

as to authorize the maintenance of said dam at a greater height than the same has heretofore been, and is now, maintained.

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

Approved March 23, 1883.

[No. 72, A.]

[Published March 26, 1883.]

CHAPTER 151.

AN ACT to revise, consolidate and amend the 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.

Boundaries,
and corporate
name.

SECTION 1. All that district of country included in sections twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), thirty-five (35), and thirty-six (36), of township number twenty-nine (29) north, of range number seven (7) east, of the fourth principal meridian, and the north half ($\frac{1}{2}$) of section one (1), in township number twenty-eight (28) north, of range number seven (7) 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.

SECTION 2. The said city of Wausau shall be, and is hereby divided into seven wards, as follows, to wit:

FIRST WARD.

Ward bound-
aries.

All that territory within said city, lying east of the center of the main channel of the Wisconsin river, and south of a line known as the center of Forest street, as far east as the west line of the right of way and depot grounds of the Chicago, Milwaukee and St. Paul Railroad Company; thence running southerly, along said west boundary line to the north line of the southwest quarter ($\frac{1}{4}$) of the northeast quarter ($\frac{1}{4}$) of section thirty-six (36), in township number twenty-nine (29) north, of range seven (7) east; thence running east on said north line, and continuing the same to the east boundary line of said city; excepting, however,

that portion of the island known as the Stewart and Plumer island, included within said territory, shall constitute and be designated as the first ward.

SECOND WARD.

All that territory within said city, lying east of the main channel of the Wisconsin river and north of the first ward, lying south of the center of Washington street and west of the west line of the Chicago, Milwaukee and St. Paul right of way and depot ground, and that portion of the northwest quarter ($\frac{1}{4}$) of the northeast quarter ($\frac{1}{4}$) of section thirty-six (36) in township number twenty-nine (29), north, of range seven (7), east, not included in the first ward, and the northeast quarter ($\frac{1}{4}$) of the northeast quarter ($\frac{1}{4}$) of section thirty-six (36), in township number twenty-nine (29), north, of range seven (7), east, and all the island known as the Stewart and Plumer island, shall constitute and be designated as the second ward.

THIRD WARD.

All that territory within said city, lying east of the center of the main channel of the Wisconsin river, and between the center of Washington street, on the south, and Scott street, on the north, and west of the right of way and depot ground of the Chicago, Milwaukee and St. Paul Railroad Company, and all that territory lying east of the west line of the right of way and depot ground of said railroad company, and north of the second ward, and south of the center of Franklin street, including the whole of the island known as the J. C. Clarke island, shall constitute and be designated as the third ward.

FOURTH WARD.

All that territory within said city, lying east of the main channel of the Wisconsin river, and west of the right of way and depot grounds of the Chicago, Milwaukee and St. Paul Railroad Company, and between the center of Scott street on the south, and Franklin street on the north, including the whole of the Clarke, Johnson & Co. island, shall constitute and be designated as the fourth ward.

FIFTH WARD.

All that territory within said city, lying east of the main channel of the Wisconsin river, and

north of the center of Franklin street, and the extension thereof, to the east line of said city, shall constitute and be designated as the fifth ward.

SIXTH WARD.

All that territory within said city, lying west of the main channel of the Wisconsin river, and north of a line commencing on the center of the main bridge across the Wisconsin river, thence running west along the center of Clinton street, to the center of Pine street, thence north to the center of Callen street, thence west to the center of Third street, thence north to the center of Elm street, thence west to the west line of the city, shall constitute and be designated as the sixth ward.

SEVENTH WARD.

All that territory within said city, lying west of the main channel of the Wisconsin river, and south of the south boundary line of the sixth ward, shall constitute and be designated as the seventh ward; provided, however, that the common council of said city of Wausau, 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, deem expedient.

TITLE II.

CORPORATE NAME AND POWERS.

Powers, and
corporate
name.

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 forth 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 one alderman 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 on the first Tuesday in April, in each year, at such place in each ward, as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon until sun-down, 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.

SECTION 6. The elective officers of said city, shall be a mayor, a city clerk, a treasurer, three assessors and 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 shall also represent his ward in the board of supervisors of Marathon county, and be a member thereof, and one alderman who shall be a member of the common council of said city, and 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, and one constable. Each of said officers shall be qualified voters of said city, and the mayor shall be a freeholder, and the supervisors and aldermen shall also be freeholders, as well as voters in the ward from which they shall be 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.

Terms of office.

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.

Terms of office
justices of the
peace.

SECTION 8. Justices of the peace shall be elected to hold their offices for two years. The term of office of justices of the peace, shall commence on the first Monday of May, next ensuing their election, except when a justice is elected to fill a vacancy, then the term of office shall commence on the second Tuesday following the election.

Who are qual-
ified electors.

SECTION 9. 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,

In case of
vacancy.

SECTION 10. 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.

Elections to be
by ballot.

SECTION 11. 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.

Canvass of
votes.

SECTION 12. 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 inspector 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.

SECTION 13. 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. Special elections.

SECTION 14. 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. What constitutes a vacancy.

TITLE IV.

OFFICERS, THEIR POWERS AND DUTIES.

SECTION 15. Every person elected or appointed 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, chief of police, 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. Duties required of officers to qualify.

Duties of
mayor.

SECTION 16. The mayor shall, when present, preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city, are duly observed and enforced, and that all other 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 the head of the police of the city. He shall appoint a chief of police and other policemen, which appointments shall be approved by the common council, before they shall enter upon the duties of their office; and the compensation of said chief of police and policemen, as well as of such temporary policemen and watchmen as may be appointed, shall be fixed by the common council; and when, in his judgment, occasion requires, he may appoint as many special or temporary policemen as he may deem necessary; but their appointment shall not continue beyond the next meeting of the common council thereafter, unless approved by said council. The mayor shall, at the first regular meeting of the common council in each year, make out and announce such standing committees of the year, and on such subjects as may be, by ordinance or resolution of the common council, required.

Election of
president.

SECTION 17. 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.

SECTION 18. The city clerk shall keep his office ^{Clerk} at some convenient place within said city, and shall be in attendance thereat, at such reasonable time as the common council shall prescribe. He 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.

Jurisdiction of
justices of
peace.

SECTION 19. 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.

Treasurer.

SECTION 20. The treasurer of said city shall perform such duties and exercise such powers, as may be lawfully required of him by the ordinances of said city, or the laws of this state. All moneys raised, received, recovered or collected by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, or which may belong to the said city, shall be paid into the 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 compensation as hereinafter provided, and he shall have the same powers and be subject to the same liabilities, and be governed by the same laws as treasurer of towns; provided, that he shall receive no other fees except the compensation hereinafter provided.

Chief of police.

SECTION 21. The chief of police shall attend all meetings of the common council, and shall per-

form such duties as shall be prescribed by the council, for the preservation of the public peace and collection of license moneys and fines, and shall receive such compensation as the council may determine. He shall possess all the powers of constables of towns, and be subject to the same liabilities. He shall 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 the state, may pursue and serve the same in any part of the state. He shall suppress all riots, disturbances and breaches of the peace, and abate all nuisances therein. He shall apprehend all persons in the act of committing any offense against any ordinance of said city, or laws of this state, and within reasonable time bring such persons before competent authority for examination. He shall, under the mayor of the city, have the supervision and control of all policemen, appointed by the mayor and common council, and he shall, from time to time, and whenever requested by the common council, make a report to the council, as to the efficiency of the police force of the city of Wausau.

SECTION 22. The city attorney shall conduct all the law business of the corporation. He shall, when required, furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the council, or any of its committees. He shall keep a docket of all cases to which the city may be a party, in any court of record, in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city, and shall, at all times, be open to the inspection of the mayor, or any committee of the common council. It shall also be the duty of the city attorney to draft all general ordinances, all bonds, contracts, leases, conveyances, and other instruments of writing, that may be required by the business of the city, and to perform such other duties as may be prescribed by the charter and ordinances. He shall receive an annual salary, to be fixed by the council.

SECTION 23. The common council shall also, at its first meeting for organization, each year, after the 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, choose a street superintendent for each ward in said city, and when so chosen, such superintendents shall perform the duties, and have the power herein before conferred, in their respective wards.

City surveyor. SECTION 24. The common council may also, at its first meeting for organization, after the annual election, or as soon thereafter as convenient, elect 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.

City engineer. SECTION 25. The common council shall, at its first regular meeting in each year, appoint a suitable person, as chief engineer of the fire department, who shall have charge and supervision, under the mayor, of all fire apparatus owned by the city, and shall have control and supervision of all employes of the city, connected with the fire department, and shall have such further authority and perform such duties as the common council may by resolution prescribe. He shall receive such compensation for his services as the common council may determine.

Sealer of weights and measures. SECTION 26. The common council shall, at its first regular meeting in each year, elect a sealer of weights and measures for said city, who shall be governed by the general laws of the state appertaining to sealer of weights and measures, and as the common council shall, from time to time, order and determine, and shall receive such com-

compensation for his services as the common council shall prescribe.

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. And for each of said districts the electors of the city of Wausau, at large, shall elect one assessor, who shall be a resident of the district for which he is elected. The said assessors shall assess the real and personal property in their respective districts, in the city of Wausau, at the time and in the manner provided for 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 hereinafter prescribed.

SECTION 28. 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 it. 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.

SECTION 29. 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.

SECTION 30. 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 non-delivery.

SECTION 31. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office, all property, books, papers and effects belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one hundred dollars (§100), besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

City officer shall not be party to any job or contract.

SECTION 32. 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.

Who are officers of the peace.

SECTION 33. The mayor or acting mayor, sheriff of Marathon county, and each and every alderman, supervisor, municipal judge, justice of the peace, chief of police, chief of the fire department, 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 (§50); 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.

TITLE V.

POWERS AND DUTIES OF THE COMMON COUNCIL.

SECTION 34. 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.

Style of ordinances.

SECTION 35. The common council shall hold its first annual meeting in each year, on the third Tuesday of April, and thereafter stated meetings at such times as it shall appoint, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have the power to compel the attendance of absent members. No member of the common council shall receive any compensation for his services as such.

Meetings of council.

SECTION 36. 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; and for these purposes shall have authority by ordinance, resolution or by-laws:

Management and control of finances, and powers of council defined.

1st. To license, regulate, suppress and prohibit the exhibition of common showmen, or shows of

License and
regulate
amusements,
liquor selling.

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, victualling 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 seventy-five dollars (\$75), nor more than two hundred dollars (\$200) 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.

Gaming, fraudulent devices.

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.

Riots, etc.

3d. To prevent any riots, noise, disturbances 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.

Nauseous places.

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

time, as often as it may be 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, safe keeping and conveying of gunpowder and other combustible materials.

Slaughter houses and gunpowder.

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.

Encumbering streets.

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, bathing, etc.

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

Restrain 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.

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, electric light or otherwise.

Public pounds, water works and street lamps.

12th. To establish and regulate boards of health, provide hospitals, pest houses and cemetery grounds, regulate the burial of the dead, and

Boards of health, bills of mortality, burial grounds.

the return of the bills of mortality, and to exempt burial grounds, set apart for public uses, from taxation.

- Size of bread.** 13th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.
- Driving on sidewalk.** 14th. To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said city, or in anyway doing damage to said sidewalks.
- Fire arms, fire crackers.** 15th. To prevent the shooting of firearms 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 citizens thereof.
- Drunkenness.** 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, solicitors, etc.** 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.
- Provisions.** 19th. To license and regulate butchers' stalls, shops, and stands for the sale of game, poultry, butchers' meats, butter, fish, and other provisions.
- Weighing and selling hay, 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 dirt.** 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 or 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.

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. Auctioneers.

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. False weights.

26th. To protect trees and monuments in the said city. 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 encumbrances, and to protect them from injury. Improvement of streets.

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

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. Running of locomotives.

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 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 practicable 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.

Regulations to govern city.

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.

Street railways.

36th. To authorize the building, construction, and maintaining of street railways, upon any of the public streets of said city, upon such regulations and conditions, as the common council of said city shall prescribe.

Lights.

37th. To authorize the building, construction and maintaining of water works, and the construction and maintaining of electric lights.

Ordinances, how passed.

SECTION 37. 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.

SECTION 38. The powers conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind, wherein more than twenty-five pounds of 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 39. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, 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,

Shall not bar
or hinder suits.

Examination
and adjust-
ment of
accounts.

or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

TITLE VI.

FINANCE AND TAXATION.

Control of funds.

SECTION 40. All funds in the treasury, except school, state and county funds, shall be under the 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.

Annual tax.

SECTION 41. 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.

Regarding the issue of bonds.

SECTION 42. 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 ten thousand dollars (\$10,000) in any one year, and the said taxes, when so levied, shall be collected at the same time as other city taxes are collected

Levying of taxes, when done.

SECTION 43. Taxes may be levied by the common council at any regular meeting, for the pur-

pose 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.

SECTION 44. No account shall be allowed by the common council, unless the same is verified by the owner thereof, or some person in his behalf. Accounts must be verified.

SECTION 45. 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. Right of appeal granted.

SECTION 46. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as, by 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 decisions 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. Duty of clerk when appeal is taken.

SECTION 47. No action shall, hereafter, be main-

Claim must first be presented.

tained 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.

Determination of council shall be final.

SECTION 48. 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 council shall consent and agree to the institution and maintenance of an action by such claimant against the city; provided, however, that when the common council shall refuse or neglect to act upon any claim duly presented to it, this chapter shall not be so construed as to prevent the institution and maintenance of an action by said claimant against said city.

TITLE VII.

ASSESSING, LEVYING AND COLLECTING OF TAXES.

All property subject to taxation.

SECTION 49. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, its schools, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessors 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.

Public notice shall be given.

SECTION 50. When the assessment roll shall be completed, the assessors shall give one week's notice thereof, in the official paper or papers, and shall fix a time and convenient place where they will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessors 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.

SECTION 51. Within one week after the time limited for the hearing of such objections, the assessors 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.

Board of equalization shall supply omissions in roll.

SECTION 52. 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 sub-divisions of sections, in the ward where the same, or the largest portion of said tract is located. The booms, piers and franchises of the "Wausau Boom Company," in the Wisconsin river at Wausau, may be assessed in one item, in any ward of said city, in which any portion of the works of said company are located, as may be determined by the assessors.

Roll shall be made for each ward separately.

SECTION 53. If it shall appear to the assessors, 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, they 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

Respecting omissions in tax roll.

the tax or assessment so set aside, or declared void, to be re-levied, 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.

Board of
equalization.

SECTION 54. The mayor, city clerk, city treasurer and the assessors shall constitute the city board of equalization, and shall meet at the office of the city clerk, on the 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. The members of the board of equalization shall receive for their services such compensation as may be allowed by the common council, not exceeding three dollars (\$3) per day.

Roll shall be
filed with clerk.

SECTION 55. 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.

Changes to be
recorded by
clerk.

SECTION 56. All changes of assessment rolls by the board of equalization, shall be duly recorded by the city clerk.

Taxes to re-
main a lien.

SECTION 57. 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 the person taxed, may be taken and sold for the payment of taxes upon real or personal property.

Duty of clerk.

SECTION 58. 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.

SECTION 59. 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. Duplicate copy.

SECTION 60. 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:

The state of Wisconsin, to the city treasurer of the city of Wausau, in the county of Marathon: Form of warrant.

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.

Roll to be evidence.

SECTION 61. 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.

General laws to be in force.

SECTION 62. 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.

Publication of notice.

SECTION 63. 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 that 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 the city.

Fees for collection.

SECTION 64. The treasurer shall receive and collect as fees, 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 sale of goods, upon execution. He shall collect the fees hereinbefore prescribed, and keep in a book, to be provided for that purpose, a true account and statement of all fees by him received or collected as such treasurer, from any source whatever, and such book shall be open, at all reasonable times, to the inspection of any person; and he shall, when required, make a report to the common council, duly certified on oath, of all fees or other moneys received by him as such treasurer. All fees so received or collected by said treas-

urer, shall be paid into the general fund for the use of said city. Such treasurer shall receive as a compensation for his services, such sum as the common council, at its first regular meeting in the month of March of each year, shall determine, which compensation, when so fixed, shall not be increased or diminished during his term of office, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties, and he shall receive no other or further compensation as treasurer, than as herein provided.

SECTION 65. All the directions hereby given, for the assessing of lands and 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.

Directions,
only directory.

SECTION 66. 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.

No proceedings,
unless taxes
are paid or
tendered.

SECTION 67. 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.

Return of delin-
quent taxes.

TITLE VIII.

OPENING STREETS, ALLEYS, GROUNDS, ETC., OR DIS- CONTINUING THE SAME.

SECTION 68. The common council of the city of Wausau, shall have power to lay out public squares, grounds, streets and alleys, and to alter and widen the same as follows: Whenever ten or

Regarding the
opening of
streets, and the
manner of con-
demning land.

more freeholders residing in any ward, shall, by petition, represent to the common council, that it is necessary to take certain lands within the ward where such petitioners may reside, for the public use, for the purpose of laying out public squares, grounds, streets or alleys; or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to such petitioners, the common council may then, by resolution, resolve to grant the prayer of said petitioners; and it shall forthwith cause an accurate survey and plat of all lands necessary for said purposes, to be made and filed with the city clerk, and it may purchase or take by donation, such grounds as shall be needed, by agreement with the owner, and take from them conveyances thereof to the city for such use or in fee; but otherwise it shall, by resolution, declare its purpose to take the same, and therein describe by metes and bounds the location of the proposed improvement, and the land proposed to be taken therefor; the common council shall, thereupon, cause notice of such application to be given to the occupant or occupants of such lands, if any there be, or if any portion of said land shall not be in actual occupation of any person, then the common council shall cause such notice, describing as near as may be, the premises to be taken, to be published in the official paper, or papers, four weeks successively, at least once in each week, and proof of such service or publication, by affidavits, shall forthwith be filed with the city clerk.

What notice shall state.

SECTION 69. Such notice shall state, that upon a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge, or court commissioner, for the county of Marathon, for the appointment of twelve jurors, to view said premises, and to determine whether it will be necessary to take the same, for the purposes specified in said petition.

Appointment of jurors.

SECTION 70. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge, or court commissioner, shall, thereupon, appoint twelve reputable freeholders, residents of

said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said judge, or court commissioner, shall, thereupon, issue his precept, directed to said jurors, requiring them, within ten days, to view the premises, to be specified in said precept, and to make returns, under their hands, to the common council, whether, in their judgment, it is necessary to take such premises, for the purposes specified in such application, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath, faithfully and impartially to discharge their duties, as such jurors, in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

SECTION 71. The chief of police shall serve his precept, immediately, on the jurors therein named, by reading the same to every one that can be found; and, immediately after such service, he shall return the said precept to the judge, or court commissioner, who issued the same, together with his doings thereon.

Service of precept.

SECTION 72. If any of the jurors, so appointed, cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge, or court commissioner, shall appoint others in their places, and a memorandum of such substitution shall be indorsed on the precept.

In case jurors are disqualified.

SECTION 73. The said judge or court commissioner, or any justice of the peace, shall thereupon administer an oath to said jurors, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Oath to be administered.

SECTION 74. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment,

Jurors to examine premises.

it is necessary to take the premises in question for public use; which said report, testimony and precept shall be returned to the common council, within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings, confirming said report, and direct the same jurors within twenty days thereafter, or such future time as shall be necessary, to again view said premises for the purpose of ascertaining 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 freeholders 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.

In case buildings are on premises.

SECTION 75. If there should be any building, in whole or in part, upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him, to remove.

Personal notice of removal shall be given.

SECTION 76. At least ten days' personal notice of such determination, shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all parties interested, shall be given, by publication, in the official paper or papers of said city, three successive weeks. Such notice shall specify the building and the award of the jurors. It shall require the parties interested, to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors and

allow such building to be taken, with the lands appropriated, or their intention to remove such building. He shall have such time for this purpose as the common council may allow.

SECTION 77. If the owner shall refuse to take building at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building, at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited to his use.

If owner refuses to take buildings at value assessed.

SECTION 78. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the actual value, in money, of the real estate so proposed to be taken, and the injury arising to them respectively, in consequence thereof, which shall be awarded to such owners respectively, as damages. In the estimates of the damages to the land, the jurors shall include the value of the building or buildings, (if the property of the owner of such land), as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case, they shall only include the difference between such value and the whole estimated value of such building or buildings.

Jurors to determine value, make report, etc.

SECTION 79. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment, or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interest, respectively, shall be awarded to them by the jurors.

If they belong to different persons.

SECTION 80. The award of said jurors shall be signed by them and returned, together with the testimony taken and the precept, to the common council, within the time limited in such precept.

Award shall be signed by jurors.

SECTION 81. Any person whose property is taken, or against whom any assessment is made, may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages, to the circuit court of

Regarding appeals.

Marathon county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section 45 of this act, and such appeal shall be tried by the court and jury, as in ordinary cases. The common council shall also have the right to appeal, by filing with the clerk a notice thereof, within ten days, as aforesaid.

Land shall not be taken until damages are paid or tendered.

SECTION 82. The land required to be taken for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the owner thereof, shall be paid or tendered, to the owner or his agent; or, in case the said owner or his agent cannot be found, or is unknown, deposit to his or their credit, in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys, and public grounds open or laid out.

Tender of damages.

SECTION 83. The damages assessed shall be paid, or tendered, or deposited, as herein required, within one year from the confirmation of such assessment and report; and if not so paid, tendered, or deposited, all the proceedings in any such case shall be void.

Time when tender may be made.

SECTION 84. The city may pay, or tender, or deposit as herein required, at any time within one year from the confirmation of such assessment, and report the damages assessed in any such case; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among its proceedings, to take and appropriate such lands for the purposes required.

Covenants on land to cease when taken.

SECTION 85. When the whole of any tract or lot, or other premises under lease, or other contract shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant, or any other contracting parties touching the same, or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged.

Same when only a part is taken.

SECTION 86. When only a part of lot or tract of land, or other premises so under lease, or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of

such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to residue thereof; and the rents, considerations and payments reserved, payable and to be paid for, or in respect to the same, shall be so proportioned, so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for, or in respect to the same.

SECTION 87. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant, or labor under legal disability, the judge of the circuit court of Marathon county may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian. Whenever any public grounds, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made, and filed in the office of the city clerk.

In case owner is a minor.

SECTION 88. The common council shall have the power to vacate or discontinue, in whole or in part, any highway, street, alley or public walk, within the corporation limits of the city; provided, however, the necessity of so vacating or discontinuing of the same, shall be first established by a verdict or report of a jury, in like manner as is provided for laying out public squares, grounds and streets in this chapter.

Vacating streets

SECTION 89. The cost of all proceedings under this chapter, shall be paid by the city, and shall be estimated as follows: The jurors shall be entitled to one dollar (\$1) per day for each day's attendance; the judge or court commissioner, in full for his services in any one case, five dollars, (\$5); the printer shall be paid according to legal rates. All papers relating to any case under this title, shall be returned to the city clerk and filed in his office, and the report and findings of the jury, and the confirmation thereof by the council, may be recorded in the office of the register of deeds of said county.

Costs to be paid by city.

TITLE IX.

OF GRADES, SIDEWALKS, PAVEMENTS, ETC.

SECTION 90. The common council of said city, shall have power by ordinance, to establish, alter

Respecting grades.

or change the grade on any and all streets in said city, and when so established, altered or changed, it shall cause accurate profiles thereof, to be made and filed with the city clerk, and all such grades shall be worked in accordance with such profiles, and the ordinance establishing, altering or changing the same; provided, that whenever the grade on any street, shall be changed or altered after the same shall have been 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 damages, but no action shall be commenced against the city for the same, until after such claim shall have 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 45 of this act. The said common council shall also have power, by ordinance, to cause gutters, sewers and pavements to be constructed in said city, as hereinafter provided. Every ordinance for either of the above purposes, shall be introduced at least one week before the same shall be finally acted upon.

Improvements
over \$100, how
made.

SECTION 91. Before any new gutter, sewer, pavement, or any other street improvement, the cost of which shall exceed the sum of one hundred dollars (\$100), except the building of bridges, shall be ordered to be made or done, a petition therefor, describing the purpose, shall be presented to said council, signed by two or more owners of lots or parcels of land on such street, or part thereof, adjoining such proposed improvement. Upon presentation of such petition, the said common council shall fix a time and place when such petition shall be heard, not less than one week thereafter, and cause notice of such hearing to be given by publication in the official city paper or papers; and if, upon such hearing, the said common council shall determine that such improvement, gutter, sewer or pavement is necessary, then the same shall be made at such time, in such manner, and of such materials, as the common council shall, by ordinance, direct; provided, that this section shall not apply to the opening and grading of new streets.

Ordinance to
describe im-
provements
to be made.

SECTION 92. Every such ordinance shall particularly describe the improvement, gutter, sewer, or pavement to be made, and direct the time in

which it shall be done, and materials out of which the same shall be constructed and manner of construction, and each owner of any lot or parcel of ground adjoining the proposed improvement, gutter, sewer or pavement, shall construct the same in front of his own premises; and in case of pavements, shall build and construct the same to the center of the street, and such work shall be done as prescribed in such ordinance and according to the established grade of the street upon which the same is located.

SECTION 93. Sidewalks shall be constructed, reconstructed or repaired, upon the proper grade of any street in said city, of such width, and in such manner, and of such materials, and in such time, as the common council, by ordinance, shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalks shall be ordered.

Sidewalks shall be constructed on proper grade.

SECTION 94. 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 superintendent, 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 superintendent'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 superintendent, 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

Owners required to construct sidewalks according to ordinance.

other tax, and paid over and held by the city treasurer in the general fund of said city, and paid out as such.

Street superintendent to repair sidewalks when expense is not over \$5.00.

SECTION 95. Whenever a sidewalk or gutter shall be out of repair, and so remain for twenty-four hours, which in the opinion of the street superintendent will not cost exceeding five dollars (§5), 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 superintendent 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.

May let work to lowest bidder.

SECTION 96. 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 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 94.

Street committee to have supervision.

SECTION 97. 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, plats or profiles for such work, shall be chargeable to and paid by the city.

Further respecting repair of sidewalks.

SECTION 98. 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 (§5), shall, by resolution, 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 three days after being notified of such resolution, the common council shall cause the street superintendent, or some other person designated by it, to rebuild or repair the same forthwith, and to certify the cost in full for the same, against each lot so being in default, in the same manner as provided in section 94 of this act; and the city clerk shall place the same in the next tax roll 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 the burdens imposed by this title, but shall be subject to, and pay such taxes for, such improvements, gutters, sewers, pavements and sidewalks, or repairs on the same, as other real estate in the city, in case the owner or owners thereof, neglect to build or construct the same, as hereinbefore provided.

SECTION 99. The common council of said city, shall have power to open up, grade and improve any street, or to build and repair any bridge or bridges within said city, whenever deemed necessary, and let to the lowest and best bidder, the grading and repairing of any such street, and the construction and repair of any bridge, the cost of which shall be paid from the general funds of said city.

Further, respecting the repair of streets.

TITLE X.

ACTIONS TO RECOVER PENALTIES, ETC.

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.

Actions to recover penalties.

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, un-

Prosecution to begin by summons.

der 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.

Printed copy 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 a pamphlet, or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence, on trial of all cases, cognizable before any court of this state.

Witnesses and
jurors shall
attend without
the prepay-
ment of fees,

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.

Jury trial al-
lowed either
party.

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 cost of suit; but if not guilty the cost 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 by 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 com-

mitment. Such execution shall be in the following form:

COUNTY OF MARATHON, }
 City of Wausau. } ss.

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.

Form of commitment.

SECTION 105. In all cases where the fine is more than twenty dollars (\$20), the defendant may appeal from such judgment, to the circuit court of the county of Marathon; provided, such defendant within twenty-four hours, enters 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

Appeal by defendant.

copy of the entries of his docket, in the action, together with the recognizances, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment, as in other cases before justices of the peace.

Appeal shall stand for trial.

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.

In case judgment is affirmed.

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.

Shall not work incompetency.

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.

Regarding actions by the 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.

How to serve process against city.

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.

Penalties to be paid into city treasury.

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.

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.

Fire engines to be exempt from attachment.

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.

Property of citizens exempt from city judgments.

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.

Remission of penalties.

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 material, that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed, shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the penalties for the violation of any resolution or ordinance, passed under this section.

Fire limits.

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-buck-

Dangerous construction of chimneys.

ets, 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 fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of the fire, all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires, as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

Purchase of
fire engines, etc.

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 order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer, who shall be appointed by the common council at its first meeting in each year, and to form its own by-laws, not inconsistent with the laws of the state, or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company, hereby authorized to be formed, shall be exempt from highway work and poll tax and from serving on juries, and military duty, except in case of war, insurrection or invasion, during the continuance of such membership; and any person, having served for the term of 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.

Fire warden.

SECTION 119. The mayor shall appoint one fire warden for each ward, subject to confirmation by the common council, who shall perform such du-

ties as the common council may prescribe, and they may, at any time, enter into any building, house, barn or enclosure for the purpose of inspecting the same.

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.

Net proceeds of fines to go into fire-department.

SECTION 121. When any person shall refuse to obey the lawful order of the chief engineer, fire warden or aldermen of the city, the mayor or chief of police at any fire, it shall be lawful for the officer giving such order, to arrest, or direct orally, any policeman, 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 chief engineer.

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, 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 or-

Sack company and its duties.

dinances 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.

Duties of treasurer of fire-department.

SECTION 123. The treasurer of the fire department, shall receive and pay out all moneys belonging to the 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.

Officers of fire companies.

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.

City clerk to keep a record of members.

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.

Fire insurance companies to pay tax.

SECTION 126. All corporations, companies and associations, not incorporated under the laws of this state, engaged in said city in effecting fire in-

surance, shall pay to the city treasurer, for the support 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 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, subject, however, to the disposition or approval of the common council.

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.

School district.

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 offices 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.

School commissioners.

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.

Board of education.

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

City superintendent of schools.

continue in office for one year, and until his successor is elected, unless sooner removed by a two-thirds vote of the board of education, for misconduct, or other sufficient cause.

President of 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 superintendents' 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 vote 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*.

Regular meeting of board.

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.

Annual salary of city supt.

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.

Powers and duties of board of education.

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

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.

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.

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 school and school districts within said city, except as herein provided.

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

6th. The said board shall, annually, on or before the first day of October in each year, submit a statement to the mayor and council, showing the amount of teachers' wages that have accrued and become due during the year, and the amount of all other indebtedness accruing on contract or otherwise, that have 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 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 a two-thirds vote, any other duty or thing to be done by said board.

Regarding
repairs.

SECTION 135. Whenever repairs to a larger amount than one hundred dollars (\$100), 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.

Drawing of
orders.

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.

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.

Members of
shall not be in-
terested in any
contract.

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

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.

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

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

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.

6th. He shall, between the first and tenth days 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.

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.

Non-resident children.

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.

Territory of city independent of county supt. of schools.

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.

Power to change boundaries of school district.

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.

Contract 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.

City authorized to subscribe to stock of 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 (\$30,000), 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 herein-after provided.

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, \$30,000) to be issued therefor, the rate of interest (not exceeding seven, (7) 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.

Notice of time
of voting.

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.

Where election
is 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

Form of ballots.

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.

Result of election.

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.

City entitled to vote on stock owned.

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.

City may sell stock.

SECTION 149. The common council of said city shall have power to sell said stock, after giving ten days' public notice of such sale, and to authorize the mayor and city clerk to transfer the same to the purchaser, upon such terms as may be agreed upon, not less than the par value of said stock, and to use the money so received, or such portion thereof as may be necessary therefor, as a sinking fund, for the redemption of said bonds at maturity; and when so decided by a two-thirds vote of all the members of said council, may use the funds so received, to pay any other indebtedness of said city, or for the construction of bridges, sewers or water works. And in case said stock is sold as aforesaid, all agreements and contracts entered into between the Wausau Boom Company and the city of Wausau appertaining to the same, shall cease and terminate.

Survey of streets may be made.

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 per-

manent 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 the register of deeds of the county of Marathon.

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.

Surveys, etc.,
to be evidence.

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.

Profiles to be
made.

SECTION 153. The said 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 said city, shall be exempt from taxation.

City may hold
and purchase
real estate.

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.

Special tax-
ation.

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.

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.

Deeds to be
signed by
mayor.

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

Duties of city
clerk.

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.

If election shall not be held it shall not absolve corporation.

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.

Not repealing.

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.

Appropriation.

SECTION 160. The common council shall have power to appropriate a sum not exceeding five hundred dollars (\$500), 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.

Actions in tort.

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 for damages.

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 liable 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.

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.

Lot owners to keep sidewalks in repair.

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.

Vote to be taken by yeas and noes.

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 award shall, in no case, exceed five hundred dollars (\$500).

Reward may be offered.

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.

Appropriation.

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.

Oath and bonds.

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.

Executions against city.

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

Actions against city.

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.

Ornamental trees.

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 lots or grounds to pay the expenses of the same.

Cemetery.

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.

Town supervisors may hold meetings in city.

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 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 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.

Poor laws.

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.

Repealed.

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 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 24, 1883.

[No. 277, A.]

[Published March 28, 1883.]

CHAPTER 152.

AN ACT to revise, consolidate and amend the city charter of the city of Fond du Lac.

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

CHAPTER 1.

CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country included ^{Boundaries,} in the west half ($\frac{1}{2}$) of section two (2), and the west half ($\frac{1}{2}$) of the east half ($\frac{1}{2}$) of section two (2); all of section three (3); the east half ($\frac{1}{2}$) of the east half ($\frac{1}{2}$), and the east half ($\frac{1}{2}$) of the west half ($\frac{1}{2}$) of the east half ($\frac{1}{2}$) of section four (4); the east half ($\frac{1}{2}$) of the east half ($\frac{1}{2}$), and the east half ($\frac{1}{2}$) of the west half ($\frac{1}{2}$) of the east half ($\frac{1}{2}$) of section nine (9); all of section ten (10), and the west half ($\frac{1}{2}$) of section eleven (11); the west half ($\frac{1}{2}$) of the east half ($\frac{1}{2}$) of section eleven (11); the southeast quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$) of section eleven (11); all of sections fourteen (14) and fifteen (15); the east half ($\frac{1}{2}$) of the east half ($\frac{1}{2}$), and the east half ($\frac{1}{2}$) of the west half ($\frac{1}{2}$) of the east half ($\frac{1}{2}$) of section sixteen (16); the north half ($\frac{1}{2}$) of the north half ($\frac{1}{2}$) of the northeast quarter ($\frac{1}{4}$) of the northeast quarter ($\frac{1}{4}$); and the northeast quarter ($\frac{1}{4}$) of the northwest quarter ($\frac{1}{4}$) of the northeast quarter ($\frac{1}{4}$) of section twenty-one (21); the north