

[No. 686, A.]

[Published March 5, 1889.]

## CHAPTER 31.

AN ACT to amend chapters 5 and 191, of the general laws of 1883, as amended by chapter 32, of the laws of 1885, entitled, an act to incorporate the city of Merrill, and chapter 15, of the laws of 1887, entitled, an act to amend chapters 5 and 191 of the general laws of 1883, as amended by chapter 32, of the laws of 1885, entitled, an act to incorporate the city of Merrill.

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

SECTION 1. Section 7, of chapter 32, of the general laws of 1885, entitled an act to revise chapter 5, of the general laws of 1883, entitled, "an act to incorporate the city of Merrill," is hereby amended so as to read as follows: Section 7. The annual municipal election shall be on the first Tuesday in March, of each year, at such place in each ward as the common council shall designate. Not less than five days' notice shall be given of the time and places of holding all elections, and of the officers to be elected, by publication in the official newspaper of the city; provided, however, that the failure to give such notice shall in no way invalidate such election. The aldermen and supervisors of each ward shall be the inspectors of election for their respective wards and may appoint clerks of election for such wards. All elections under this charter shall be conducted in the same manner as the general elections for state and county officers and the qualifications of voters shall be the same as at such general election, and that each elector shall reside in the city at least thirty days, and in his ward at least ten days prior to such election. In case a special election is to be held in the city other than for ward purposes, the council may order the number of polls for the entire city, and appoint the places where the election is to be held and the inspectors of election and the clerks therefor. No person shall be eligible to an office in said city who is not at the time of his election, a citizen of the United

Amendment to ch. 32, laws of 1885, revising ch. 5, laws of 1883.

Annual elections.

States and of this state and a resident elector of the city; nor shall any person be eligible to any ward office, unless he shall be at the time a resident elector and freeholder of the ward in which such office exists.

Officers to be appointed.

SECTION 2. Section 10, of said act, as amended by section 2, of chapter 15, of the laws of 1887, is hereby amended so as to read as follows: Section 10. All necessary officers not heretofore named as elective shall be appointed by the council by ballot, except policemen who shall be appointed by the mayor and confirmed by a majority of the members of the council. All officers, except justice of the peace, aldermen and school commissioners shall, unless elected to fill a vacancy, hold their respective offices for one year, and until their successors are elected or appointed and qualified. Provided, however, that the council shall have power for due cause satisfactory to it, to expel any of its own number, and to remove from office any officer or agent of the city, except justices of the peace; due notice and an opportunity for a hearing having been first given to the officer proposed to be removed. Justices of the peace, aldermen and school commissioners shall hold their office for two years, and until their successors are elected and qualified; provided, however, that at each annual charter election there shall be elected one alderman from each ward to the common council for the term of two years; and, provided further, that at the first charter election held in said city after the passage of this act, the school commissioners elected in odd numbered wards shall hold their offices for the term of one year, and those elected in the even numbered wards shall hold their offices for the term of two years, and thereafter at each annual charter election there shall be elected one school commissioner for each ward in which the term of office of school commissioner is about to expire, to represent his ward on the school board for the term of two years. The term of office of every officer elected or appointed under this act shall commence on the second Tuesday in March of the year for which such officer is elected or appointed; provided, that the term of office of the superintendent of schools and school commissioners elected at the first charter election

held in said city after the passage of this act shall commence on the second Tuesday of July next succeeding their election.

**SECTION 3.** Section 11, of said act, as amended by section 2, of chapter 15, of the laws of 1887, is hereby amended so as to read as follows: Section 11. Whenever a vacancy shall occur in the office of mayor, supervisor or alderman, the council shall order a new election, and shall give five days' notice thereof. Vacancies in other offices shall be filled by the council, except policemen, who shall be appointed by the mayor and confirmed by a majority of the council. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights, and subject to the same liabilities, as the person whose office he may be elected or appointed to fill.

In case of vacancies.

**SECTION 4.** Section 17, of said act, is hereby amended so as to read as follows: Section 17. The mayor shall, when present, preside over the meetings of the common council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall, from time to time, give the council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer, the head of the fire department 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 police as he shall deem necessary. He shall have authority to remove any police of the city for inefficiency or neglect of duty, and to appoint a police in place of the one he may remove, subject to the confirmation by the council. The mayor shall have a vote in the council only in case of a tie, except when the council shall be engaged in the election of an officer, in which proceeding he shall have a vote the same as an alderman. When presiding over the council his style shall be, "Mr. President."

Duties of mayor.

**SECTION 5.** Section 23, of said act, as amended by section 7, of the laws of 1887, is hereby amended so as to read as follows: Section 23. The council shall have power, from time to time, to require

Council may require other duties.

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 the city charter, and to prescribe their duties and to fix the compensation of all officers appointed by it where the compensation is not fixed by statute. The council shall, at least ten days before the annual charter election in each year, fix by resolution the salary which shall be paid to the clerk, treasurer, chief of police, assessor and the superintendent of schools for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected; neither shall extra compensation be granted except by unanimous vote of the council, which vote shall be approved by the mayor; and the salaries of the following named officers shall not exceed the following amounts: City clerk, five hundred dollars per year, which shall be in full for all services rendered the city as such clerk; city assessor, four dollars per day for actual service; chief of police, six hundred dollars per year, and city treasurer, four hundred dollars per year, and shall be payable monthly, except the assessor, who shall be paid when the assessment roll is completed.

When  
improvements  
are made.

SECTION 6. Section 81, of said act is hereby amended so as to read as follows: Section 81. When work is done or improvement made, which under this act, is chargeable to the lots as aforesaid, except in the case of constructing or repairing sidewalks, the board of aldermen, or the common council in such cases as the common council are empowered to act shall give to the contractor or person doing or performing the same, or his assigns, a certificate, countersigned by the clerk, for the amount due him and containing a description of the land to which the same is chargeable, which certificate shall be transferable by endorsement, and shall draw interest (provided the same is not paid within twenty days from date), until the same is inserted in the tax roll, as hereinafter provided; and if the amount thereof and interest shall not be paid before the clerk makes out the annual tax roll next after the day of its issue, the clerk shall insert and assess the amount thereof with interest as aforesaid to the time of its being so inserted in the tax roll

upon and against the lot or parcel of land described therein in such tax roll, and as a part of the tax against such lot, and the same shall be collected as other taxes and assessments for the benefit of the holders of such certificates respectively, and when any such work is done or improvement made by the ward or wards, the same shall be inserted in the tax roll and collected in like manner; provided, however, that in no case shall the city be liable for the amount of such certificate or any part thereof, unless the same has actually been paid into the city treasury; and the sale of such land therefor shall not be regarded payment, and the same shall not be regarded as paid, until the parties interested shall have actually redeemed such lots from sale; provided, further, that in the case of constructing and repairing sidewalks as heretofore provided, the board of aldermen shall keep an accurate account of the expense of laying and repairing sidewalks in front of each lot, subdivision or parcel of land, and report the same to the city clerk, who shall annually prepare a statement of the expenses so incurred in front of each lot or parcel of land, and the amount therein charged to each lot or parcel of land, together with interest thereon from the time said work was completed, shall be by the city clerk entered in the tax roll as a special tax against said lot, subdivision or parcel of land, and the same shall be collected in all respects like other city taxes upon real estate. When the sidewalks shall be constructed or repaired pursuant to the order of the ward board, by any person other than the owner of the lot, subdivision or parcel of land in front of which the same is built, the cost thereof shall be paid out of the ward fund of the ward ordering the same, and said ward fund shall be credited with the amount of said special tax and interest at the time that the city treasurer makes the delinquent return to the county treasurer for the year in which said tax is levied.

SECTION 7. Section 92, of said act, is hereby amended so as to read as follows. Section 92. If any taxes or assessments chargeable to any lot, under any of the provisions of this act, except in the case of constructing and repairing sidewalks, in any suit, shall be adjudged void, in whole or in

When  
improvements  
are made in  
good faith.

part, for any irregularity in the proceeding, for non-compliance with any of the provisions thereof, the court in which said case was tried shall, any time within one year after such judgment, upon the application of the owner of such tax or assessment, and the defendant in such suit, cause an issue to be made up between such owner and defendant and the plaintiff, wherein such plaintiff shall be defendant, and such owner and defendant plaintiff; as to the value of such improvements, and whether the same were made in good faith, and if the jury find that such improvements were made in good faith, the court shall judge the value thereof as found by the jury to be a lien upon such lot, with costs of suit on such issue, an execution may issue on such judgment, directing the sale of such lot, to pay the same and costs of sale, and the same shall be sold as other real estate is sold on execution. At any time within eight months after such sale a redemption can be made therefrom, as on the sale of real estate on other execution, by the payment of the amount for which it was sold, together with ten per cent. interest thereon from the time of sale.

Taxes may be re-assessed.

SECTION 8. Section 93, of said act, is hereby amended so as to read as follows: Section 93. When any taxes or assessments chargeable to any lots, under any provisions of this act, except in the case of repairing and constructing sidewalks, shall be set aside or declared void, in whole or in part, by the court, by reason of any irregularity in any of the proceedings, or the non-compliance with any of the provisions of this act, or of the charter of said city, or in ordering or letting the work, or making contracts in relation thereto, the city council, at any time within two years after the same are declared void, at the request of any party interested in the said tax or assessment may order such tax or assessment so declared void to be recharged or assessed against said lots respectively, and collect the same as any other taxes or assessments; provided, however, if the party avail himself of the remedy to penalty, provided by the preceding section, he shall be deemed to have waived his remedy under this section.

Grading of schools and providing for course of study.

SECTION 9. Section 141, of said act, is hereby amended by adding thereto paragraphs 8, 9, and 10, as follows: 8. To grade the schools and pre-

scribe the course of study to be pursued therein, and to prescribe the text-books to be used. Provided, that such text-books shall not be changed oftener than once in three years. 9. To contract for and purchase all necessary fuel for the schools, and provide for lighting the same, and to appoint janitors for the school buildings and to fix their salaries. 10. To prescribe rules of order for the regulation of their own meetings and deliberations, alter and repeal the same from time to time as they may see proper, and to appoint all necessary standing and special committees.

SECTION 10. Section 22, of chapter 15, of the laws of 1887, is hereby repealed. Repealed.

SECTION 11. This act shall take effect and be in force from and after its passage and publication. Approved February 28, 1889.

[No. 348, A.]

[Published March 2, 1889.]

## CHAPTER 35.

AN ACT to amend the charter of the city of Milwaukee.

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

SECTION 1. The aldermen elected at the municipal election in the city of Milwaukee, in April, 1889, shall hold their office for the term of three years. The aldermen elected at the municipal election in April, 1890, shall hold their office for the term of two years, and thereafter all aldermen of the city of Milwaukee shall be elected for the term of two years. Amendment to the charter of the city of Milwaukee.

Aldermen to hold office three years.

SECTION 2. No election for the office of justice of the peace shall be held in the city of Milwaukee in the year 1889. Justices of the peace in said city shall be elected at the municipal election in April, 1890, for the term of two years. Relating to justices of the peace.

SECTION 3. All constables elected in the city of Milwaukee at and after the municipal election in April, 1890, shall hold their office for the term of two Constables.