

been assessed the same year more than once in the city.

7th. When the tax is levied for, upon or on account of specific, tangible personal property or buildings, not in fact in existence, on the first day of May in the year of such levy.

SECTION 2. All acts and parts of acts contravening the provisions of this act are hereby repealed. Repealing clause.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1891.

No. 412, A.]

[Published April 13, 1891.

## CHAPTER 200.

AN ACT to amend chapter 151, laws of 1883, entitled, "An act to consolidate and amend the charter of the city of Wausau," and acts amendatory thereof.

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

SECTION 1. Section 6, of chapter 151, laws of 1883, is hereby amended so as to read as follows: Amends chapter 151, laws of 1883.  
 Section 6. The elective officers of said city of Wausau shall be a mayor, a city clerk, a treasurer, three assessors, three 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 who shall also represent his ward in the board of supervisors of Marathon county, and be a member of such board, and one alderman who shall be a member of the common council of said city; in case of the absence or inability from any cause of the supervisor to attend any meeting of the county board, such alderman shall attend such meeting, and act as a member of such county board. One constable shall also be elected in each of the wards of said city. Each of said officers shall be quali- Elective city officers and their qualifications.

fied voters of said city, and the mayor shall also be a freeholder, and the aldermen and supervisors shall also be freeholders as well as voters in the ward from which they are elected. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council, except the police force, which shall be appointed by the mayor and confirmed by the council.

Amends sec.  
151, laws of  
1883.

Vacancies; re-  
moval of ap-  
pointees.

SECTION 2. Section 10, of chapter 151, laws of 1883, is hereby amended so as to read as follows: Section 10. The mayor and common council shall have power to fill all vacancies in any of the offices of said city, and may order special elections, under regulations to be prescribed by them by ordinance. And the common council shall have power to remove by a two-thirds vote any appointee of its own except the mayor.

Amends chap-  
ter 151, laws of  
1883.

Street superin-  
tendent; his  
powers and  
duties.

SECTION 3. Section 23, chapter 151, laws of 1883, is hereby amended so as to read as follows: Section 23. The common council shall also, at its first meeting for organization, each year, after its annual election, choose, by ballot, a street superintendent. The street superintendent shall see that all ordinances of the city, relating to the obstruction and cleaning of sidewalks, streets, bridges, alleys, public grounds, reservoirs, gutters, sewers and waters of the rivers in said city, are duly observed and kept, and to control the persons employed therein. He shall have the general supervision over all work let by contract for the making, grading, paving, graveling, planking, repairing and cleaning of streets, bridges, alleys, public grounds, reservoirs and gutters, unless the common council shall otherwise direct. He shall receive such compensation as the council may determine. The common council may, in its discretion, divide the city in two or more road districts and choose a superintendent for each such district. And when so chosen such superintendents shall perform the duties and have the powers hereinbefore conferred in their respective districts. The common council shall also have power to provide by ordinance, that the repair and improvement of streets, alleys and public grounds and the keeping in repair of sidewalks in the respective wards shall be under the supervision of the supervisor and alderman of such

wards, and the expenses thereof shall be borne by the wards respectively under such regulations as may be prescribed.

**SECTION 4.** Section 27, of chapter 151, laws of 1883, is hereby amended so as to read as follows: Section 27. The city of Wausau is hereby divided into three assessment districts, as follows: The First, Second and Third wards shall constitute the first assessment district; the Fourth and Fifth wards shall constitute the second assessment district, and the Sixth and Seventh wards shall constitute the third assessment district. In each of said districts, the electors of the city at large shall elect one assessor who shall be a resident of the district for which he is so elected. The said assessor shall assess the real and personal property in their respective districts, at the time and in the manner required by law, and they shall receive such compensation for their services, as provided by law for town assessors, unless other compensation shall be determined upon by the common council. The said assessors shall be members of the board of equalization for the city of Wausau, and perform such duties as are hereinbefore prescribed.

Amends chapter 151, laws of 1883.

Assessment districts; assessors, their duties and compensation.

**SECTION 5.** Section 35, of chapter 151, laws of 1883, is hereby amended so as to read as follows: Section 35. The common council shall hold its first meeting on the second Tuesday of April next after their election and thereafter stated meetings at such time 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 qualification of its own members, and have the power to compel the attendance of absent members. The members of the common council shall receive no compensation as such. Provided, however, the common council shall have power to provide a compensation for members of the council when in the exclusive occupation of looking after the affairs of the city by order of the common council, not exceeding, however, two dollars per day.

Amends chapter 151, laws of 1883.

Meetings of council.

**SECTION 6.** Section 2 of chapter 118, laws of 1885, entitled "An act to amend an act to revise, consolidate and amend the charter of the city of

Amends chapter 118, laws of 1885.

Mayor and council to have entire control of water works.

Wausau," is hereby amended so as to read as follows: Section 2. The mayor and common council of said city shall have power to control, regulate and manage the system of water works established in said city, and shall from time to time pass such ordinances as may be necessary or expedient for the management and control and protection of the water works of said city, and to regulate the supply and use of water therefrom. The mayor and common council shall have the entire charge and management of said water works, and may appoint a superintendent and other employes that may be necessary for that purpose, who may be removed at the pleasure of such mayor and common council. Such superintendent and other employes shall, under the direction of the mayor and common council, and in accordance with the ordinances of said city perform their duties. The mayor and common council shall fix the compensation of such superintendent and other employes.

Amends chapter 151, laws of 1883.

Council may appropriate sum not exceeding three thousand dollars to pay bonus to manufacturing industry locating in city. Proposition to be submitted to popular vote.

SECTION 7. Section 160 of chapter 151, laws of 1883, is hereby amended so as to read as follows: Section 160. The common council shall have power to appropriate, not exceeding three thousand dollars in any one year for the purpose of paying a bonus for the location of manufacturing establishments in the city of Wausau, or for the purpose of purchasing a site for the location of any public institution in said city. And the city of Wausau shall have power to subscribe for and take stock in any manufacturing establishment, located in said city in a sum not exceeding fifteen *per centum* of the capital stock of such institution; provided, however, before any such stock shall be subscribed for, the question of subscribing for the same shall first be submitted to a vote of the qualified electors of said city by the common council under such regulations as the common council shall prescribe and if a majority of the voters of said city voting upon said proposition vote in favor of the same, then such subscription may be made upon such terms as shall have been mentioned in the proposition submitted to the voters of said city.

Amends chapter 151, laws of 1883.

SECTION 8. Section 70, of chapter 151, laws of 1883, is hereby amended so as to read as follows: Section 70. Upon the presentation of such appli-

cation, and upon proof of the publication or service of the notice hereinbefore required, the said judge, or court commissioner, shall, thereupon, empanel a jury of twelve resident freeholders as in civil cases, triable by jury before a justice of the peace, to determine whether or not it is necessary to take the land proposed to be condemned for the public use. Such jury shall view the premises in question in the same manner as in civil actions, when a view of premises is ordered by the court, at the expense of the city, and shall return into court as in such cases. The city attorney shall produce such evidence as he deems material as to the necessity for such condemnation and also evidence contesting such condemnation may be allowed. The jury shall thereupon retire to consider their verdict as in other cases of jury trials. The verdict shall be either: "We, the jury, find that it is necessary to condemn the real estate sought to be condemned in this proceeding, for the public use," or, "We, the jury, find that it is not necessary to condemn the real estate sought to be condemned in this proceeding, for the public use." Upon the coming in of the verdict, judgment shall be entered condemning the land sought to be condemned to the public use for the purposes set forth in the petition, or dismissing the petition as the verdict shall require. If the jury shall disagree, a new jury shall be immediately impanelled and like proceedings shall thereupon be had as before; if three juries shall disagree, the proceedings shall be dismissed. No appeal from a judgment of condemnation shall be allowed, but the supreme court may review such judgment upon a writ of *certiorari* sued out within thirty days after the entry of judgment and not thereafter. A copy of the proceedings and verdict of the jury shall be filed with the city clerk, and recorded in the city records.

Appointm<sup>nt</sup>  
 of jury to con-  
 demn lands  
 for public use.

SECTION 9. Sections 71, 72 and 73, of chapter 151, laws of 1883, are hereby repealed and section 74, of said chapter is hereby amended so as to read as follows: Section 74. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report, and direct the same jurors within twenty days thereafter,

Amends chap-  
 ter 151, laws of  
 1883.

Action of  
 council on re-  
 port of jurors.

or such future time as shall be necessary, to again view said premises for the purpose ascertaining and determining the amount of damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return, within the time limited, such damages to the common council. And after the jurors shall have made their report as to the taking of any lands or premises, under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve in ascertaining the amount of compensation as above; and all the jurors before entering upon the discharge of the duties in the premises, shall severally take an oath before some competent officer that they are free-holders in said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trusts reposed in them.

SECTION 10. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage.

NOTE BY THE SECRETARY OF STATE: The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated, within the time prescribed by the constitution of the state, has become a law without his approval.

April 9, 1891.

T. J. CUNNINGHAM,  
Secretary of State.