION 31.** The common council shall, at its 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.

**Duty of street commissioner.**

**SECTION 32.** It shall be the duty of the street commissioner, within thirty days after his election and qualification, to inspect all the streets in the city, and all sidewalks, crosswalks, ditches, gutters, sewers, culverts, bridges, and all things and matters appertaining to the streets, and report in writing to the common council, recommending in his opinion what is necessary and ought to be done thereto, in separate items, and shall make and keep a duplicate of his report. On receipt of said report, the common council shall consider the same, adopt the whole or any part thereof, add to, amend, strike out or change any item, as it may deem best, and as soon as acted upon in full, the city clerk shall certify to said commissioner the action of said council therein.

**Collection of highway taxes**

**SECTION 33.** As soon as said commissioner shall have received the highway tax list, he shall proceed as provided by sections seventy-seven to eighty-three, inclusive, of this act, to collect all the taxes on his list and apply the same in repairing, grading or improving the streets in the city, in accordance with his report as modified by said common council, under a strict supervision of the street committee, who may also modify the work to be done from time to time, as the condition of the streets or other necessities may seem to require, until said council shall otherwise determine what shall be done; and shall receive such compensation for his services as the common council shall determine.

**Street commissioner may appoint deputy.**

**SECTION 34.** The street commissioner may, for the purpose of complying with the provisions of this act, with the consent and approval of the common council, appoint a deputy in each of the wards of said city, and for whose action he shall be responsible. But said street commissioner shall not contract for or create any greater expense in any one year than can be paid out of the highway tax list in his hands for collection, unless it be specially and duly ordered by said council,

or in case of a street becoming impassable, when the street committee shall direct what shall be done.

SECTION 35. The street commissioner shall also be the sealer of weights and measures for said city, and shall be governed by the general laws of the state appertaining to sealer of weights and measures, and as the common council of said city shall from time to time order and determine.

Street commissioner to be sealer of weights and measures.

## TITLE V.

### POWERS AND DUTIES OF THE COMMON COUNCIL.

SECTION 36. The mayor, aldermen and supervisors shall 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 it by resolution shall direct. A majority of the aldermen and supervisors shall constitute a quorum.

Powers and duties of common council.

SECTION 37. The common council shall hold its first annual meeting in each year on the second Tuesday of April, and thereafter stated meetings, at such times as it 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 qualifications 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.

Time of meetings.

SECTION 38. The common council shall have the management and control of the finances, except school moneys, and of all other public property in the city; and shall likewise, in addition to the power herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, 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 it shall deem expedient, declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of law: *provided*, that they be not repugnant to the constitution and laws of the United States or of this state;

Council to manage and control finances.

To make rules and regulation

and for these purposes shall have authority, by ordinance, resolution or by-laws :

Grant licenses.

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 nor 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 prohibit gaming, etc.

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

To prevent riots, etc.

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 abate nuisances.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate

the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

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.

To regulate slaughter houses, storage of gunpowder, etc.

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 substance whatever.

To prevent encumbering streets, etc.

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.

Horse racing, swimming.

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.

Impounding of cattle.

9th. To prevent and regulate the running at large and license the keeping of dogs within said city.

Dogs.

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.

Removal of unwholesome substances.

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.

Pounds; wells.

Erecting lamps, regulating hackmen, etc.

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.

Boards of health.

Burial grounds, etc.

13th. To regulate the size and weight of bread, and

Bread.

- to provide for the seizure and forfeiture of bread baked contrary thereto.
- Riding or driving on sidewalks.** 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.
- Firearms and fireworks.** 15th. To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof.
- Drunkenness, etc.** 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.
- Runners and police.** 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.
- Public markets** 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.
- Butchers' stalls** 19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions.
- Hay, lime, fuel, etc.** 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.
- Removal of snow and rubbish.** 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.
- Contagious and infectious diseases.** 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.
- Auctions, etc.** 23d. To regulate the time, place and manner of holding public auctions or vendues, and to impose and collect license fees on all auction sales within said city.

- 24th. To appoint watchmen and prescribe their duties. Watchmen.
- 25th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. Weights and measures.
- 26th. To protect trees and monuments in said city. Trees and monuments.
- 27th. To prescribe and regulate the construction of sewers within said city. Sewers.
- 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. Highways, streets, etc.
- 29th. To alter or change the name of any street in the city. Names of streets.
- 30th. To regulate, license, restrain and prohibit the ringing of bells and the crying of goods, wares and merchandise, or other commodities, in the streets or vacant lots of said city. Ringing of bells, etc.
- 31st. To regulate the running of locomotives, engines, and cars through the city, and prohibit them from being propelled through or in the same, at a greater speed than six miles per hour. Locomotives, cars, etc.
- 32d. To regulate and control the erection of awnings and awning posts, and to provide for and compel the erection and maintenance of safe and convenient hitching posts, and places for fastening teams, at such point or points as the council may deem necessary. Awnings and hitching posts.
- 33d. To provide for the removal or abatement of any nuisance caused by stagnant water standing upon any lot or land within said city, when said stagnant water shall be deemed by the said council to be injurious to the health of any portion of said city, and on complaint being made to said council to that effect, signed at least by two or more reputable physicians in actual practice in said city, and by at least six resident freeholders in and about the vicinity of said stagnant water, and thereupon the said council may in the ordinance declaring said nuisance, direct that said nuisance be abated or removed by filling or draining by a proper sewer, or both, such lot, lots or lands, by the owners or occupants thereof, within such reasonable time as shall be deemed practical by said council, and on the failure of any such owner or occupant to so abate the same within said time, the said common council may order and cause the same to be so abated at the expense of the owners or occupants of such lot, lots or lands, or at the expense of both such owner or occupant and of such other persons interested or

affected by such nuisance, or by the construction of any such sewer as may be deemed equitable and lawful between all the parties, to be determined by said common council.

Police regulations.

34th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act, or which may be vested in any officer of said city by any ordinance thereof.

Breweries, tanneries, etc.

35th. To direct the location and regulate and license breweries, tanneries and packing houses.

How ordinances, etc. to be passed and made effective.

SECTION 39. 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 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.

What deemed nuisances.

SECTION 40. 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, whercin more than twenty-five pounds of gun-powder 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.

SECTION 41. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, marshal, and all other officers or agents of the city, at such times as it may deem proper, and also at the end of each year, and before the time for which the officers of 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.

Council to examine and audit accounts of officers.

## TITLE VI

### FINANCE AND TAXATION.

SECTION 42. 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 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.

How money to be paid from treasury.

City orders

**Levy of taxes.** SECTION 43. 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.

**Issuing of bonds.**

SECTION 44. 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.

**Levy of taxes for outstanding indebtedness.**

SECTION 45. 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.

**Accounts to be verified.**

SECTION 46. No account shall be allowed by the common council unless the same is verified by the owner thereof, or some person in his behalf.

**Appeals to circuit court.**

SECTION 47. 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.

**Duty of clerk**

SECTION 48. The city clerk, upon such appeal be-

ing taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by the 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 its 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.

In case of appeals.

SECTION 49. 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.

Claims to be presented before suit commenced.

SECTION 50. 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, within ninety days after such decision or determination, or unless such counsel 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 it, this chapter shall not be so construed as to prevent the institution and maintenance of an action by said claimant against said city.

Determination of council to be final.

## TITLE VII.

### ASSESSING, LEVYING AND COLLECTING OF TAXES.

SECTION 51. 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

What property subject to taxation.

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 it may from time to time deem advisable.

Assessor to give notice of completion of roll.

SECTION 52. 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.

Board of equalization may alter or add to roll.

SECTION 53. Within one week after the time limited for the hearing of such objections, the assessor shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same, may alter and add to, take from, and otherwise revise and correct the same.

Council may direct how assessment to be made.

SECTION 54. The assessment of said city may be made for each ward separately or as directed by the common council. And when made by wards, real estate not platted into lots and blocks, shall be assessed in forty acre tracts or other legal subdivisions of sections, in the ward where the same or the largest portion of such tract is located.

Land omitted in previous year to be re-assessed.

SECTION 55. 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 omissions 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 relieved, in such manner as it shall by ordinance direct: *provided*, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

When taxes to be relieved.

SECTION 56. The mayor, city clerk, city treasurer, and the assessor, shall constitute the city board of equalization, and shall meet at the office of the city clerk on the last Monday of June, 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 president of the board of equalization, and the city clerk the clerk thereof.

Board of equalization.

SECTION 57. 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 percentage, particularly specifying the purposes for which the same are levied.

Assessment roll to be filed with clerk.

SECTION 58. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

Changes to be recorded.

SECTION 59. 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 such lien; any personal property belonging to

Taxes to be lien on property.

the person taxed may be taken and sold for the payment of taxes upon real or personal property.

City clerk to complete tax roll.

SECTION 60. 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.

Clerk to make duplicate copy.

SECTION 61. 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.

Warrant to be affixed to assessmen. roll.

SECTION 62. 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 or occupants 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 purposes, 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, as required by law.

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

—, City Clerk.

SECTION 63. 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. Assessment roll to be evidence.

SECTION 64. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes shall be in force in said city, except as otherwise herein specially provided; and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by law of the town treasurer to collect taxes, except as herein provided. General laws to be applicable.

SECTION 65. 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. Treasurer to give notice of the collection of taxes.

SECTION 66. 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, Fees of treasurer for collection of taxes.

blanks, stationery and expenses requisite to the discharge of his duties.

Informality not to affect validity of tax.

SECTION 67. 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 offices 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.

Back taxes to be tendered before suit can be commenced.

SECTION 68. 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.

Delinquent taxes.

SECTION 69. 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.

## TITLE VIII.

### OF HIGHWAY TAXES AND THEIR COLLECTION.

Highway tax.

SECTION 70. The common council of the city shall annually in the month of April, raise a tax upon all taxable property in the city for highway purposes, which tax shall not in any one year exceed five mills on the dollar valuation of the last assessment roll of the city.

Poll tax.

SECTION 71. Every male inhabitant of the city, being over the age of twenty-one years and under the age of fifty years, except such as are exempt by law, shall be assessed and pay a poll tax of such sum of money as is usually paid for like services in and about the city, or one day's work on the highways of the city, under the direction of the street commissioner. The amount of such tax shall be fixed by the common council.

Collection and expenditure of highway and poll tax.

SECTION 72. The amount of both such taxes or assessment shall be collected by the said street commissioner, and expended in repairing, grading and graveling the streets of the city under the direction of the common council and the necessities of the streets

in the order as far as may be of the street commissioner's report, as modified by said council from time to time, or the street committee, as hereinafter provided.

SECTION 73. Within twenty days after said tax shall be voted to be raised by said common council, the city clerk shall make out the highway tax list upon blank books in duplicate, to be furnished by the city in the form prescribed by the laws of the state for such lists to be made by the supervisors of the several towns of the state. The said lists shall contain: 1st, The names of all persons liable to pay a poll tax to the city. 2d, The name of each person assessed for personal property, and the amount of each assessment opposite each name as appears on the last tax roll. 3d, The description of all lots and parcels of land within the city, and the valuation of each opposite to each description, with the name of the owner or occupant thereof, as the same shall appear on the last preceding tax roll; and if such lot or tract was not separately described in such roll, then in proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel formed a part. And the said clerk shall affix, in the proper columns of said lists, the true amount of tax upon each person and upon each item of property thus assessed opposite to each such person and item of property, in accordance with the resolution raising the tax.

Duty of clerk  
in assessing  
highway and  
poll tax.

SECTION 74. On or before the fifteenth day of May of each year, the said street commissioner shall ascertain and make out a correct list of all persons in the city liable to pay a poll tax, certify to the same, and file it with the said city clerk, who shall place in said tax list the names of all such persons whose names do not appear on the last tax roll of the city, and affix the tax to each in the proper column.

Street commis-  
sioner to make  
list of persons  
liable to poll  
tax.

SECTION 75. On or before the twentieth day of May of each year, the said clerk shall annex a warrant to each of said lists, in the following form, viz:

Form of war-  
rant.

To the street commissioner 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 the real estate described therein, the taxes set opposite to such persons, corporations and property, within the time limited by law, and to apply the taxes by you collected in repairing, graveling or grading the streets as authorized by law, and also to make due returns as the law requires.

Dated the — day of —, 18 —.

— —, City Clerk, — —, Mayor

Which shall be signed by the mayor and city clerk, and one of which shall be delivered to the said street commissioner and the other kept and filed in the office of the city clerk, on or before the day above mentioned.

Persons left out of any such lists shall be added.

SECTION 76. The names of persons left out of any such highway tax list, and who ought to have been included therein, and of new inhabitants who have not been assessed and paid such tax in any other place, shall from time to time be added to the several lists and assessed by the street commissioner on their polls, and in proportion to their taxable property as others are assessed, in the judgment of said commissioner, subject to an appeal to the common council of the city.

#### COLLECTION AND APPLICATION OF HIGHWAY TAXES.

Application of highway taxes

SECTION 77. It shall be the duty of the said street commissioner, between the fifteenth and thirtieth days of April of each year, to call on the city treasurer and demand of him all moneys accruing from returned highway taxes in said city, or from moneys paid into the city treasury by a former street commissioner; and the said treasurer shall pay over the amount thus obtained, take a receipt therefor, and file it with the city clerk, who shall credit it to the city treasurer, and charge it up against the said commissioner, as well as the amount in the highway tax list.

When tax to be worked out.

SECTION 78. Every street commissioner shall cause two-thirds of the highway tax assessed in the city each year to be worked out before the first day of August in each year, and commence such work as early as possible each year, and the balance and sufficient shall be left to do the ordinary work for the balance of the year, of patching up bad places, removing all filth, snow drifts or other obstructions in the streets, clearing of the public crossings, sidewalks built by the city, and all such other work as may be necessary to keep the streets in the city in good passable condition, and free from filth.

Street commissioner to collect and account for highway taxes.

SECTION 79. The said street commissioner shall proceed and collect the said highway taxes on his tax list in the same manner, and with the same authority in all respects (except as herein otherwise modified), as is prescribed for, and govern overseers of the several towns of the state by the general laws thereof. But the said street commissioner shall keep an accurate account of the collection of said taxes in a book to be provided by said common council, stating therein the

name of each person who pays such tax against him, the date when paid, and the amount paid in money, and the amount paid in labor, and by whom; which book shall be held for the inspection of the street committee, or of said council, or any other citizen of the place at any and all reasonable times, and shall also be returned by said street commissioner and filed in the clerk's office of the city at the time he renders his annual account to the common council in March of each year.

SECTION 80. The said street commissioner shall notify, or cause to be notified by his assistant commissioners, in case he has such, as many persons as near the work to be done, as he can conveniently find them, and as many as he may judge he can profitably employ on the streets at any time he shall choose to work, and have a proper proportion of teams, shovellers or others which he may need, suitable to the work to be done; and all the prices shall be regulated by the usual prices paid in and about the city for like services or uses in such year, and in case any dispute shall arise as to what they are, the common council shall determine and settle them by resolution.

Persons to be notified of work to be done.

SECTION 81. If any person assessed for a highway tax shall neglect to appear and work on the streets at the time and place and with the team, wagon, cart or other implement required in the notice given by the street commissioner, unless satisfactory cause shall appear to said commissioner for such neglect, he shall not thereafter be entitled to pay his highway tax assessed for that year, or any part thereof, in labor, but shall thereafter be liable to pay the same in money, with five per cent. thereon added in case he refuses to pay the money on demand.

Penalty for neglecting notice.

SECTION 82. Whenever any person shall become liable to pay his highway tax in money, the said street commissioner shall collect the same, demand payment thereof, and in case any such person shall neglect or refuse to pay such tax in money on such demand, such street commissioner shall levy the same with five per cent. added, by distress and sale of the goods and chattels of the person who ought to pay the same; he shall give public notice of the time and place of such sale and of the property to be sold, at least six days previous to the time of sale, by a notice thereof to be posted up in at least four public places in the city, and at the time and place fixed in such notice, he shall sell the same at public auction to the highest bidder; and if the property so levied upon and sold shall bring

In case of refusal to pay highway tax.

more than the amount of such tax with five per cent. added and costs of collection, he shall return the surplus to the person from whom the property was taken. And such street commissioner shall be entitled in such case of levy and sale, to have and receive the said five per cent., and the same fees as constables are entitled to receive for like services.

All moneys to be applied to street work.

SECTION 83. All moneys collected or received by such street commissioner for highway purposes, shall be faithfully applied by him and expended in procuring labor, teams, wagons or other necessary implements and materials as heretofore pointed out, and under a strict supervision of said street committee, whose duty it shall be to examine the work done by said commissioner every week during the months of May, June and July of each year, and as often as other work shall be done in other months of the year where any great amount of expense shall have been directed or become necessary; and also to examine and adjust all accounts before the same shall be paid by said commissioner once a week as above spoken of, and on such other times as may be reasonable for the wants of those who may be thus employed for money by said commissioner.

Work examined by street commissioner.

Commissioner to keep account of expenditures

SECTION 84. It shall be the duty of said commissioner to keep an exact account of every man employed, whether for money or to pay a tax against him, designating which, and of the team, wagon or other implements used by him, and of all materials purchased, together with the price to be paid for each, showing the time when each person worked, or when each implement was used or material was bought, and by whom; all of which shall be kept in large time-table pocket-books, to be procured at the expense of the city; and at the end of each man's account for the week as above spoken of, or other period of time for payment of the same, said book shall show the amount due to or worked out by each person up to that time, for which he shall be entitled to receive pay for the same, either on the tax list or in money.

Auditing accounts.

SECTION 85. At the end of such times, the street commissioner shall deliver said book to said street committee, who shall carefully examine it, correct it in any respect, if errors therein appear, or if any account shall be deemed to be wrong in any respect, it shall so note it, and in what respect, in red ink, and as thus examined, corrected and approved, it shall so write on the page in red ink, date it and sign it. And

when this is done, the said street commissioner shall, in the presence of said committee, give credit for the amount thus allowed to each person, and mark on the tax list "paid," against the tax thus paid, and pay the balance in money to the persons thus entitled by such book thus approved. And in this manner shall the whole tax for highway purposes be kept, corrected, approved, allowed and paid: *provided, however,* the common council shall have power at any time to so modify the manner of auditing such accounts as time and circumstances may develop for the safety and proper expenditure of such moneys, without loss to the city.

SECTION 86. In case any controversy shall arise between said commissioner, or any person to whom any tax shall be allowed or money to be paid, as provided in the next preceding section, and the said street committee, the matter shall be submitted to the action of the common council, in the same manner as other demands or claims are to be submitted to it, as provided for in chapter five of this act.

SECTION 87. If said street commissioner shall not be able to collect any such highway tax, on any real or personal property in his list, he shall, on or before the last Monday of October of each year, make out and deliver to the city clerk a statement in writing, containing a description of all the real estate in his list, and of the personal property and owners thereof in his said tax list upon which the taxes remain unpaid, together with the tax assessed to each such description of land or personal property, and of the names of the owners of such land if known. And he shall make and subscribe an affidavit thereon, that the taxes mentioned in said statement remain unpaid. If such commissioner shall neglect to make and deliver such statement to said clerk as aforesaid, the common council shall, on that fact becoming known to it from the city clerk, send the marshal of the city to notify said commissioner to appear forthwith before said council to make and deliver such statement, or show cause why. And in case the said commissioner shall neglect or refuse to make and deliver such verified statement as required hereby, or show cause why, he shall forfeit and pay a fine of not less than twenty-five nor more than one hundred dollars.

SECTION 88. On or before the first Monday of March of each year, the said street commissioner shall make out an account of all his doings as street commis-

In case of controversy.

Manner of collecting unpaid taxes.

Time of commissioner's report.

sioner for the past year, verify the same, and file it together with his tax list, and all books, with time table books, upon which his accounts were kept, and on which the street committee's actions are found, which account shall show the names of all persons taxed on said list, the amount collected of each one in labor, and also the amount collected of each in money; also the amount collected or received from the city treasurer or any other source, the amount returned uncollected, the amount not returned and not collected, and from whom and the reason why, and also the name of each person to whom he has paid out such moneys, and the amount to each; and shall also show the amount of moneys in his hands unexpended.

City clerk to hand report to street committee.

**SECTION 89.** At the first meeting of the common council next after said return shall be made, the city clerk shall hand the same, with the returned list and such account on time table and all other books, over to the street committee, who shall, without delay, carefully examine the same to see if there are any errors, false entries, or other irregularities therein or otherwise, to the satisfaction of said committee, who, as soon as may be, shall report thereon to the said council whether correct or incorrect, and if incorrect to state wherein, and all they know about it. And in case any such street commissioner shall neglect or refuse to make out and file such verified account as required by this act, or return and file his said tax list, or any time table or other book upon which his accounts were kept, with the doings of the said street committee thereon, as herein also required; and in case the said committee shall find his account incorrect, or shall find in any other way that the said street commissioner shall have made a false return in his account or shall have converted or paid out any moneys coming into his hands by virtue of his office to his own use, or that of any other person other than is required by this act, and the warrant under which he collected the taxes or other moneys, he shall forfeit and pay a fine not less than twenty-five nor more than two hundred dollars; and he also shall be held on his bond, together with his sureties therein, to pay the amount of any such deficiency as can be proved against him, and all costs, into the treasury of the city. And the common council shall immediately cause suits to be brought against said street commissioner to recover said forfeiture and deficiency, with costs.

Forfeiture and fine for incorrect accounts.

In case of refusal to give money, etc., remaining in his hands, council to bring suit against commissioner.

Money remaining after rendering account

**SECTION 90.** If, upon rendering such account, any moneys shall remain in the hands of such street com-

missioner, he shall immediately pay over the amount to the city treasurer, who, in case of neglect or refusal to pay the same, shall forthwith sue for and collect the amount so found due from said commissioner, or his sureties, in the name of the city, to be applied when collected as provided in section eight of this chapter.

SECTION 91. The said street committee shall be entitled to have and receive for its services, rendered by virtue of this chapter, such fees as the common council shall deem just.

Fees of street committee.

## TITLE IX.

### OF GRADES, SIDEWALKS, PAVEMENTS, ETC.

SECTION 92. The common council of said city shall have power, by ordinance, to establish grades of any or all the streets in the city, and as hereinafter provided, to cause sidewalks, gutters and pavements to be constructed; and when a grade shall be established, it shall have such gradients as shall be sufficient to carry off all surface water, or other waters, from whatever source, coming on to such street or streets; and to change and re-establish the same in such manner as shall be deemed expedient for that purpose, and when so established, it shall cause accurate profiles thereof to be made and filed with the city clerk, and all such grades shall be worked in exact accordance with such profiles and the ordinance establishing the same: *provided*, that whenever such grades shall be changed or altered after the same shall have been once established and worked, any person who shall have sustained damages in consequence of such change or alteration, shall have a claim against the city for such damage; but no action shall be commenced against the city for the same until after such claim shall have first been made out and submitted to the action of the common council for allowance, in the same manner and for the same length of time as is provided by section forty-seven of this act.

Council to have power to establish grades, etc.

SECTION 93. Every ordinance for either of the above purposes, shall be introduced at least one week before the same shall finally be passed. But before any new sidewalk, gutter, pavement or other expensive improvement shall be caused to be made by ordinance, a petition therefor shall be made to said council, describing the purpose, signed by at least a majority of all the lot owners on such street or part thereof, not less than sixteen rods in length, adjoining the proposed improvement, and whose aggregate front-

How ordinances to be introduced.

age thereon shall also be not less than one-half the whole length of the street to be improved.

Improvements  
to be described

SECTION 94. Every such ordinance shall particularly describe the improvement to be made, and direct the time in which it shall be made, not less than forty days from the last publication of such ordinance, or sixty days from the day of posting the same in such case; and shall compel each lot owner to make the said improvement in front of his own premises, to the center of the street, in case of pavement, or other such improvement of the street, or only to furnish materials as designated in such ordinance, and lay down his own sidewalk or make the gutter, according to the ordinances, on the established grade for that purpose, after the same shall be graded by and at the expense of the city, out of the highway fund.

In case owner  
neglects to do  
work, council  
may cause it to  
be done at his  
expense.

SECTION 95. If the owner of any lot or piece of ground against which such improvement or sidewalk is to be made by such ordinance, shall not construct such sidewalk or make such pavement, gutter or other improvement, in the manner, out of the materials, and at or before the time designated, and according to the ordinance, the said common council shall cause such sidewalk to be built, or pavement, gutter, or other improvement to be made forthwith at the expense of the owner so being in default; and the street commissioner, or any person designated by said council, shall superintend, hire competent men, buy suitable materials, and cause, under the direction of said council, such sidewalk to be built, or such other improvement to be made, and shall keep an accurate account of the expense in full, street commissioner's fees and all, against each person so in default, and make out a statement of the same against each, and after the said statement shall be duly verified by said street commissioner or other person so designated, he shall deliver the same to the city clerk, who shall in making out the next tax roll of the city after such delivery of statement, enter such unpaid expense in a column of such tax roll, opposite to the description of the land against which such sidewalk or other improvement shall have been made, which expense so entered shall be a lien on said land the same as any other tax, and be collected the same as any other tax, and paid over and held by the city treasurer in the general fund of said city and paid out as such.

Repair of dan-  
gerous side-  
walks.

SECTION 96. Whenever a sidewalk or gutter shall be out of repair, and so remain for twenty-four hours,

which, in the opinion of the street commissioner, will not cost exceeding five dollars, in front of any one lot or piece of ground, and shall be dangerous to public safety or travel, it shall be the duty of the street commissioner to repair the same immediately, and certify the cost of the same against the owner of the lot or land to the city clerk, who shall enter the sum in the next tax roll against the proper lot, as a tax, which shall be a lien thereon, and collect the same as is mentioned in the foregoing section.

SECTION 97. The common council may, in its discretion, by an affirmative vote, let to the lowest responsible bidder the construction of any sidewalk or gutter, or the making of any other improvement on or along any street or highway in the city, which shall be so mentioned or called for in the petition as above spoken of for the same, or may also so let the building of any sidewalk or gutter, or the making of any improvement in such street, in case of any default in doing the same, in accordance with the ordinance mentioned in section ninety-four, authorizing the same, and the expense of doing such work and of making such improvements, shall be collected against each lot owner fronting on the same, on the verified statement of such bidder, in the same manner as provided in section —

Work to be let to lowest bidder.

SECTION 98. All the work mentioned in this chapter shall be done under the supervision of the street committee, and shall be approved by it before the same shall be accepted by said common council; and the cost and expenses of making all surveys, taking all levels and making all plans, plots or profiles for such work shall be chargeable to and paid by the city.

All work to be done under direction of street committee.

SECTION 99. The common council shall also, on complaint being made by any person or to any member thereof, or on its own knowledge, or that of any member thereof, that any sidewalk already established in the city is out of repair, that the same is dangerous and unsafe for public travel, and the cost of such repair will exceed the sum of five dollars, shall by resolution, to be published not less than one week, authorize and compel the owner or owners thereof to rebuild and repair the same without delay; and in case any such owner neglects or refuses to so rebuild or repair such sidewalk within two weeks after such publication of such resolution shall have been made, the common council shall cause the street commissioner, or some other person designated by it, to rebuild or repair the same forthwith, and to certify the cost in full

Sidewalks repaired on complaint of any person.

for the same against each lot so being in default, in the same manner as provided in sections ninety-five and ninety-six, and the city clerk shall place the same in the next tax roll of the city in the same manner as therein provided: *provided*, that all kinds of real estate in the city exempt by the laws of the state from taxation for general purposes, shall not be exempt from paying the taxes mentioned in this chapter, but shall be subject to and pay such taxes for such improvements, sidewalks and pavements, or repair the same as other real estate in the city, or the owners thereof shall cause the same to be done.

### TITLE X.

#### ACTIONS TO RECOVER PENALTIES, ETC.

Actions to be brought in name of city.

SECTION 100. All actions brought to recover any penalty or forfeiture under the ordinances, by-laws, or police or health regulations, made in pursuance of this act, 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 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.

Summons or warrant.

SECTION 101. In all prosecutions for any violation of any of the provisions of any by-law, ordinance 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 judge 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 embraced in the action.

How case to be tried.

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

SECTION 102. 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 evi-

dence on trial of all cases cognizable before any court of this state.

SECTION 103. Witnesses and jurors shall attend before the municipal judge 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.

Prepayment of fees not necessary.

SECTION 104. 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 non-payment thereof, the judge 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 of commitment. Such execution shall be in the following form: County of Marathon — city of Wausau — ss.

Findings of court.

Form of execution.

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, municipal judge, in and for said city, against — —, for the sum of — dollars and — cents, costs of suit, for the violation of 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—  
— —, Municipal Judge.

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.

When appeal  
may be taken.

SECTION 105. In all cases where the fine is more than twenty 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 judge, conditioned to appear before said court and abide the judgment of the court therein. The judge 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 of his docket in the acton, 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 to be  
tried by jury.

SECTION 106. 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 judge shall be rendered, and no notice of trial shall be required to be given to or by either party.

Penalty to be  
inflicted in case  
of conviction.

SECTION 107. If the judgment of the municipal judge shall be affirmed, or if, upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided by 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.

Residence not  
to work incom-  
petency as wit-  
nesses, etc.

SECTION 108. 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.

Ordinances to  
remain in force.

SECTION 109. 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.

Actions to be  
prosecuted by  
corporation.

SECTION 110. 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.

SECTION 111. 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.

How to commence suits against city.

SECTION 112. All penalties and forfeitures recovered and collected under and by virtue of any by-law or ordinance of said city shall be paid into the city treasury for the use and benefit of said city, except as otherwise herein provided.

Penalties and forfeitures.

SECTION 113. 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.

All fire apparatus to be exempt from execution.

SECTION 114. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city or on any judgment against said city.

No private property sold for debts of city.

SECTION 115. 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.

Mayor may grant pardons.

## TITLE XI.

### FIRE DEPARTMENT.

SECTION 116. 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

Common council may prescribe fire limits.

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.

Precautions  
against fire.

SECTION 117. 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 fire-buckets, and in such manner and time as it shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fire; to regulate and prevent the use of fireworks and firearms; 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 bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

Power to purchase fire apparatus and organize fire companies.

SECTION 118. 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 his 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

Members of fire companies exempt from highway or poll tax, etc.

or invasion, during the continuance of such membership; and any person having served for the term of seven years, in either of such companies, shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

SECTION 119. The mayor shall appoint one fire warden 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, barn or inclosure, for the purpose of inspecting the same.

Fire wardens appointed by mayor.

SECTION 120. The net proceeds of all fines and penalties recovered and collected for the breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid by the city treasurer to the fire department: *provided, however*, the common council may order to the contrary.

Proceeds of fines and penalties to be paid to fire department.

SECTION 121. 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 refusal to obey orders of officers.

SECTION 122. 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 it 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. At fires they shall take charge of all property which may be exposed and endangered,

Organization and duty of sack company.

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 it may deem necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall, in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Duty of treasurer of fire department.

SECTION 123. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city in such penal sum as shall be required, and with sureties, to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer, and countersigned by the clerk of said department.

Election and duty of clerk of company.

SECTION 124. 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 in May of 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 the city clerk.

Duty of city clerk.

SECTION 125. 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.

Insurance companies to pay two per cent.

SECTION 126. All corporations, companies and associations, not incorporated under the laws of this state,

engaged in said city in effecting fire insurance, shall pay to the treasurer of the fire department at the rate of two per cent. upon the amount of all premiums which shall have been received or shall have been agreed to be paid, for any insurance effected or agreed to be effected on any property in said city, by or with such corporation or associations respectively, in manner and at the times as prescribed by the general laws of the state in relation thereto. The money so received shall be used and paid out for the purposes of said fire department, or divided and paid into the treasuries of the several companies composing said department, subject, however, to the disposition or approval of the common council.

on premiums to  
treasurer of fire  
department.

## TITLE XII.

### PUBLIC SCHOOLS.

SECTION 127. All the district of country within the corporate limits of the city of Wausau, shall be known and designated as school district number one of the city of Wausau, for all purposes: *provided*, that the common council shall have the power to change, alter and define, or divide into two or more districts, as it may deem expedient.

Council have  
power to  
change districts

SECTION 128. The common council of the city of Wausau shall annually hereafter, at its regular meeting in May, elect two school commissioners, who shall hold their office for three years, unless sooner removed by a vote of two-thirds of the appointing power. The terms of office of said commissioners shall commence on the first Monday of July in each year. The school commissioners now in office in said city of Wausau, shall so remain and continue to act, until the terms for which they were respectively appointed shall have expired.

Election and  
terms of office  
of school com-  
missioners.

SECTION 129. The school commissioners now in office, and hereafter elected under the provisions of the foregoing section, shall 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 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.

Commissioners  
shall form  
board of educa-  
tion.

SECTION 130. Said board of education shall annually elect a city superintendent of schools, whose term of office shall commence on the first Monday of July, and said superintendent shall continue in office for one year and until his successor is elected, unless sooner

City superin-  
tendent of  
schools.

removed by a two-thirds vote of the board of education for misconduct or other sufficient cause.

Election and duties of president of the board of education.

SECTION 131. The board of education shall, at its first regular meeting, on the first Monday in July of each year, 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: *provided further*, that in the absence of the president, the board shall elect a president pro tempore.

Board to meet at least once in each month.

SECTION 132. The board of education shall have at least one regular meeting in each month, at such time and place as may be designated by it; and it may have special meetings at such other times as it 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.

Salary of city superintendent

SECTION 133. 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.

Duties and powers of board

SECTION 134. The duties and powers of the board of education shall be as follows:

Election of superintendent.

1st. To elect at its 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.

Number of teachers; grade of school, and salaries.

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 teachers

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.

To arrange term., etc.  
Secure uniformity in text-books, etc.

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.

To establish rules.

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.

To make contracts for fuel, etc.

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 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 it 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, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board, and it 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' 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

Annual report to be submitted to council.

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.

How repairs to be made.

SECTION 135. 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 its opinion, another school house shall be required, it 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, which 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 necessary tax for the same has been levied or authorized by the mayor and council.

How school funds to be paid out.

SECTION 136. 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.

No member of board shall be interested in contracts.

SECTION 137. 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.

SECTION 138. The duties of city superintendent shall be as follows:

Applicants to teach to be examined.

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.

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.

Right of appeal in case of annulling a certificate.

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

Weekly visit to each school department.

4th. To report to 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.

To report text-books, etc.

5th. To report to the board of education at such regular meeting, relative to the condition 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.

To report average attendance, etc.

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

Annual report to state superintendent.

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.

SECTION 139. 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.

Non-resident be allowed to send children.

SECTION 140. 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.

City to be independent of county organization

Council to have power to change boundaries of school districts.

**SECTION 141.** The common council shall have the power to change the boundaries of school districts situated 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.

### TITLE XIII.

#### MISCELLANEOUS PROVISIONS.

All work to be let to lowest bidder.

**SECTION 142.** 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.

Authorized to subscribe \$30,000 to Wausau Boom Company.

**SECTION 143.** 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 relations 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.

Public notice of special election

**SECTION 144.** 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 seven 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.

SECTION 145. 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.

When such election to be held.

SECTION 146. 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.

How votes to be printed.

SECTION 147. 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 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 148. 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.

No penalty re-  
mitted except  
by two-thirds  
vote of alder-  
men elect.

Council may  
cause new sur-  
veys to be  
made.

SECTION 149. 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.

SECTION 150. 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 it may deem necessary, and to cause an accurate plot or plots 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.

Surveys to be  
evidence.

SECTION 151. 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.

Council have  
power to esta-  
lish grade of  
streets, etc.

SECTION 152. The common council may, at such time as it 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.

City may hold  
property.

SECTION 153. 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.

Exempt real es-  
tate subject to  
taxation.

SECTION 154. Real estate exempt from taxation by the laws of this state shall be subject to special taxation as other real estate under this act.

When city  
deeds or leases  
real estate.

SECTION 155. 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.

Mayor to exe-  
cute deeds.

SECTION 156. 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, 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.

SECTION 157. 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.

How deed to be attested and recorded.

SECTION 158. 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 of election not to suspend corporation.

SECTION 159. 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.

Act not to be affected by general laws.

SECTION 160. The common council shall have power to appropriate a sum not exceeding five hundred dollars, at any one time, to any public purpose it may deem proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen elect.

Appropriations to be made by a two-thirds vote.

SECTION 161. No action in tort shall lie or be maintained against the city of Wausau, unless a statement in writing, signed by the person injured or claiming to be injured, of the wrong and circumstances thereof, and amount of damages claimed, shall be presented to the common council within ninety days after the occurring or happening of the tort alleged.

Actions in tort

SECTION 162. In case of injury or damage by reason of insufficient, defective or dangerous condition of streets, sidewalks, drains, sewers, gutters, ditches or bridges produced or caused by the wrong, neglect of duty, default or negligence of any person or corporation, such person or corporation shall be primarily lia-

City liable for damages arising from defective sidewalks.

ble for all damages for such injury, in suit for the recovery thereof by the person sustaining such damages, and the city shall not be liable therefor until all legal remedies shall have been exhausted to collect such damages from such person or corporation.

Owners enjoined to keep sidewalks in good condition.

SECTION 163. The duty of always keeping the sidewalks, gutters, drains and ditches on or adjacent to the lots and premises of any person, in safe condition and good repair, is hereby expressly enjoined and imposed upon all owners or occupants of said lots and premises.

How vote to be taken.

SECTION 164. If required by one member present at any meeting of the common council, the vote upon any ordinance, resolution or question pending before such meeting, except the appointment of officers, shall, when taken, be taken by the yeas and nays of all the members present, and a record of such votes shall be entered at large in the minutes.

Reward for arrest of criminals.

SECTION 165. Whenever any grave or heinous crime shall have been committed in said city, against life or property, the mayor, with the concurrence of the common council, may offer a reward for the arrest and conviction, or either, of the perpetrators of such offense: *provided*, that such reward shall in no case exceed five hundred dollars.

How appropriations to be voted.

SECTION 166. All appropriations of money voted under the provisions of this act shall be by a vote of yeas and nays, and be entered in the journal.

All officers to take oath and file bond.

SECTION 167. All officers elected or appointed under the provisions of this act shall in all cases, when the method of qualification is prescribed by a general law of the state, conform thereto, and take such oath and file such bond, and do such other act as may be required by such law, in addition to any of the requirements of this act.

Of executions and judgments.

SECTION 168. No execution shall ever issue upon any judgment against said city, but all judgments shall be collected and enforced in the same manner as payments against towns, and not otherwise.

How actions against city to be commenced.

SECTION 169. 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 or said sheriff of Marathon county, or any officer of said city. The judge 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 use of the county jail for the purposes of this act, under such condition as the county board may prescribe.

SECTION 170. The common council shall have power to require the owner of any lot or ground 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 to be set out.

SECTION 171. 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 said city shall always have and enjoy the same rights and privileges in said cemetery as heretofore.

Rights in cemetery.

SECTION 172. 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 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 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.

Holding of town meetings.

SECTION 173. 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 it 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.

State laws for support of poor to apply.

SECTION 174. 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

Repealed.

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

Approved March 16, 1880.