

SECTION 4. This act shall take effect and be in force from and after its passage and publication.
Approved March 28, 1889.

[No. 434, A.]

[Published March 29, 1889.]

CHAPTER 183.

AN ACT to amend chapter 119, of the laws of Wisconsin for the year 1887, entitled, "An act to incorporate the city of Marinette."

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

SECTION 1. Chapter 119, of the laws of Wisconsin for the year 1887, entitled, "an act to incorporate the city of Marinette" be, and the same hereby is, amended so as to read as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country, in the county of Marinette, and state of Wisconsin, hereinafter described, shall be a city by the name of Marinette, and the people now inhabiting, and those who shall inhabit said district, shall be a municipal corporation by the name of "The City of Marinette," and shall have the general powers possessed by municipal corporations at common law; and in addition thereto, shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal and may alter the same at pleasure.

SECTION 2. The following described territory shall constitute the city of Marinette, to-wit: All that portion of the county of Marinette, in the

Corporate name.

Corporate limits.

state of Wisconsin, bounded by a line commencing at a point where the north and south section line on the west side of section one (1) in township thirty (30) north, of range twenty-three (23) east, continued northerly, intersects the north boundary line of said county in the Menominee river, and running thence south to the southwest corner of the northwest quarter of section twelve (12), in said township and range; thence east to the southeast corner of said northwest quarter of said section twelve (12); thence south to the southwest corner of the southeast quarter of said section twelve (12); thence east to the northwest corner of section eighteen (18), in township thirty (30) north, of range twenty-four (24) east; thence south to the east and west quarter line of said section eighteen (18); thence east on quarter lines to the shore of Green Bay; thence east to the boundary line of said county of Marinette in Green Bay, and thence northerly and easterly on the boundary line of said county to where the same intersects the state line, thence northwesterly along state line up the Menominee river, to the place of beginning.

Wards.

SECTION 3. The said city shall be divided into five wards, as follows:

The First ward shall comprise all that portion of said city lying east of a line commencing at a point where the north and south quarter line of section eight (8), township thirty (30), north of range twenty-four (24) east, intersects the southern boundary of said city, and running thence north on said quarter line to the center line of Fifth street, in the Menominee River Lumber Company's first addition to the village of Menekaune, and thence north-easterly along the center line of said Fifth street and said line extended to the northern boundary of said city.

The Second ward shall comprise all that portion of said city lying between the west boundary of the First ward and a line starting at a point where the division line between the mill premises of the H. Witbeck company and the mill premises of the Hamilton and the Merryman company, continued northeasterly, intersects the northern boundary of said city, and running thence southwesterly on said division line to the center of Sawdust street; thence southwesterly along

center of Sawdust street to center of Menekaune avenue; thence southeasterly along center of Menekaune avenue to the center of Eleventh street; thence southerly along center line of Eleventh street to the west line of section eight (8) aforesaid, and thence south along west lines of section eight (8) and seventeen (17) to the south boundary of said city.

The Third ward shall comprise all that portion of said city lying between the west line of the Second ward and a line starting at a point on the Wisconsin state line where the center line of Wells street, continued northerly, intersects the same; then southerly along center of Wells street to center line of Garfield avenue; thence west on center line of Garfield avenue to center line of Pierce avenue; then south on center line of Pierce avenue and a continuation thereof to southern boundary line of said city.

The Fourth ward shall comprise all that portion of said city lying west of the west line of the Third ward and bounded as follows: Starting at the point where the west line of the Third ward intersects the Wisconsin state line in the Menominee river and running thence northwesterly along said state line in said river to where such line intersects the center line of the wagon bridge across said river; thence southwestwardly along said center line of said wagon bridge and along the center line of the highway across the island in said river, known as lot six, and along the center line of the wagon bridge across the southwestwardly channel of said river, to a point where such center line intersects the southwestwardly shore of said river; thence southwestwardly in a direct course or line to a point where such course or line intersects the center line of Hall avenue at the nearest point, to the southwestwardly end of the center line of said wagon bridge; thence west on the center line of Hall avenue to the center of the main track of the Chicago and Northwestern Railway, as it is now located and constructed; thence southwestwardly along the center of said main track to the boundary line of said city; thence along the boundary line of said city to a point where the same intersects the west boundary line of the Third ward.

The Fifth ward shall comprise all that portion

of said city lying north and west of the north and west boundary line of the Fourth ward.

CHAPTER II.

ELECTIONS.

Elective of-
ficers.

SECTION 1. The elective officers of said city shall be a mayor, a city clerk, a treasurer, an assessor, and three justices of the peace, all to be elected from the city at large. Each ward shall elect two aldermen to be members of the common council of said city, a supervisor to represent it on the county board of Marinette county, and a school commissioner to represent it on the school board of said city. Justices of the peace, aldermen, and school commissioners shall each hold office for the term of two years, and until his successor is elected and qualified; every other elective officer, unless otherwise provided by law, shall hold his office for one year and until his successor is elected and qualified.

Appointive
officers.

SECTION 2. The appointive officers of said city, to be appointed by the mayor or common council thereof, as hereinafter provided, shall be a chief of police, harbor master, a city attorney, a chief engineer of the fire department, fire wardens, a city surveyor, superintendent of streets, commissioner or commissioners of the poor, a city physician, and such other officers as may be necessary for the proper management of said city.

Qualification of
officers.

SECTION 3. The mayor, city treasurer, assessor, aldermen, and supervisors shall be freeholders in said city, and all the city and ward officers aforesaid shall be qualified voters and residents of the city and of the ward for which they may be elected.

Election by
ballot.

SECTION 4. All elections by the people shall be by ballot and a plurality of votes shall constitute an election; when two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots by the opposing candidates, in the presence of the common council at such time and in such manner as the common council shall elect. The votes, of each ward voter, for the different elective officers shall be

upon one ballot and shall be deposited in one ballot box at the polling place in such ward.

SECTION 5. The annual elections for city and ward officers shall be held on the first Tuesday in April of each year, at such place in each ward as the common council shall designate, and the polls shall be kept open continuously from nine o'clock in the forenoon until five o'clock in the afternoon. The city clerk shall give ten days' previous notice of such election by publishing the same at least once in the newspaper doing the city printing, and by posting the same in at least three public places within said city. Such notice shall state the time and places of holding such election, and the officers to be elected, both at large and for the several wards. Any informality in noticing or conducting any election, or canvassing or returning the votes, shall not avoid or invalidate the election. Annual election.

SECTION 6. Whenever a vacancy shall occur in the office of mayor or alderman, more than ninety days previous to the annual city election, the city clerk shall forthwith give notice of a new or special election to fill such vacancy, and such election shall be noticed, conducted, and returns thereof made and canvassed in the same manner as the regular charter election of said city. When such vacancy shall occur in any of said offices within ninety days preceding the annual city election, the same shall be filled by appointment by a majority vote of the common council. When any vacancy shall occur in the office of supervisor on the county board, the alderman from the ward in which the vacancy occurs, whose term of office shall first expire, shall fill such vacancy and be ex-officio supervisor for his ward until the next charter election. Any vacancy occurring in any other office shall be filled by appointment by the common council, except in case of chief of police and policemen, who shall be appointed as herein-after provided. The person so elected or appointed to fill any vacancy shall hold his office, and discharge the duties thereof, for the unexpired term and with the same rights and subject to the same liabilities as the person whose office he is elected or appointed to fill. In case of vacancy.

SECTION 7. No person, except he be a qualified elector of the state of Wisconsin, and shall have Qualified voters

resided in the ward where he offers to vote for, and during the ten days next preceding such election, and shall have registered as hereinafter provided, shall be deemed a qualified elector of said city and ward. The general laws of the state of Wisconsin, including chapter 543, laws of Wisconsin for 1887, shall extend to and be in force in the city of Marinette, and such registration laws shall be observed and complied with and shall be enforced at and for all annual or special city elections as well as for the general elections in said city. Provided, that within two days after the second meeting the board of registration shall cause six copies of the registry to be made for each election precinct in the city, each of which shall be certified by such board to be a correct registry of the electors of their district; one of which shall be kept by each inspector for use on election day and one shall be forthwith filed in the office of the city clerk and two shall be posted up for public inspection, one in each of the two most public places in each of such election districts. All registries shall be open to public inspection as provided by chapter 543, of the laws of Wisconsin for 1887.

Inspectors of election.

SECTION 8. The inspectors of election shall be appointed by the mayor at the time and in the manner prescribed by the general laws of the state of Wisconsin, and such inspector shall perform all of the duties imposed upon inspectors of election by the laws of the state and shall receive the compensation therein provided, and the provisions of chapter 464, of the laws of 1885, relating to the counting and preservation of ballots shall apply and be in force at all the elections in said city.

Election returns.

SECTION 9. When an election shall be closed and the number of votes for each person or candidate voted for shall be counted or ascertained, the said inspectors and clerks shall make a return thereof, duly signed, stating therein the number of votes for each person and the office designated and the whole number of votes cast, and shall deliver or cause to be delivered, such returns, together with the poll lists kept by the clerks to the city clerk within twenty-four hours after election. In case of any neglect or failure of any inspector or clerk to comply with the provisions of this section, such

inspector or clerk shall be liable to said city in the penal sum of twenty-five dollars, and costs of suit, to be recovered before any justice of the peace of said city, in an action of debt. Within one week after each and every election under and by virtue of this act, the common council, or in the absence of a quorum, the city clerk and two justices of the peace of Marinette county, shall meet, canvass said returns, and declare the result as it appears from the same, and the city clerk shall make due record thereof in a book to be kept by him for that purpose, and the city clerk shall forthwith give notice to each person elected of his election.

SECTION 10. Any officer removing from the city, or any ward officer removing from the ward for which he was elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to qualify and enter upon the discharge of the duties of his office, or if any officer shall be convicted of any infamous crime under the laws of this state, he shall be deemed to have vacated his office, and the same may be filled as provided for in this act.

When officer shall be deemed to have vacated his office.

SECTION 11. There shall be elected at every charter election, on the first Tuesday in April in each year, one alderman from each ward, who shall be a resident of the ward from which he is elected, and a freeholder in the city, and he shall hold his office for the term of two years, and until his successor is elected and qualified. There shall be elected, from each of the even numbered wards in the even numbered years, and from each of the odd numbered wards in the odd numbered years, one school commissioner, who shall hold his office for the term of two years, and until his successor is elected and qualified, unless sooner removed under the provisions of this act.

Aldermen and school commissioner.

SECTION 12. All city and ward officers shall hold their respective offices until their successors shall be elected or appointed according to the provisions of this act. The term of office of every officer elected under this act shall commence at nine o'clock in the afternoon on the second Tuesday of April of the year in which he is elected, except justices of the peace, whose term of office shall commence and expire on the first Monday of May.

Terms of office.

Powers of justice of the peace.

SECTION 13. The justices of the peace authorized by this act, shall have and exercise all the powers and be subject to the same liabilities, as justices of the peace in towns, and their jurisdiction shall be co-extensive with the limits of Marinette county, and they shall have jurisdiction over and cognizance of all actions and proceedings the same as other justices of the peace in said county of Marinette; and all proceedings at law before them shall be governed and regulated by the general provisions of law now in force in regard to actions and proceedings before all courts held by justices of the peace, and they shall also have jurisdiction of all offenses against the ordinances and regulations established or to be established by the mayor and common council, and they may hold their offices in any portion of the city; provided, that no two of them shall hold their office in the same room; and provided further, that their official bonds shall be approved by the mayor and city clerk. The common council of said city may require an additional bond from each of said justices, to be filed with the city clerk to pay over all moneys belonging to said city which may come into his hands; and they shall, on the first Mondays of March and September, in each year, report in writing to the common council the amount of all moneys belonging to said city, and pay the same at the time of making such report to the city treasurer who shall give a receipt therefor. The justices of the peace elected in said city shall receive the same compensation as is provided by law for justices of the peace in towns.

CHAPTER III.

OFFICERS — THEIR POWERS AND DUTIES.

Oath of office.

SECTION 1. Every person elected or appointed to an office, under the provisions of this act, except justices of the peace, shall, before he enters upon his duties, take and subscribe an oath of office, in the constitutional form and file the same with the clerk of the city, and the treasurer, clerk, chief of police, street commissioner, justices of the peace, and such other officers as the com-

mon council may direct, shall severally, before they enter upon their respective duties, execute to the city of Marinette a bond, to be filed with the city clerk, with at least two sureties, who shall be freeholders and shall certify that they are worth, in the aggregate, double the amount specified in said bond over and above all debts, liabilities and exemptions, said bond to be subject to approval by the common council, and said bond shall contain such penal sum and such lawful conditions as the common council may deem proper, and the common council may, from time to time, require new or additional bonds, or remove from office any officer neglecting or refusing to present the same.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and he shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures in writing as he shall deem advantageous to the city. The mayor shall be chief executive officer, and head the police of the city, and he may appoint as many special or temporary policemen as he may deem proper. In the common council the mayor shall have a vote only in the case of a tie.

Duties of
mayor.

SECTION 3. At the first meeting of the common council, in each corporate year, they shall proceed to elect, by ballot, one of their number president, and in the absence of the mayor from the city or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case the mayor and president shall both be absent at any meeting of the common council, that body shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor, shall have the power of veto and to vote only in case of a tie. The president or temporary presiding officer while discharging any of the duties of mayor shall be styled acting mayor and acts performed by them or either of them in such capacity shall have the same force

President of
the council.

and validity as if performed by the mayor, excepting the signing of city bonds.

Appointive
officers.

SECTION 4. The common council at its first or second meeting after the charter election in each year, shall appoint all the appointive officers of said city, except the officers of the police department who shall be appointed and their powers and duties prescribed as hereinafter provided in this act, and the superintendent of streets who may be appointed at any time and shall hold office only for such time as the common council shall determine.

Salaries.

SECTION 5. The common council shall by resolution fix the salary or fees of all officers of the city who are not prohibited from receiving the same under this act, at the first regular meeting in March of each year for the next succeeding corporate year. No salary shall be increased or diminished during the year for which the salary shall be so fixed.

Duties of city
clerks.

SECTION 6. The city clerk shall keep the corporate seal and all papers and records of the city. He shall keep a record of all proceedings of the common council whose meetings he shall attend. He shall draw and countersign all orders on the treasurer pursuant to any vote or resolution of the common council and keep an accurate record thereof, in books provided for that purpose. He shall file in his office and safely keep all chattel mortgages, bills of sale, and other instruments necessary and proper to be filed therein presented for that purpose, on payment of twenty-five cents thereof. He shall have power to administer oaths and affirmations; and he may appoint a deputy, subject to the approval of the common council, at a regular meeting thereof, for whose official acts he shall be responsible. He shall keep an accurate and detailed account of the financial condition of the city, in such manner as the common council may prescribe. He shall make copies of the assessment rolls of the city and correct any errors therein made by the assessor in the description of lots or lands therein, and add the taxes thereon levied by the common council in pursuance of the provisions of this act, and as required by law. He shall keep an accurate account of the several funds and charge the city treasurer with all taxes levied for each and for all sums paid into the treasury

Assessment
rolls.

for any other purpose. He shall annually on the first day of November in each year, report to the common council a list of all outstanding city bonds and coupons, to whom issued, and when and where payable, and the rate of interest they may respectively bear. He shall report annually at the same period, or as often as the common council may require, an estimate of the general expenses of the city and the amount of revenue necessary to be raised for the current year. He shall keep his office open for transaction of business during business hours on every day except Sundays or holidays. Copies of all estimates made by the city surveyor or any persons employed for the purpose, for work to be done by or for the city, shall be filed in the office of the city clerk, and a brief record or memorandum of the same made in a book to be by him kept for that purpose, in which shall be noted the time when, the person to whom and the amount for which any contract is let under and subject to such estimates. The city clerk shall advertise for bidders, and let all contracts for work to be done, materials to be furnished or services to be performed for the city in pursuance of the order of the common council, and subject to the approval of the common council, and in behalf of said city shall sign such contract, the originals, or attested copies thereof to be by him filed in his office. Whenever the street commissioner or other officers authorized by the common council shall certify on oath that a lien has accrued against any real estate for work done or material furnished pursuant to a contract duly made, or to the charter or ordinances of the city, or to the order of the common council, the city clerk shall on demand issue to the contractor or contractors, a certificate or certificates under his hand, stating therein the amount of work done or materials furnished, by such contractor or contractors, the nature thereof, the amount due therefor and a description of the lot or parcel of land, upon which the same is chargeable, which certificate or certificates may be transferred by indorsement thereon; provided, that the clerk shall keep a stub book, with a brief memorandum therein, showing the number, date of issue, description of the real estate and of the work done, the amount in dollars and cents and the person or persons to

whom such certificate shall be issued; provided, further, that he shall at the time the common council makes the annual levy of taxes, in said city, report to that body a schedule of all the lots or parcels of land, subject to special assessment or tax and the amount of special assessments or taxes, necessary to be levied upon such lots or parcels of land respectively, with a statement of the several acts done and performed in reference to such special assessments, or taxes, which schedule shall be verified by his affidavit and shall be prima facie evidence of the facts therein stated, in all cases wherein the validity of such special assessment or tax shall come in question; the common council shall if from such report they deem such special tax or assessment legal and just, cause the same to be assessed in pursuance of the provisions of this act. He shall report to the common council monthly the amount of work done, or for which contracts have been entered into, chargeable to the city. He shall make a report in writing at the first regular meeting in each month, showing the financial condition of the city. He shall keep a record in his office of all articles of personal property belonging to the city, and shall effect, in behalf of the city, all such insurance upon buildings and personal property belonging to the city as the common council may direct. He shall examine the books, reports, papers, vouchers and accounts of the treasurer, and from time to time perform such other duties as the common council may direct. He shall not be directly or indirectly, interested in any contract or job to which the city shall be a party. All claims and demands against the city, before they are allowed by the common council, shall be audited and adjusted by the city clerk, and by him presented to the common council, except as hereinafter provided. The common council may modify, correct or disallow the same. He shall also be clerk of the board of health and clerk of the board of equalization, and shall keep correct records of their proceedings, and perform such other duties as said board may prescribe. He shall record, in books to be prepared for that purpose, all papers and proceedings had, relative to the opening and laying out, altering or vacating of streets, lanes, alleys, public squares and parks,

Record of
personal
property.

or changing the names thereof, and shall certify to the time when such records are made, and all such records shall be evidence, in all courts and places, when certified to by him according to law, the same as original papers or proceedings. And he shall perform such other duties as are required by law or by the common council. When the city clerk or his deputy shall be absent or otherwise incapacitated from performing any official duty, the common council shall have power to appoint a clerk pro tem.

SECTION 7. The treasurer of said city shall perform such duties and exercise such powers as may be required of him by the laws of this state or ordinances of the city. He shall keep an accurate account of all moneys or other property which may come into his hands as treasurer, in books to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when and the persons from whom the several sums were received, which books shall at all reasonable hours be open to the inspection of any person. As often as the common council may require, he shall render to said council a minute account of the receipts and expenditures of his office, and at the expiration of his term of 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 the collector of taxes in said city, and for this purpose he shall have the same powers and be subject to the same liabilities and governed by the same laws as treasurers of towns, except as otherwise provided for in this act. The treasurer shall keep separate accounts with each fund (state, county, city, school, etc.—) if he shall neglect or refuse to exhibit his books when called upon so to do by any elector or resident of the city, he shall be subject to a penalty of not more than one hundred dollars for each and every offence, to be recovered in the name of, and for the use of the city. The treasurer may appoint a deputy for whose official acts he and his sureties shall be responsible. The city treasurer shall hold his office in such place as the common council shall provide and designate.

Duties of
treasurer.

Duties of
city assessor.

SECTION 8. The city assessor shall assess the real and personal property within said city, at the time and in the manner for assessing towns, and his compensation therefor shall be the same as provided by law for the compensation of town assessors, to be paid him out of the general fund of the said city.

Duties of city
attorney.

SECTION 9. The city attorney shall be an attorney of a court of record of this state. He shall perform such services as are prescribed by this act or by the ordinances, or by-laws of said city. He shall, when notified, conduct all prosecutions for said city. He shall appear for and conduct in behalf of said city all civil suits to which said city may be a party, and when requested by the common council shall furnish them with legal opinions on any question involving the rights of said city or its officers. Such opinion shall, when required, be in writing.

City surveyor.

SECTION 10. The common council may appoint a city surveyor, who shall be a practical surveyor and engineer, and the common council shall prescribe his duties and fix his compensation. All surveys, profiles, plans or estimates made by him for the city shall be the property of said city, and shall be carefully preserved in the office of the city clerk, and open to the inspection of all parties; and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor to the city clerk, at the expiration of his term of office.

Superintendent
of streets.

SECTION 11. The common council of said city may, from time to time, and for such terms as it shall deem necessary, elect some suitable person superintendent of streets, and by ordinance or resolution provide for and fix his compensation per diem, and prescribe his powers and duties, and remove him from office at pleasure by a majority vote of said common council, at any time that the common council may deem proper, or when the council shall deem that his services are no longer required, and the said superintendent of streets shall at all times be under the control of said common council, and no act or contract done or made by him shall be valid or binding upon or against the city unless authorized by the common council. It shall be the duty of the superintendent of streets to see that all ordinances of the city

relating to the obstruction and cleaning of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers and water-courses within the city, are duly observed and kept, and direct and control the persons employed thereon. The superintendent of streets shall have general supervision over all works let by contract for the improvement of streets or sidewalks, lanes or alleys, unless the common council shall otherwise provide. The superintendent shall at the first regular meeting in every month, report in writing to the common council, which report shall be attested by his affidavit, and shall show the labor and the names of the laborers employed, and material used and cost of the same, for what purpose and of whom purchased, the names or locality of the streets, sidewalks, lanes or alleys upon which the same were employed or used, and the amounts due the respective persons for such labor or materials. Before purchasing any material he shall furnish an estimate thereof to the chairman of the street committee, who shall, if he approve, endorse the same, and said estimate so endorsed shall be his authority for the ordering of such material. And the superintendent of streets shall also perform all the acts and duties imposed upon him, or prescribed by any ordinance or resolution of the common council, and the said superintendent shall, at all times be under the direction and control of the common council, and shall expend no more money upon streets, sidewalks, etc., than the common council may, from time to time, order, and at such place or places, and upon such street or streets, and to such an amount as shall be ordered by the common council.

SECTION 12. At their first meeting in each year, or as soon thereafter as may be, the common council shall contract with and employ a suitable party to print and publish all matters required by this act or by the common council or by-laws to be printed or published. Such party shall be the proprietor of a printing office in said city, and of a newspaper which shall have been printed and issued regularly at least, once a week, in said city for one year next preceding the contract, and shall have at least four hundred bona fide subscribers within the limits of said city. Such party shall be styled the city printer. All qualified par-

Official
newspaper.

ties shall have a fair opportunity to bid for such contract, and bids shall be sealed and the contract shall be awarded to the lowest bidder. The bids shall be made and received at such time and place as the common council may direct. The common council may reject any and all bids, if not in proper form or otherwise unsatisfactory. The price paid for publishing any matter shall not exceed forty cents per folio for the first insertion, and twenty cents per folio for every subsequent insertion.

Printer to file affidavit of publication.

SECTION 13. The city printer, immediately after the publication of any ordinance or notice, which is required to be published, shall file with the city clerk a copy of such publication, with his affidavit or the affidavit of his foreman of the length of time and dates upon which the same has been published, and the number of insertions, and such affidavit shall be prima facie evidence of the publication of such ordinance or notice.

Officers of the peace.

SECTION 14. The mayor, acting mayor, sheriff of Marinette county, each alderman, justice of the peace, chief of police, chief engineer of the fire department, foreman of the fire companies, policeman and superintendent of streets, harbor master and bridge tenders shall be officers of the peace in said city, and may command the peace and suppress, in a summary manner, rioting and disorderly behavior and shall apprehend any person found violating any of the provisions of this act, or any of the ordinances of the city, within the limits of the city, and for such purpose may command the assistance of all by-standers, and if needed of all citizens and fire companies; and if any person or fireman shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of not less than one nor more than one hundred dollars and costs, and in cases where the civil power may be required to suppress riots or disorderly behavior, the superior officer present, in the order mentioned in this section shall direct proceedings.

Penalty for not delivering to successor.

SECTION 15. If any person having been an officer in said city shall not, within ten days after notification, deliver to his successor in office all property, books, papers and effects of every description in his possession, pertaining to the office he may have held, or belonging to said city; he

shall forfeit and pay for the use of said city, one hundred dollars, besides all damages caused by his neglect or refusal to deliver; and such successor may recover the possession of such books and papers and effects in the manner prescribed by the laws of this state. 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, not inconsistent with this act, and to appoint such other officers as may be deemed necessary to carry out the provisions of this act, in which case they shall fully prescribe their duties and liabilities.

SECTION 16. No alderman shall be a party to or interested in any job or contract with the city, and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on such contract, the city shall sue for and recover the amount so paid from the parties to such contract and alderman interested in the same.

No alderman to be interested in contract with the city.

CHAPTER IV.

THE COMMON COUNCIL—ITS POWERS AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the common council of the city, and shall not receive any compensation for their services. The style of all ordinances passed by them shall be, "The mayor and common council of the city of Marinette do ordain," etc. The common council shall meet at such time and place as they, by resolution shall determine. A majority of the aldermen elect shall constitute a quorum. They shall hold regular meetings at stated times to be fixed by their by-laws, and the mayor or acting mayor, may call special meetings by notice to each member to be personally served or left at his usual place of abode. The common council shall determine the rules of its own proceedings, and shall be judge of the election and qualification of its own members, and have power to compel the attendance of absent members and impose penalties for absence. It shall be the duty of every alderman to act on every committee to which he may be appointed by the mayor. The

The common council.

mayor shall appoint all committees. If any alderman shall persistently neglect or refuse to perform or attend to the duties of his office, or if he shall wilfully violate any of the provisions of this act, he may, if the charges be sustained after opportunity of being heard in his own defence, be expelled from the office of alderman, by a two-thirds vote of all the other aldermen, the vacancy caused by any such removal from office shall be filled in the same manner as is provided for filling vacancies in the office of mayor or alderman under section 6, chapter 2, of this act.

Powers of common council.

SECTION 2. The common council shall have the management and control of the finances and property of the city, and shall likewise in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city. For the safety and protection of the inhabitants both in their persons and property, and in the free enjoyment thereof, for the suppression of vice, the prevention of crime, and for the benefit of health, trade, and commerce of the city as they shall deem expedient, declaring and imposing penalties and enforcing 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 ordinances, resolutions or by-laws among other things.

Showmen.

1st. To license and regulate exhibitions of common showmen, or shows of any kind, or exhibitions of caravans or circuses, or theatrical performances, billiard tables, bowling alleys, roller skating rinks, pawn-shops or second-hand stores; and to provide for the abatement of all nuisances under the ordinances or at common law; and to grant licenses to such persons as they may deem proper to keep saloons, groceries, taverns and victualing houses wherein may be sold strong, spirituous, ardent or intoxicating liquors, beer, ale, wine or cider, to be drank on the premises, in a quantity less than a gallon, under such regulations, condi-

tions and restrictions as they may deem expedient, and which are in accordance with the general laws of this state, for a license fee not less than therein prescribed. No license for the sale of strong, spirituous, ardent or intoxicating liquors shall be granted for a time beyond the next succeeding first Tuesday in May, nor for a sum less than the amount of the annual license.

2nd. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance in said city for the purpose of gain, and to restrain any person from vending, giving away, or dealing in spirituous, fermented or vinous liquors unless duly licensed by the common council.

Gambling and
fraudulent
devices.

3rd. To prevent any riots, noise, disturbance, or disorderly assemblages; suppress and restrain disorderly houses or places, or houses of ill-fame, and to authorize the destruction of all instruments used for gambling.

Riots.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, brewery, distillery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, or remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Unwholesome
and nauseous
houses.

5th. To direct the location and management of slaughter houses and markets, and to establish rates for and license vendors of gunpowder, and to regulate the storage, keeping and conveying of gunpowder, kerosene and all other products of crude oil, petroleum, naphtha or coal oil, or other combustible or explosive materials.

Slaughter
houses.

6th. To establish public markets, build or purchase market houses, make rules for the government of the same, appoint suitable officers to oversee such markets and restrain all persons from violating or interfering with such rules; to license and regulate butcher's stalls, shops and stands for the sale of butcher's meat, game, poultry, fish, butter, provisions of all kind, fruit and garden produce; to regulate the place and manner of weighing and selling hay, and measuring and selling fuel, and to appoint suitable persons to superintend and conduct the same; to regulate

Public
markets.

the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto, and to dispose of the same in such manner as they may deem meet and proper; to license, regulate and prescribe the fees of hacks, cabs, omnibuses, drays, express wagons and other vehicles and street cars, and to license and regulate auctioneers, hawkers, peddlers and transient merchants.

Encumbering streets.

7th. To prevent the encumbering of streets, avenues, alleys, highways, sidewalks and crosswalks, with railway cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, firewood or any other substances or materials whatever, to compel railroad companies to keep and maintain flagmen at the several places within the city limits where the different railroad tracks cross and intersect the public highways or streets of said city. To compel the owners or occupants of buildings or grounds to remove snow, ice, dirt or rubbish from the sidewalks, streets, alleys, avenues and highways adjoining thereto and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant. To prevent any person from bringing, depositing or having within said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have the same upon his premises or shall have placed it upon the premises of another, and in default, to authorize the removal thereof at the expense of such person or persons offending.

Horse racing.

8th. To prevent horse-racing and immoderate riding or driving, the riding and driving of any horse, ox, mule, or other animal on the sidewalks, or the doing of any damage to such sidewalks, and to regulate the hours and places of swimming or bathing in the waters within the limits of said city.

Cattle.

9th. To restrain the running at large of cattle, swine, sheep, poultry and mules, and to authorize the distraining and sale of the same; to prevent the running at large of dogs; to license or tax the same, and to authorize their destruction in a sum

mary manner, when at large contrary to ordinance.

10th. To make and establish public grounds, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants, and as a protection against fire, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise, and to provide for the protection of such works.

11th. To make regulations for the board of health, provide hospitals and poor-houses, purchase cemetery grounds, make and prescribe regulations for the keeping and caring of the same, and for the burial of the dead, and returning of bills of mortality, and the exemption of burial grounds, set apart for public use, from taxation; and said city may purchase and hold property within or without the city limits not exceeding three hundred and twenty acres of and [land] for hospitals and poor-houses, and for cemetery purposes.

12th. To prevent the shooting of fire-arms, toy pistols or crackers, and to regulate and restrain the exhibition of fire works.

13th. To restrain drunkenness and obscenity, lewdness or vagrancy in the streets or other public places, and to provide for the arrest and punishment of the offender or offenders.

14th. To restrain, regulate and license runners and solicitors for railways, steamers, vessels, stages, omnibuses, public houses or other establishments, and to establish and regulate the police force of the city, and to appoint policemen and watchmen, harbor masters and bridge tenders and prescribe their duties and compensation.

15th. To regulate the time, place and manner of holding public auctions; to provide for a standard of weights and measures, and prescribe by ordinance the punishment for the use of false weights and measures.

16th. To protect trees and monuments and public buildings and improvements of all kinds.

17th. To regulate the construction of wharves and piers extending into the Menominee river or Green Bay; to prescribe and control the prices to be charged for wharfage or pierage; to prevent the throwing or depositing of filthy or putrid substan-

ces, or any slabs, chips, shavings or other substance in said river or bay; and by ordinance to construct, alter and maintain, or cause to be constructed, altered or maintained, at the expense of said city, wharves and docks along the banks of said river and bay.

Contagious diseases.

18th. To regulate, control and prevent the landing of persons from railways, steamers, vessels or other conveyances, wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city from any other place, any pauper or other person likely to become a charge upon said city, and to punish therefor.

Pest houses.

19th. To establish and regulate pest houses within or without the city limits.

Drains and sewers.

20th. To prescribe and regulate the construction and use of all drains and sewers within said city, and to prescribe and enforce rules and conditions for connecting branch sewers or drains therewith.

Highways, streets, etc.

21st. To lay out, make, open, keep in repair, alter or discontinue any highways, steets, avenues, alleys and public squares, to purchase land and to establish it for public parks or squares and to keep them free from incumbrances, and protect them from injury; provided, that a record of the establishment and discontinuance of any highway, street, alley, lane or avenue shall be made in the office of the register of deeds of Marinette county.

Change name of streets.

22d. To alter or change the name of any street, to alter or vacate any plat of said city or any part thereof, surveyed and platted, upon petition and upon such notice as is required in vacating town plats in the circuit court.

Telegraph and telephone wires.

23rd. To regulate, control and prohibit the location, use and management of telegraph, telephone, electric light and power, wires and poles.

City prison.

24th. To erect and establish and regulate a watch-house or city prison for the confinement of offenders, and to appoint a keeper thereof and as many assistants as may be necessary.

Boards of health.

25th. To establish and regulate boards of health.

26th. To fix and establish a grade for every Grades. street, alley and sidewalk within said city, and to require such street, alley or sidewalk to conform with such established grade; to regulate or restrain the making of all openings in, and removal of, the soil of the public streets, alleys or grounds for any purpose whatever, and to prevent the same from being made or done without the express permission of the council, and at such times, in such manner and upon such terms as they may prescribe.

27th. To provide and maintain one or more Pounds. pounds within said city, to appoint poundmasters, prescribe their powers and duties and fix their compensation, to authorize the impounding of every beast or fowl found at large contrary to the ordinance of the city. To prescribe rates of charges for keeping, and charges to be paid by the owner or keeper of said beast or fowl impounded, and to authorize the sale of such beast or fowl for the payment of all charges incurred, in such manner as they may direct, and impose penalties for rescuing any beast or fowl impounded.

28th. To compel the owners and residents of Number build- ings. all houses, stores or other buildings within said city, to number the same in manner and form as the common council may prescribe.

29th. To prevent the ringing of bells, blowing Noises. of horns, bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks, by auctioneers or others, or tending to the annoyance of the inhabitants of said city.

30th. To regulate and control the locating and Locate boiler works. establishing of boiler works, gas works and all other works, manufactories or establishments, the noise, odor, smell, or unwholesome gases or products from which are or may become sources of disturbance, annoyance or ill health to the inhabitants of the city.

31st. To compel the tying or hitching of horses Hitching horses. or mules when left standing in the streets, alleys or public places of the city.

32d. To provide for the protection of all prop- Protection of erty belonging to the city, and also for the protec- city property. tion and regulation of all water-works, gas works, telephone and electric light works, poles, wires

and apparatus, and of the fire department and fire alarm system, whether owned by the city or by persons or corporations.

Permits and license.

33d. To grant a permit or license to any registered pharmacist to sell strong, spirituous and ardent liquors in quantities less than one gallon, for medical, mechanical or scientific purposes only, and not to be drunk upon the premises, upon payment of a license fee of ten dollars.

Cruelty to animals.

34th. To impose a fine or penalty upon any person who shall cruelly or inhumanly treat or use any animal.

Hanging of signs and awnings.

35th. To regulate, control or restrain the placing or hanging of signs, awnings and goods or merchandise upon or over any street, sidewalk, alley or public ground of the city.

Moving of buildings.

36th. To regulate the moving of buildings upon, in or across the streets, alleys and public grounds of the city.

Obscene shows

37th. To prevent obscene, lewd or immoral shows or exhibitions of all kinds and to prevent the publication and circulation in the city of obscene, lewd or lascivious literature of all kinds.

School houses.

38th. To protect and preserve school-houses, sites and all other property, real or personal, appertaining to or connected with the public schools of said city.

Obstructions of streets and alleys.

39th. To regulate, control or restrain the placing, depositing or leaving upon any street, alley, sidewalk or public ground of the city, of any building materials, excavated earth or debris.

Sleigh bells.

40th. To compel all persons driving horses or mules in the city of Marinette in the winter time to have sleigh bells upon such horses or mules or upon the vehicles drawn by them while being driven in the streets, alleys or public places of the city.

Flying of kites, etc.

41st. To prohibit and regulate the rolling of hoops, flying or kites, playing of ball or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

Steam whistles

42d. To regulate or prohibit the use of steam whistles within the limits of the city.

Sprinkling the streets.

43d. To provide for sprinkling the streets at the cost of the city or of the lots or parts of lots fronting thereon.

Lumber yard.

44th. To regulate or prohibit the keeping of

any lumber yard and the placing, piling, selling of lumber, timber, wood or other combustible material within the fire limits of said city.

45th. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds, and to otherwise ornament and improve such streets and public grounds. Ornamental trees.

46th. To establish dock lines, regulate the construction of piers and wharves extending into any lake or river, and to prescribe and control the prices to be charged for pierage or wharfage thereon; and to regulate, prescribe and control the prices to be charged for dockage and storage within the city. Dock lines, piers and wharves.

SECTION 3. The powers conferred upon the common 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 and buildings of any kind wherein more than ten pounds of gunpowder or other explosives are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly tenements and taverns, slaughter-houses and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, are hereby declared, and shall be deemed public and common nuisances. Nuisances.

SECTION 4. Every ordinance, regulation, resolution or by law shall be passed by a majority of the common council present at a regular meeting, or a special meeting duly called, and presented to the mayor. If he approve he shall sign it; but if not he shall, within five days thereafter, file with the city clerk his objections thereto. If such objections are not filed within said time, or if the common council, at its next regular meeting, shall, by a two thirds vote of all the aldermen elect, notwithstanding such objections, pass such ordinance, regulation, resolution or by-law, it shall be in force in like manner as if the mayor had signed it. Before any ordinance, regulation or by law shall be in force it shall be published in the official newspaper of said city; and within fifteen days thereafter the printer shall file with the city clerk a copy of such publication, with his affidavit or the affidavit of his foreman, of the length of time the same has been published, and the number of Ordinances.

insertions, and such affidavit shall be prima facie evidence of the publication of such ordinance, regulation or by-law.

Vote by ayes
and noes in
case of appro-
priations.

SECTION 5. No appropriation shall be made, or ordinance, resolution or proceeding had or adopted which may require an appropriation, without a vote of a majority of the common council in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the common council; nor shall any appropriation be made for any purpose not authorized by this act, nor any judgment or penalty recovered in favor of the city be remitted or discharged except by a majority vote of the common council. No appropriations and no act of the common council requiring an appropriation shall be made or done except by ordinance or resolution in writing.

Audit accounts

SECTION 6. The common council shall examine, audit and adjust the accounts of all officers and agents of the city, at such times as they may deem proper, and also at the end of each corporate year, and before the time for which the officers or agents of said city are chosen shall have expired. The common council shall require each and every such officer and agent to exhibit his books, accounts, vouchers, moneys and funds for such examination and settlement; and if any such officer or agent shall neglect or refuse to comply with the orders of the common council in the discharge of their duties in pursuance of this section, or shall neglect or refuse to render his accounts or present his books, funds, moneys and vouchers to said common council, it shall be the duty of the common council to declare the office of the offending person vacant; and the city attorney shall thereupon institute suits and proceedings at law in the name of the city, against any officer or agent so offending, who may be found delinquent or defaulting in his accounts, and a full record shall be made by the city clerk of all settlements and adjustments.

Investigate of-
ficial acts.

SECTION 7. The common council shall have authority to investigate and examine into all and every official acts and official transactions of every person who holds or shall have held any office under the city government, and for that purpose the mayor, acting mayor, president of the common council or any member of any committee

of the common council shall have power to administer all necessary oaths or affirmations of persons who may be called before the common council, or any such committee to give testimony. The mayor, acting mayor, or president of the common council is authorized and empowered to issue a subpoena by him signed, commanding any person to appear at a time and place named, before the common council or committee designated, to testify concerning any matter under examination, or investigation as above provided, and to produce before the common council or such committee, any books, papers or documents, relating to the matter under examination or investigation and every person served with such subpoena or process is hereby required to obey the same without the prepayment of fees. For due cause and after opportunity for a fair hearing, the common council may expel any of its own members and remove from office any officer or agent of the city government, except justices of the peace; but such expulsion or removal of an elective officer shall only be made or done by a two-thirds vote of all the aldermen elect, and of an appointive officer by a majority of the common council, except officers of the police department who may be removed as hereinafter provided, and a written notice in every case shall be given to the officer complained of at least five days before the hearing, to appear before the common council and answer to the complaint made, which must be then on file with the city clerk. Such notice shall be served in the same manner as a summons in circuit court.

SECTION 8. If any person shall neglect or refuse to appear and testify and produce such books, papers and documents, as are required by section 7, of this chapter, the common council may declare him in contempt and upon proof of service, it shall be the duty of the county judge of Marinette county, or the judge of any court of record of said county, upon the application of the mayor, acting mayor or president of the common council of said city or any committee appointed by such common council, to issue summary process, either in term time or vacation, for such offending person, and to bring him before him, and then, unless such person shall purge himself from contempt,

In case of contempt.

he may be fined by such judge and punished as for a contempt of court, and if he still refuses to go before the common council or such committee and testify and produce such books, papers or documents, he may be committed by such judge of the common jail of Marinette county, there to remain in close confinement until he shall so testify or produce the books, papers or documents as required, or he is discharged by the common council or any such committee; and the jailor of such county is hereby required to receive and secure any such person pursuant to any such commitment.

Investigation may be done by committee.

SECTION 9. The examination and investigation hereinbefore provided for may be had, done and taken by the common council when in session, or by a committee to be appointed by the common council, who are authorized to perform such duties when that body is not in session.

When testimony before committee not to be used.

SECTION 10. Any admission which any person shall make when testifying before such committee or the common council, shall not be used against him in civil or criminal suits.

Fine and costs may be worked out on public streets.

SECTION 11. The common council shall have authority by ordinance to provide that any and all persons who shall be found guilty of the violation of any city ordinance or regulation for drunkenness, disorderly conduct, obscenity or immoral conduct, vagrancy, or for being a tramp, or for being an inmate or frequenter of a house of ill-fame, and shall neglect to pay or remit any fine or costs imposed therefor, shall work out such fine or costs upon the public streets of said city, or shall do any other work that said city may have or wish to be done, and the compensation therefor, to be fixed by the common council, shall be deducted from such fine and costs thereon, and the common council may pass the necessary ordinances to carry out the provisions of this section.

Powers of the council to authorize persons to construct water-works, etc.

SECTION 12. The common council may by ordinance adopted by a majority vote of all the aldermen elect, authorize any person or corporation to construct and maintain in said city, water-works, gas works, electric light works or street railways, and may grant to such person or corporation, on such condition and such restrictions as the common council may impose, the privilege to use such portion of the streets and alleys of said city

and for such time as may be necessary for the laying of the pipes, the erection of hydrants and street lamps, poles and wires, for the laying, construction, operation and repair of street railways. The common council may, in the name of said city, enter into contracts with any such person or corporation for the furnishing by him or it to said city, of water, gas or light, and may fix the maximum rates to be charged by such person or corporation for supplying the city or its inhabitants with water, gas or lights, and the maximum rates or fare to be charged on any street railway laid in the streets of said city. The authority to erect water-works within the limits of said city and the privilege of using the streets and alleys of said city for the purpose of laying water mains, erecting hydrants and doing whatever may be necessary for the efficient operation of such water-works may be granted exclusively to any person or corporation, but not for a period to exceed thirty years.

SECTION 13. The common council may establish and maintain a public library and reading-room in said city, appoint directors thereof and levy a tax therefor. The directors shall be nine in number. They shall be appointed in the manner, and shall have powers and perform the duties prescribed by sections 931 to 936 (inclusive) of the revised statutes. The establishment, maintenance, management and control of such library and reading room shall be in all things prescribed in said sections 931 to 936 inclusive.

Public library.

SECTION 14. If any member of the common council shall, while he is such member, be elected to any other office of said city, such election shall be void.

Aldermen to hold no other office.

SECTION 15. Any person upon or against whom any judgment or sentence to prison has been adjudged or passed for the violation of any city ordinance or regulation, may be committed to the common jail of Marinette county, or to the city prison, and it is hereby made the duty of the sheriff of Marinette county and the keeper of said jail to receive any such person in such jail and him there safely keep until he shall be duly discharged therefrom according to law.

County jail may be used.

CHAPTER V.

FINANCE AND TAXATION.

Funds, council
to control, how
drawn out.

SECTION 1. All funds in the treasury except state and county funds shall be under the control of the common council, and excepting school, library and cemetery funds, shall be drawn out only upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasurer for any purpose shall specify the purpose for which they are drawn. All moneys raised, received, recovered, or collected by means of any tax, license, penalty or forfeiture, by virtue of this act, or imposed by a justice of the peace for the violation of any of the ordinances of the city, shall be paid to the city treasury.

City taxes.

SECTION 2. The common council shall annually levy a tax upon the taxable property of said city, to defray the current expenses of the city for educational purposes, the support of the poor, the payment of the principal and interest upon city bonds which have been or may hereafter be issued, for the construction and repair of bridges, culverts, reservoirs, wells or water works, fire engines or extinguishers, engine houses, market-houses, poor-houses, city hall, prison or watch-house, and for all other purposes authorized by the charter of said city, or laws of the state, such annual tax not exceeding two per cent. for all purposes upon the assessed valuation of all property, as shall be determined by a majority of all the aldermen elect, upon the call of the yeas and noes, at a regular meeting of the common council during the month of November in each year; provided, that this section shall not be so construed as to interfere or conflict with the general laws of this state authorizing the assessment, levy and collection of taxes.

Account to be
sworn to.

SECTION 3. No account, claim or demand of any nature or kind whatever, whether upon contract or otherwise, shall be audited by the clerk nor allowed by the council, unless the same is verified on oath by the owner thereof, which verification shall be substantially as follows: I, _____, being duly sworn, depose and say the above account (claim or demand as the case may be) is

just and true, and the same has not been paid or any part thereof, and that the same accrued by the order of (naming the person, if any one).

Subscribed and sworn to before me, this _____ day of _____ 18—.

Provided, that if the owner of an account, claim or demand as aforesaid is sick or absent from the city, the affidavit may be made by his agent or attorney cognizant of the facts, who shall swear also, in addition to the affidavit aforesaid, substantially as follows: That he is agent or attorney (as the fact is) of the said _____; that all the facts in reference to said claim, demand or account are within his personal knowledge; that the said owner is sick, and is unable to make his affidavit, or that he is absent from the city.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to an annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner herein prescribed; provided, however, that the common council may by ordinance more fully define the duties of the assessor, and make such rules and regulations in relation to revising, altering or perfecting the assessment roll as they may from time to time deem advisable, not inconsistent with the provisions of this act and the general laws of this state.

SECTION 5. All taxes and assessments, general or special, shall, until such taxes and assessments are paid, be and remain a lien upon the lands and tenements upon which they may be assessed or levied, and no sale or transfer of such property shall effect or discharge said lien. Any personal property belonging to the person may be taken and sold for the non-payment of taxes upon his personal property.

SECTION 6. The assessor, the mayor, and the city clerk shall constitute the board of equalization. The city clerk shall be the clerk of such board, and shall keep and preserve in his office a true record of all its proceedings. A majority of such board shall constitute a quorum. The board of equalization shall meet at the common council

chamber on the last Monday in June in each year at nine o'clock in the forenoon, and choose one of their number chairman; they shall proceed, in all respects, as far as practicable, except as herein provided as town boards of equalization are required to proceed and make just amendments, corrections and alterations in the assessment of the city. Notice of the time and place of the meeting of the board shall be posted up by the clerk in at least three public places in each ward in said city, at least four days prior to such meeting. Such notices shall be published by the clerk at least once in the city paper. The board may adjourn from day to day, or from time to time, until the business is completed; provided, however, that if an adjournment be had for more than one day, a written notice thereof shall be posted on the outer door of the common council chamber, stating to what time said meeting is adjourned. Such board shall receive the same compensation as is allowed by law to assessors. All the provisions of the revised statutes from section 1061 to section 1066 inclusive, as amended, and all other provisions of law in force for the assessment and equalization of assessment in towns, not incompatible with this act, shall be complied with and the duties thereby prescribed shall be performed by the city clerk, assessor and board of review.

County taxes.

SECTION 7. The county board of Marinette county may levy taxes as now provided by law, and shall cause the amount of taxes to be levied and for what purpose levied, to be certified to the city clerk, as prescribed by law; and the city clerk shall thereupon make out a tax list for all purposes, in a book or books to be provided therefor, setting opposite to each tract of land to each person named, under proper columns, such sum or sums as may be levied upon such lot or against such person. The said copy shall be designated "the tax roll," and to it shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of the city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments in said roll specified, in the manner prescribed by this act. Before delivering such tax roll to the treasurer, the city clerk shall compare it with the assessment roll as confirmed, and shall add to it his certificate that

the same has been by him compared, and that it is a true, full and complete copy of such assessment roll. The tax roll when so certified, shall be prima facie evidence in every court that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

SECTION 8. All the general laws of this state which are now or may be hereafter in force, relative to the assessing, levying or collection of taxes and to the sale of lands for unpaid 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 at the same time and in the same manner as is required by law of town treasurers to collect taxes. All unpaid taxes and all assessments shall in like manner be returned to and collected by the county treasurer and accounted for by him, but the five per cent. included in said return as collection fees, shall, when collected, be paid over to the city treasurer and by him placed in the general fund of the city for the use and benefit of the city. The city treasurer shall be entitled to charge, collect and receive for his own use from the tax payer as fees for the collection of taxes and assessments, two per cent. of all sums collected by or paid to him prior to the tenth of January in each year, and five per cent. on all sums collected by or paid to him after said day and before his return to the county treasurer. Upon the receipt of the tax roll the city treasurer shall, in addition to the notices required by law, publish a notice in the official newspaper of the city that all taxes and assessments, whether upon real or personal property in said tax roll, should be paid on or before the tenth day of January next ensuing at his office in said city, and that thereafter he shall proceed to collect the taxes charged in such roll and remaining unpaid.

SECTION 9. Whenever the taxes on personal property shall not be paid within three days after the tax list is in the hands of the treasurer, and the treasurer has reason to believe that any person charged with a personal property tax will dispose of or remove from the city his property, so as to hinder or delay the collection of such tax, the treasurer may, if he deem best, issue his warrant directed to the chief of police, commanding

General laws to apply.

When treasurer may issue warrant.

him to collect such unpaid taxes; and for such purpose the chief of police shall have all the powers, be subject to the same liabilities and be entitled to the same compensation as are now provided by the charter of said city for the city treasurer. The said warrant, when so issued, shall be returnable before the expiration of the time allowed by law to the said treasurer for the collection of said taxes.

When council
may issue
bonds.

SECTION 10. The common council shall not issue any bond or other evidence of debt payable at a day subsequent to the date thereof, except in cases authorized by this act, or some law of this state, nor shall the common council issue in any one year orders upon the city to an amount greater than the surplus funds on hand, and the amount of taxes which shall be levied for that year under the provisions of this act. In case a greater amount of orders shall be issued than herein allowed, the members of the common council shall be personally liable therefor, and the amount of such excess may be collected of them or of any person holding such orders, in any court of competent jurisdiction; provided, that no alderman shall be held liable as aforesaid without proof of his assent to the issue of such excessive orders. Nothing herein contained shall be so construed as to prevent the common council from making a temporary loan, if two-thirds of all the aldermen elect so vote in anticipation of the tax to be levied and collected during the current fiscal year when such loan is effected.

In case of error
in assessment.

SECTION 11. Whenever it shall be shown to the satisfaction of the common council by affidavit or oath, that manifest error or injustice has been done in the assessment, equalization or levying of general or special taxes upon any real or personal property in said city, by means of which excessive and unjust amount of tax has been levied, the common council may, by a majority vote of all the aldermen elect, remit such sum as it decides to be in excess of the equitable amount. All affidavits and oral testimony on oath in the matter shall be reduced to writing and filed in the office of the clerk.

Treasurer to
conform to the
general laws
in making re-
turns.

SECTION 12. The city treasurer, in collecting taxes and making his return to the county treasurer, shall conform to the general laws of the

state, but the returns to the county treasurer shall be for the city and for the wards separately. All orders on any fund of the city shall be received in payment of taxes levied to maintain such fund, and no other fund.

SECTION 13. In case the city treasurer and chief of police shall be unable to collect any taxes assessed upon personal property and payable by any person named in the tax list, they shall proceed in all things according to the general laws of this state in bringing the delinquent persons before some justice of the peace, and such proceedings shall be had as is provided by the general laws.

Action against delinquent persons.

SECTION 14. On or before the last Monday of January of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Marinette county a list of all lands, lots and personal property upon which the taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is or hereafter may be required of town treasurers; and all provisions of the general laws of this state shall extend to and may be enforced by the county treasurer to collect any delinquent personal property tax of whatever year due to said city.

Delinquent returns.

SECTION 15. In case the city treasurer shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes, as provided by this act and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office and appoint a suitable person to fill the vacancy.

In case treasurer fails to perform duties.

SECTION 16. Whenever the common council, as herein authorized, shall borrow money, certificates or appropriation therefor may be issued, payable at such time or times as the council may determine not inconsistent with the provisions of this act, and such certificates may be drawn to bear interest at a rate not exceeding seven per cent. per annum, and when so drawn and signed by the mayor and clerk, the principal and interest shall be paid thereon as therein prescribed.

Council may borrow money.

SECTION 17. Every male inhabitant in the city over the age of twenty-one years and under the age of fifty years, excepting all soldiers disabled

Poll tax.

in the late war, firemen who are members of any regularly organized fire company in the city, paupers, idiots and lunatics, shall be assessed and shall pay a poll tax of one dollar and fifty cents.

Poll tax list.

SECTION 18. The city clerk shall, under the direction of the common council, make a list of all persons liable to pay a poll tax in the city of Marinette, and such list shall be made on or before the second Monday of May in each year, and shall be designated the "poll tax list." The city clerk shall make duplicates of such poll tax list, which shall each be certified to by the mayor and city clerk as being a correct list of persons in said city liable under this act to pay a poll tax, and shall be subscribed by said mayor and clerk, and sealed with the corporate seal of the city. One of such lists so certified and subscribed shall be filed by the city clerk in his office and the other shall be delivered to the superintendent of streets with a warrant thereunto annexed, signed by the mayor and city clerk and sealed with the corporate seal of the city, which said warrant shall be in the following form, to-wit:

Form of warrant for collection of poll tax.

State of Wisconsin, }
City of Marinette. } ss.

To ———, superintendent of streets in the city of Marinette:

You are hereby required to collect from the several persons named in the annexed poll tax list the amounts set opposite their respective names, to-wit: One dollar and fifty cents on or before the last day of October, and that you pay the same to the city treasurer on or before November first, and that you take his receipt therefor, and that you make due return of this warrant and list, with your doings thereon, on or before said November first, to the city clerk of Marinette.

Given under our hands and sealed with the corporate seal of the city, this ——— day of ———, 18—.

[SEAL.]

Mayor.

City clerk.

Street Supt. authorized to collect poll tax.

SECTION 19. The superintendent of streets shall have all the powers and authority for the collection of such poll taxes as is given by the laws of this state to overseers of highways in towns for the collection of highway taxes, and the same shall

be collected and payment thereof enforced in like manner. The common council shall fix or determine the fees or compensation which the superintendent of streets shall receive for services rendered in the collection of poll taxes. Such poll taxes, when collected and paid over to the city treasurer, shall be placed in the general fund of the city, and the city treasurer shall report the amount of such poll taxes collected and paid over to him, to the common council at its first regular meeting in November in each year.

SECTION 20. No action shall be maintained by any person against the city, upon any claims or demands of any kind whatsoever, whether arising from contract or otherwise, until such person shall first have presented such claim or demand, duly verified under oath, to the common council for allowance. Nothing herein contained shall be so construed as in any manner to effect the right of action upon a city order duly issued by authority of the common council after payment has been duly demanded, nor any right of action on any contract duly entered into with the school board, and the claim on which has been disallowed in whole or in part by such school board. The common council shall have power, notwithstanding anything in this chapter to the contrary, to authorize the mayor and city clerk to issue and sign orders upon the city treasurer for the payment of the salaries of the regularly elected or appointed and qualified officers of the city, whose salaries may have been fixed by the common council or by law.

No action to be maintained unless claim first presented to common council.

SECTION 21. 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 founded on such claim, except that such persons may appeal to the circuit court as provided in section 23, of this chapter.

Determination of council to be final.

SECTION 22. In case any person shall present his claim or demand to the common council, and the council shall disallow such claim in whole or in part, the council shall not thereafter entertain such claim again, and such claimant, if he desires, may prosecute his said claim by appeal to the circuit court and not otherwise.

Claimant may appeal.

SECTION 23. When any account, claim or de-

Appeal how
taken.

mand of any kind or nature whatsoever, 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 the council, disallowing such claim to the circuit court of Marinette county by causing a written notice of such appeal to be served on the clerk of said city within thirty days after such disallowance, and executing a bond for two hundred dollars to said city, with two sureties, who shall each justify to the qualifications for sureties required by section 2704, of the revised statutes, conditioned for the faithful prosecution of such appeal and the payment of all costs that may be adjudged against the appellant. When such appeal is taken the appellant shall pay to the city clerk one dollar for return fee, and one dollar for state tax and two dollars clerk's fees required by law. The city clerk shall thereupon make a brief statement of the proceedings had in the case before the council, with its decision thereon, and shall transmit the same, together with the bond, state tax and two dollars clerk's fees and all papers in the case, to the clerk of the circuit court of Marinette county and thereupon such appeal shall be entered. Formal pleadings may be served and filed, and the action shall be conducted, tried and determined in the same manner as cases originally commenced in the circuit court and costs shall be awarded in like manner. When any account, claim or demand of any kind or nature whatever shall have been presented and filed in the office of the city clerk, and the common council shall neglect or refuse to allow or disallow the same for sixty days thereafter, it shall be deemed and taken to be disallowed and the owner or holder thereof shall have the same right to appeal as in case of a disallowed claim. No action shall be brought or maintained for any damages resulting from accidents occurring by reason of the sidewalks, streets, alleys, drains, sewers, gutters, ditches, bridges, public grounds or public buildings in the city being out of repair or in a defective or dangerous condition or occurring by reason of the negligence or misconduct of any of the officers, agents or employes of the city, unless within sixty days after the happening of such accident one of the aldermen,

or the mayor or city clerk shall receive a personal notice thereof in writing, stating the place where and the time when the accident occurred, and giving a general description of the defect claimed to have been the cause of such accident; nor unless a physician, to be designated by the mayor or common council, be permitted to examine the injuries of the person claimed to be injured by such accident, at such times and as often as the mayor or common council shall direct, nor unless a duly verified claim therefor be first presented to the common council, as provided for in this chapter, and in case of an appeal from the action of the council thereon, the claimant shall serve upon the city attorney a complaint in due form of law within twenty days after the taking of such appeal, to which complaint the city shall answer or demur, as the case may be, within twenty days.

SECTION 24. When an appeal is taken or suit brought against the city, the city clerk shall forthwith give notice thereof to the city attorney, and shall report the same to the common council at its first meeting thereafter.

In case of action against city, clerk to notify.

SECTION 25. No member of the common council, nor the mayor, city clerk, nor city attorney, nor any law firm of which he is a member, shall be permitted to appear as attorney or council for any person or corporation against the city in any suit or appeal in which said city is a party.

No city officer to appear against city.

SECTION 26. The city shall not be indebted to an amount for all purposes whatsoever exceeding in the aggregate five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness.

Indebtedness not to exceed 5 per cent. of assessed valuation.

SECTION 27. No bonded or other indebtedness, except as allowed by section 10, of this chapter, shall be incurred by said city, or valid or binding upon said city, until the question of incurring such indebtedness shall, by ordinance duly passed, be submitted to the vote of the qualified electors of said city, at a regular or special election called for that purpose. At least two weeks before such election notice thereof shall be posted up in at least one public place in each ward, and shall be published in the official city paper for two weeks. Such notice shall specify the purpose and the

No indebtedness to be incurred except by vote of electors.

amount for which indebtedness is to be incurred, and shall be specifically described whatever is to be purchased or constructed with the funds borrowed, and where the same is to be located. Such notice shall also state the form of ballot to be used at such election, which form shall be prescribed by the common council. If a majority of the qualified electors voting at such election shall vote in favor of incurring the indebtedness for the purpose set forth in such notice, the common council may issue, negotiate and sell the bonds of the city therefor, which bonds shall be payable in twenty or less number of years in equal annual payments not to draw to exceed five per cent. interest, payable annually.

CHAPTER VI.

CONDEMNATORY PROCEEDINGS, OPENING STREETS, ETC.

Condemnatory proceedings. Laying out of streets and alleys.

Petition required, who may sign.

SECTION 1. The common council shall have power to lay out and establish public squares, grounds, streets and alleys, and grounds for public works, and to widen and enlarge the same as follows: Whenever ten or more freeholders residing in any one ward shall, by petition represent to the common council that it is necessary to take certain lands within the ward where such petitioners reside, for the public use, for the purpose of laying out public squares, grounds, streets or alleys, or grounds for public works, or the enlarging or widening 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 the petitioners, to be set forth in such petition. The common council may then, by resolution, resolve to grant the prayer of said petitioners if it deem best; 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, defining separately each parcel and the amount thereof owned by a distinct owner, mentioning the names of the owners or occupants so far as known, and therein fix a day, time and place when and where it will apply to the county judge of Marinette county for a jury to condemn and appraise the same.

SECTION 2. It shall thereupon cause to be made by the city clerk, a notice of the adoption of said resolution, embracing a copy thereof, and notifying all parties interested that the common council will, at the time and place named, apply to the county judge for the appointment of a jury to condemn and appraise such lands. A copy of such notice shall be served by the street superintendent or any policeman of said city, on the owner of such parcel of land to be taken, if known and resident within the county, such service to be made in the manner prescribed for serving a summons in an action in the circuit court, and the return of the officer shall be evidence of the facts stated therein. If the notice cannot be so given as to all of the parcels by reason of the non-residence or unknown residence of any owner, then the same shall be also published once in each week for two consecutive weeks in the newspaper doing the city printing in said city, and the affidavit of the printer or foreman of such newspaper shall be evidence of such publication. Such notice shall be served and such publication made complete, at least one week before the time fixed therein for such application. If any person so served with notice be a minor or unsound in mind, the county judge shall, before proceeding on the day fixed for hearing such application, appoint for him a guardian for the purpose of such proceeding, who shall give security to the satisfaction of the county judge, and act for such ward.

County judge
to appoint jury
to condemn
land.

SECTION 3. At the time and place fixed for such hearing the application, accompanied by a copy of such resolution and such survey, and by proof of the service of the notice, as provided in the last section, shall be filed with the county judge, who shall thereupon make a list of twenty-four competent jurors, residents of said city, but not

Application
and resolution
to be filed with
county judge.

Jury to be
empanelled.

residents of said ward nor interested in said application. He shall hear and decide any challenges for cause or favor made to any one of them, and if sustained shall replace his name with that of an unobjectionable juror until the list shall be perfected. Thereupon, under direction of said county judge, each party, the common council by the city attorney of said city on one side, and the owners of land or their agents present, or if none be present, or if they disagree, a disinterested person appointed by the county judge on the other, shall challenge six names, one at a time, alternately, the common council beginning. To the twelve jurors remaining the county judge shall issue a precept, requiring them at an hour, on a day named, not more than ten nor less than three days thereafter, to appear before him to be sworn and serve as a juror to view lands and appraise damages in said proceedings, and at the same time shall publicly adjourn the proceedings to the time and place so named; such precept shall be served by the street superintendent or any policeman of said city, at least two days before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode in presence of a member of his family.

Jury to deter-
mine the
necessity of
taking said
lands.

SECTION 4. The jurors summoned shall appear at the time and place named, and if any be excused by the county judge, or fail to attend, he shall direct other qualified disinterested persons to be forthwith summoned in their stead, until twelve be obtained. The county judge shall then administer to them an oath that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary the damages and benefits occasioned thereby, and faithfully discharge their duties as jurors, according to law. The county judge shall thereupon publicly adjourn such proceedings to an hour and day named, but not to exceed four days, to enable the jury to view the premises.

Jury to view
the premises.

SECTION 5. Under the direction of said county judge, the jury shall view the lands to be taken and shall then sit before him upon such adjourned day to hear such competent evidence as shall be produced by any party; and for such purpose such county judge shall possess the same powers as a

court in session, with a jury, and if there be necessity may adjourn the sitting from day to day. The jury shall render a unanimous verdict, in writing, signed by it, in which it shall find whether it be necessary to take such lands, or any part thereof for such purpose, describing such as it finds necessary to be taken; and if any be found necessary to be taken, then it shall render a separate verdict or appraisement of damages, specifying therein the damages to each owner and separately the value of the land taken from each and the damage otherwise sustained by each by reason of the taking thereof; in estimating which it shall deduct therefrom any special benefit, if any be enjoyed by each from such improvement; and the majority of such jury may render such verdict or appraisement of damages, and shall sign the same. Any technical error in such verdict may be immediately corrected with the consent of the jury, and they shall be thereupon discharged and its verdict filed by the county judge. In case the jury shall fail to find a verdict, another jury shall be then and there selected, and shall be summoned and sworn, and shall proceed in the same manner.

SECTION 6. Within ten days after such verdict, any land owner whose land has been found necessary to be taken, may appeal from the award of damages to him in such verdict to the circuit court, by filing with such county judge a notice of appeal specifying whether the appeal is from the whole award to him, or a part, and if a part, what part, and therewith an undertaking with two sufficient sureties to be approved by the county judge to pay all costs that may be awarded against such appellant on appeal, and paying said county judge for his return thereof. The city may likewise appeal from the award of damages to any owner by filing with such county judge a notice of appeal, specifying whether the appeal is from the whole award to such owner or a part, and if a part, what part, and paying said county judge for his return on said appeal. Any party not so appealing shall be forever concluded by such verdict. Upon an appeal being taken, the county judge shall transmit to the clerk of the circuit court, within ten days, the notice of appeal and undertaking, and thereto annex a

Appeal may be
had by party
aggrieved.

copy of all the papers and proceedings before him with his certificate thereof. He shall, after the time for appealing has expired, file with the city clerk, annexed together, all the original papers, including the verdict, with a certificate by him thereof, and that no appeal has been taken from such verdict, except as the facts are, which he shall briefly specify; and the city clerk shall record all such proceedings.

Appeal to be considered: action pending in the circuit court.

SECTION 7. Upon filing such transcript in the circuit court, the appeal shall be considered an action pending in such court, and to be so entered, the appellant as plaintiff, the opposite party as defendant, and shall be subject to appeal to the supreme court. The appeal shall be tried by a jury unless waived; and costs shall be awarded against the appellant, if a more favorable verdict be not obtained than the one appealed from; otherwise against the respondent. Upon entry of judgment the clerk of the circuit court shall transmit a certified copy thereof to the city clerk.

Owner to be paid in full the damages awarded.

SECTION 8. If the verdict of the jury shall determine that it is necessary to take such land or any part thereof, the common council may, upon return thereof of the clerk, enact an ordinance according thereto for laying out or widening any such street, public square, grounds or alleys, but shall not enter upon any such land therefor until the owner be paid in full the damages awarded him by such verdict or appraisalment, or such damages be set apart for him in the hands of the city treasurer, there permanently to remain subject to his order. At any time before causing any such land to be actually taken or put to public use, and before the rendition of a judgment in the circuit court for damages, the common council may discontinue all proceedings theretofore taken, and the city shall in such event be liable for the costs only. All the costs of every such proceeding shall be paid by the city except when it recovers costs in the circuit court or supreme court. All jurors and witnesses in proceedings under this chapter shall receive the same fees as jurors and witnesses in the circuit court.

Costs to be assessed against lands benefited.

SECTION 9. For the payment of the expenses, including all damages and costs incurred for the taking of private property, and of making any improvement mentioned in this chapter, the com-

mon council of said city may, by resolution, levy and assess the whole or any part of such expenses as a tax upon such property as it shall determine from such verdict, is specially benefited thereby, making therein a list thereof, in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite. Such resolution, signed by the mayor and city clerk, shall be published once in each week, for two weeks in a newspaper published in said city, and a notice therewith, that at a certain time therein stated the said common council will meet at its usual place of meeting and hear all objections which may be made to said assessment or to any part thereof. At the time so fixed the common council shall meet and hear all such objections, and for that purpose may adjourn from day to day and at the conclusion of such hearing may modify said assessment in whole or in part, and shall adopt a resolution which shall be published in the same manner as ordinances of said city, levying said assessment as the same shall have been finally determined by said common council. The sums so assessed shall be a lien upon said lands upon which they are assessed from the date of the passage of said resolution, and the said several amounts shall be entered against said lot or lots in the tax roll, in addition to and as a part of all city taxes therein levied on such lands, to be collected therewith.

VACATING STREETS.

SECTION 10. The common council shall have power and are hereby authorized to vacate, in whole or in part, such highways, streets, alleys, and public walks and grounds within the corporate limits of the city, as in their opinion the public interest may require to be vacated or such as in their opinion are of no public utility; provided, however, that the necessity or advisability of vacating any such highways, streets, alleys or public walks or grounds or any part thereof, and the damages and benefits accruing therefrom shall first be established by a verdict and report of a jury in like manner as is provided for laying out public squares, grounds and streets in this chap-

Council to have power to vacate streets.

ter, except, however that a majority of such jury may render such verdict and report. Such verdict and report shall be final and conclusive, unless appealed from, which may be done in like manner as appeals from the verdict and report of a jury for the laying out of public squares, grounds and streets in this chapter.

CHAPTER VII.

CITY IMPROVEMENTS.

Ordinances and regulations relative to city improvements.

SECTION 1. The common council shall adopt ordinances and general regulations relative to the cleansing and repairing of streets, avenues, lanes, alleys, highways, bridges, sewers, gutters, sidewalks and crosswalks, and public grounds. The common council shall determine the advisability and necessity of building and rebuilding sidewalks, and shall prescribe the width, manner and style of building and maintaining the same, and shall cause written notice of their determination to be served upon the owner or owners of lot or lots adjoining thereto or abutting thereon, and shall in such notices require the said owner or owners to build, rebuild or repair said walks within such time and in such manner as they shall designate therein. Such notice shall be in writing and shall be served upon such lot owner, personally or at his usual place of abode, or upon his agent if any such there be, but if such lot owner be a non-resident or his residence unknown and shall have no usual place of abode or agent within the city, then such notice shall be served by posting a copy thereof upon the premises in a conspicuous place and by having the same published for at least two weeks in the newspaper doing the city printing. In case any sidewalk becomes so out of repair or defective as to immediately endanger the safety of those traveling upon it such defects may be at once repaired by the city without waiting to obtain service of the notice above provided. The expense of building, repairing and rebuilding of sidewalks, and the repairing of such defects shall be charged to the property where such improvements or repairs are made, and in case the owner or occupant of

such lot or parcel of land, after such due notice shall neglect or refuse to build, repair or rebuild any such sidewalk the street commissioner shall, in pursuance of such regulations or of the order of the common council, cause the same to be done at the expense of said lots or parcels of land adjoining thereto or abutting thereon; and the street commissioner shall, prior to the first Monday in November in each year, make a report in detail to the city clerk, verified, of the amount of tax properly chargeable against such lot or parcel of land for all work done and unpaid for under the provisions of this section, and such amount shall be a lien on such lot or parcel of land, and with other like special taxes authorized by this act, shall be levied thereon by the common council, at the next succeeding annual levy of taxes in said city, as a special tax, with all the legal consequences both as to the collection of taxes and the sale of such lot or parcel of land for unpaid taxes prescribed by this act or the general laws of the state for special taxes. The cleaning and repairs of streets, avenues, lanes, alleys, highways and public grounds, shall be done under the superintendence of the street commissioner, and if his office be vacant, then by the chief of police and at the expense of the city; and the common council may provide for letting all such work by the month or year by contract. Whenever the street committee of the common council signify in writing to the city clerk that certain repairs as provided in this section are needed, the city clerk shall forthwith notify in writing the street commissioner to cause the same to be done; and if the street commissioner shall be absent or his office vacant, or shall fail or neglect to cause the same to be done within six days from the time of receiving such notification, said street committee may in writing, to be filed in the clerk's office, order the chief of police or designate a suitable person to act in his stead, which chief of police or person shall proceed in all respects the same as the street commissioner, and shall immediately thereafter make a full return of his doings, under oath, to the city clerk, and the acts or doings of the chief of police or such person so appointed, shall have the same force, effect and validity as the acts of the street commissioner.

Cleaning of streets and alleys to be under supervision of street commissioner.

SECTION 2. The street commissioner shall give

Street commissioner to order draining of stagnant pools.

notice to all owners or occupants of lands which may be deemed injurious to the health by reason of stagnant water remaining thereon, to abate such nuisance by draining or filling such lots or lands within a reasonable time to be specified; and if such nuisance shall not be abated or removed within the time so specified, the street commissioner shall cause the same to be abated or removed, or shall report the same to the common council, and they shall by regulation or by-law, take such action in the matter as they may deem best, and the expense of such abatement or removal shall be charged to and collected from said lots or lands as other special taxes are charged and collected.

Expense of surveying streets, alleys, etc., payable from the city fund.

SECTION 3. The cost and expense of surveying streets, alleys, sidewalks, sewers, and of estimating work thereon, and of constructing and repairing public wells and reservoirs, shall be chargeable to and payable out of the general fund of the city. Opening, grading, graveling, planking, paving or repairing streets and alleys, avenues and lanes shall be chargeable and payable out of the general city fund.

Plan of sewerage.

SECTION 4. Whenever it may become necessary, in the opinion of the common council, to provide sewerage and drainage for the city or any part thereof, it shall be their duty to devise or cause a plan to be devised for the whole city, or for such part thereof as they shall determine.

Plan to be made with view to sewer districts.

SECTION 5. Such plans shall, in the discretion of the common council, be formed with a view of the division of the city into sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections, the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats, diagrams and profiles of such plans, when adopted, shall be filed in the office of the city clerk.

Diagram of sewer to be advertised.

SECTION 6. Before proceeding to the construction of any district sewer, the council shall cause a diagram, plat and profile of the whole sewer district to be made, showing all the streets, public grounds, lands, lots and subdivisions thereof in the district, and the proposed route and location of the sewer, and the depth, grade, and the dimensions thereof, and shall procure an estimate

of the cost thereof. And they shall give notice, by publication for at least two weeks in the official newspaper of the city, of the intention to construct such sewer, and where said diagram, plat and profile may be found for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by the parties interested with respect to such sewer.

SECTION 7. When the council shall determine to construct any such district sewer they shall so declare by resolution, designating the district and describing by reference to the plat and diagram thereof mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and they shall cause such plat, diagram and profile as adopted, to be recorded in the office of the city clerk and in the book of sewer.

Diagram to be recorded with city clerk.

SECTION 8. The cost and expense of establishing, building, repairing and maintaining all public sewers and their appurtenances shall be paid out of the general fund of said city.

Expense of maintaining sewers to be paid out of general fund.

SECTION 9. The owner or occupants of lots or premises shall have the right to connect the same at their own expense by means of private drains, with the public sewers and drains, under such rules and regulations as the common council shall prescribe, but no such connection shall be made without a special permit therefor being first had, issued and obtained under the authority of the common council. The common council may by ordinance prescribe a fine or penalty to be imposed on and collected from any person making such connection without such permit. Any party authorizing or doing any injury to a public sewer or drain, whether or not such party had a permit to connect with such sewer or drain, shall be liable to said city for all damages sustained by said city by reason of such injury.

Private drains, how connected with public sewer.

SECTION 10. The street commissioner shall not have power to make, grade, gravel or pave any street, avenue, alley or public grounds, or to construct any well, gutter or sidewalk unless the same shall have been first duly authorized by an order of the common council, to be entered in their proceedings; provided, that nothing herein contained shall be so construed as to prohibit the street commissioner from making or causing to be

The street commissioner to act under order of council.

made all necessary repairs to any sidewalk, street, avenue, alley, public grounds, wells, reservoirs, sewers and gutters. If the common council shall order any special improvement to be made, or pass any ordinance requiring any special improvements to be done, the vote thereon shall be taken by yeas and nays, and entered upon the journal of the proceedings of said common council, and no special improvement shall be valid or binding unless said vote be so taken and recorded.

Plans and estimates of expense to be filed.

SECTION 11. Before the common council shall order the making of any public improvement, there shall be made and filed in the office of the city clerk, all necessary plans and specifications therefor, and an estimate of the whole expense thereof, and such estimates and plans shall be open to the inspection of all parties interested. All work done for said city pursuant to the provisions of this chapter, shall be subject to the acceptance of such persons as the common council may appoint; provided, that any contractor may appeal from the decision of such persons appointed by the common council. The common council may, in its discretion, employ any competent person to superintend the construction of such public work as it thinks proper.

Council to have power to make public improvements.

SECTION 12. The common council shall have power, and power and authority is hereby granted unto it, to make all necessary and proper public improvements, in the city of Marinette, and all such public improvements as in the judgment of the council will best promote the public welfare, safety, trade and commerce of the city, and the cost of all such public improvements shall be paid out of the general fund of the city.

CHAPTER VIII.

FIRE DEPARTMENT.

Fire department.

Fire limits.

SECTION 1. The common council for the purpose of guarding against the calamities of fire, shall have power, and it shall be their duty to prescribe the limits within which wooden buildings, or buildings of other materials, that shall not be considered fire-proof, shall not be erected, placed or repaired, and to direct, that all and any

buildings within the limits prescribed shall be made and constructed of fire-proof materials; to prohibit the repairing, enlarging 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 manner of ascertaining such damage, and to make such other regulations in regard to the erection, construction and removing of buildings within such fire limits, and to provide for the destruction, demolition or removal of all and any buildings made, erected, constructed, repaired, raised, enlarged or rebuilt contrary to the provisions of any ordinance of the common council, and to prescribe the manner in which such destruction, demolition or removal shall or may be done, made or performed, and the manner in which the cost and expense of the same shall be charged, imposed and collected.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, pipes, ovens, boilers and apparatus used in and about any building either for manufacturing, lighting or heating purposes, and to cause the same to be removed and placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes within unsafe places; to require the inhabitants to provide as many fire buckets, in such manner and time as they shall prescribe, and to regulate the use of them at time of fire; to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires; to regulate and prevent the use of fire-works or fire-arms; to compel the owners and occupants of the buildings to have scuttles in the roofs, and stairs and ladders leading to the same; and also to provide wells or cisterns on their premises; to authorize the mayor, aldermen, fire warden and other officers of the city to keep away from the vicinity of any fire all idle and suspected people, 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 extinguishing of fires as the common council may deem expedient, and shall have power to compel owners of buildings to place and maintain

Construction
of chimneys
and fire places.

on such buildings proper and sufficient fire escapes therefrom.

Fire engines.

SECTION 3. The common council shall have full power to purchase fire engines and other fire apparatus, and to provide or, organize and maintain a fire department, and to make all necessary rules and regulations for the government and regulation of said department, and the appointment and pay of members thereof by ordinance or otherwise, and to enforce the same.

Penalty for disobedience at fires.

SECTION 4. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman, at any fire, it shall be lawful for the officer to arrest or direct orally the chief or police, policeman, constable, watchman or any citizen, to arrest such person and to confine him temporarily in some safe place until such fire shall be extinguished; and in the same manner such officer, or any of them, may arrest or direct the arrest and confinement of any such person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to obey such lawful order, or who shall refuse to arrest or aid in arresting any such person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

Council to appoint engineers

SECTION 5. The common council, at its first meeting in each corporate year, shall appoint a chief engineer of the fire department, and as many assistant engineers and fire wardens as it may deem necessary, who shall each hold his office during the pleasure of the common council, and until his successor shall be appointed by said council.

Fire wardens may enter buildings to inspect.

SECTION 6. It shall be lawful for said wardens at any time in the discharge of their duties, to enter any building or enclosure for the purpose of inspecting the same, and they may, if necessary, force an entrance into such building or enclosure.

Fines to be paid into city treasury.

SECTION 7. The net proceeds of all fines and penalties recovered for any breach of any ordinance or regulation made in pursuance of this chapter shall be paid into the city treasury.

Council may construct water-works.

SECTION 8. The common council shall have full power to regulate and control, by ordinance, any water-works which is now or may hereafter be established or constructed in said city, and to util-

ize the same for extinguishing fires in such manner as they may deem best.

CHAPTER IX.

POLICE DEPARTMENT.

SECTION 1. The police force of the city of Marinette shall consist of a chief of police and as many policemen as the common council may, from time to time deem necessary. The chief of police shall be appointed by the mayor at the first or second meeting of the common council after the annual election. Before he shall enter upon the duties of his office, his appointment shall be confirmed by a majority vote of the common council.

Police department.

Police force.

SECTION 2. The chief of police may be removed at any time by the mayor, and in case of such removal, it shall be the duty of the mayor to immediately appoint some suitable person to act as chief of police, until a permanent appointment shall have been made by the mayor and confirmed by the common council. The person so appointed shall execute and give a bond to the city to be approved by the mayor for the faithful performance of his duties.

Mayor may remove chief of police.

SECTION 3. At the first meeting of the common council after the removal of any chief of police, the mayor shall present the name of some person to fill the vacancy caused by such removal, and in case the common council fails to confirm such appointment, the mayor shall present to the common council at each succeeding meeting, the name of some other person to fill such vacancy until an appointment so made shall be duly confirmed by the common council.

Vacancy of chief, how filled.

SECTION 4. Before entering upon the duties of his office the chief of police shall execute and deliver to the city of Marinette a bond in the penal sum of one thousand dollars, with two or more sureties, to be approved by the common council, said bond to be conditioned upon the faithful performance of the duties of his office; and the common council may require every policeman to execute and deliver to the city of Marinette a bond in such sum and upon such conditions and with such sureties as they may deem proper.

Chief to give bond.

Duties of chief
of police.

SECTION 5. The chief of police shall perform such duties as shall be prescribed by the common council and by the provisions of this act. He shall preserve the peace, and when directed by the common council shall collect fines and license moneys. He shall possess all the powers of town constables, be subject to the same liabilities, perform the same duties and be entitled to the same fees. His fees in all criminal actions, or in suits to which the state or city is a party, or for any service performed by him for said city, shall belong to said city, and when collected be paid to the city treasurer. It shall be his duty to execute and return all writs and process to him directed, and when necessary, in criminal cases or for the violation of any ordinance of said city or law of the state, he may pursue and arrest the criminal or offender in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to abate all nuisances, to apprehend every person found in the act of committing any offense against any ordinance of said city or the laws of this state, and within reasonable time bring such person before competent authority for examination or trial. At all times when the street commissioner is absent or his office vacant, the chief of police shall perform the duties prescribed for that office without additional compensation. He shall receive for his services a salary payable monthly, to be fixed by the common council, and in addition thereto such expenses and disbursements as are necessarily incurred by him in making arrests without the city limits, as the common council may allow.

Chief to ap-
point members
of force.

SECTION 6. The chief of police shall, subject to the approval of the mayor, appoint all other members of the police force, who shall hold their office until the third Tuesday of April following the date of their appointment, unless sooner removed by the chief of police with the approval of the mayor. If the mayor shall refuse to remove the chief of police, or if the mayor or chief of police shall refuse to remove any policeman upon charges preferred, any alderman may by resolution bring the matter before the common council, and the common council if it deem best may, after an opportunity has been given to the party accused for hearing, remove such chief of police or

policeman. All appointments and removals shall be reported to the common council annually and as often as any changes are made. All appointments and removals shall be in writing and shall be filed with the city clerk.

SECTION 7. The mayor or common council may direct the chief of police to detail any member or members of the police force to perform such official duties as he or they may deem proper, and no extra pay shall be allowed therefor.

Mayor may order chief to detail members of the force for special duty.

SECTION 8. The members of the police force shall perform such duties as are or may be prescribed by the mayor or common council for the preservation of the peace and the good order and health of the city, and for the protection of property therein. They shall possess the powers of constables in towns organized under the general laws of the state. No extra compensation shall be allowed them for such services, but all fees received by them therefor shall be paid by them to the city treasurer.

Duties of members of police force.

SECTION 9. The mayor, aldermen, harbor master, chief engineer of fire department, superintendent of streets and bridge tenders shall severally possess the powers of policemen of said city, but shall receive no extra pay for the exercise of the same.

Who to possess powers of policemen.

SECTION 10. It shall be the duty of the chief of police, on or before the first day of May in each year to report in writing to the city clerk and city attorney the names and locations of the places of business of all persons in said city engaged in selling or dealing in spirituous, vinous or fermented liquors, and to give notice to such persons that they are required to pay to the city treasurer such amount for license as may be fixed by law, for the selling or dealing in such spirituous, vinous or fermented liquors. The chief of police shall in like manner report the names and locations of the places of business of any and all persons who shall, after such report has been made, be found to be engaged in selling or dealing in spirituous, vinous or fermented liquors.

Chief to report places selling fermented liquors.

SECTION 11. No extra pay shall be allowed the chief of police for the performance of the duties prescribed by the preceding section.

Chief to receive no extra pay for the performance of certain duties.

Duties of city attorney.

SECTION 12. It shall be the duty of the city attorney to prosecute all persons, named in such reports of the chief of police, upon complaint duly made before a justice of the peace who shall not have taken out or paid for the proper license on or before the first day of May in each year. It shall also be his duty, upon complaint made before a justice of the peace to prosecute all persons engaged in selling or dealing in spirituous, vinous or fermented liquors, who shall not have taken out and paid for the proper license as prescribed by law.

CHAPTER X.

SUPPORT OF THE POOR.

Support of the poor.

SECTION 1. All laws of this state for the relief and support of the poor in towns shall apply to said city, but the common council may, by ordinance, prescribe the mode of supporting the city paupers and city poor. The common council shall appoint some suitable person or persons to act as commissioner or commissioners of the poor of said city, who shall perform all the duties of overseer of the poor in towns, subject, however to the control and regulations of the common council and such other and further duties as the common council shall prescribe. On the first day of each month the commissioner or commissioners of the poor shall file with the city clerk a report to the common council, containing an itemized statement, showing all his or their expenditures during the preceding month. Said commissioner or commissioners shall attend all regular meetings of the common council.

CHAPTER XI.

CEMETERIES.

Cemeteries.

SECTION 1. All rights and title that the town of Marinette had on the first Tuesday of April, 1887, in and to any cemetery within the limits of said city shall vest in said city, and all obligations of said town in relation thereto shall devolve upon and be assumed by said city.

SECTION 2. The city may acquire, hold and own such cemetery or public burial place or places, either within or without the limits of said city, as in the opinion of the common council shall be necessary to the public welfare, and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city; or may limit such interment therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burial, to be taken up and buried elsewhere.

Rights of town to be vested in city.

SECTION 3. The common council may, within the limitation of this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, protection and the care thereof.

City may own cemetery.

SECTION 4. Whenever the city shall own, purchase, or otherwise acquire any cemetery or cemetery grounds, the council shall appoint three trustees, who shall be freeholders and electors of the city, and who, with the city clerk, shall constitute a board of cemetery trustees. Each of the trustees so appointed shall hold his office for the term of three years. The common council shall, during the month of April in each year, appoint one trustee, who shall be the successor of and shall fill the vacancy created by the retirement of the outgoing trustee of the board of cemetery trustees in office at the time of the passage and publication of this act. The common council may remove any trustee so appointed for inattention to his duties, for want of proper judgment, skill or taste in the discharge of the duties required of him, or other good cause. Said board shall serve without compensation. The common council shall make and pass all necessary ordinances and by-laws for the regulation of the said board, and shall prescribe their powers and duties.

Money may be appropriated for care of cemetery grounds.

SECTION 5. The board of cemetery trustees shall appoint one of their number chairman, and the city clerk shall be clerk of the board. The common council may, by ordinance, invest the board with such powers and authority as may be necessary for the care and management and preservation of such cemetery and grounds, and the board shall perform the duties herein mentioned, and

Board of cemetery trustees.

such other duties as the board may prescribe. They shall have the care and management of every such burial place or places; shall direct the improvements and embellishments of the grounds, cause such grounds to be laid out into lots, avenues and walks, the lots to be numbered and the avenues and walks to be named, and the plats thereof to be made and recorded in the office of the register of deeds in Marinette county, and thereafter filed and preserved in the office of the city clerk. The board shall fix the price of lots and of single graves, and make the sales thereof. The conveyances of such lots shall on behalf of the city be executed and acknowledged by the mayor and city clerk as other conveyances of real estate, and the city clerk shall keep a record thereof in a separate book provided for that purpose in his office. The board shall, at such times as the council shall prescribe, report to the common council, and recommend to the council such regulations as they may deem best to be passed by the council for the burial of the dead, the care and protection of the grounds and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds; and the common council shall have power to pass and enforce all such regulations.

Powers of the board.

Money received to be paid into city treasury.

SECTION 6. All moneys raised for the purchase, improvement or maintenance of any cemetery or burial place authorized by this act, and moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated "the cemetery fund;" such fund shall not be devoted or applied to any other purpose except for the purpose of the cemetery. The board of cemetery trustees shall have power and authority to draw orders on such cemetery fund for the purpose of such cemetery, and such orders shall be signed by the chairman and countersigned by the clerk of the board of cemetery trustees, and when so drawn and signed shall be duly honored.

CHAPTER XII.

BOARD OF EDUCATION.

SECTION 1. The city of Marinette shall constitute one school district. The school commissioners herein named shall constitute and be styled the "board of education of the city of Marinette," and shall serve without compensation. Such board shall consist of one commissioner from each ward, whose term of office shall be for two years and until his successor is elected and qualified. The evenly numbered wards of said city shall each elect a school commissioner in the even years and the oddly numbered wards shall each elect a school commissioner in the odd years.

Board of education.
School districts.

SECTION 2. It shall be the duty of the city clerk, immediately after the election of any person as school commissioner, either personally or by writing, to notify him of his election, and if any such person shall not, within ten days thereafter, take and file the constitutional oath with the clerk of said city, the common council may consider it a refusal to serve and may fill the vacancy in the manner hereinbefore provided.

Clerk to notify commissioner to file oath.

SECTION 3. The board of education shall hold its first regular meeting in each year on Wednesday next after the second Tuesday of April at such place as the common council shall designate. They shall at that meeting elect a president of their own number, and a clerk who may or who may not be one of their own number, who shall be styled respectively the president and clerk of the board of education. They shall at that meeting fix stated times for holding regular meetings for the ensuing year. Special meetings of the board may be called by the president of the board by personal notice thereof on each one of the members.

President and clerk of board.

SECTION 4. The clerk of the board of education shall take the school census, keep a full record of all proceedings of the board, sign orders as directed by the board, make out reports for the board to the common council, and perform such other duties as may be required of him by this act or the said board. He may receive for his services an annual salary, to be fixed by the board and paid

Duties of clerk.

out of the school fund of the city, not exceeding two hundred dollars.

Duties of the board.

SECTION 5. The school year shall begin on the first Monday in July of each year. The board of education shall employ a competent person to be superintendent of schools, whose term of office shall be for the school year. He shall be subject to the board of education, have personal supervision of education in all the schools of the city. He shall conduct examinations of applicants to teach in said city, and issue necessary teachers' certificates to those found properly qualified; he shall promptly inform the board of all matters that may come under his notice, expedient for the welfare of education in said city, and perform all other duties required of superintendents of schools in cities, by the laws of this state, or required by this act or the board of education. His compensation shall be fixed by contract with the school board, and paid out of the school fund of said city.

Ordinances for the protection of school property.

SECTION 6. It shall be the duty of the common council of said city to pass such ordinances and regulations as the board of education may report to them as necessary and proper for the preservation and protection of the school-houses, sites and all other property belonging to and connected with the public schools of said city, and impose proper penalties for the violation thereof; and all such penalties shall be collected in the same manner as penalties for the violation of city ordinances, and shall be paid to the treasurer and be subject to the order of the board of education, and shall be expended by said board for the use of the said schools in said city.

Title of school building vested in city.

SECTION 7. The title of all school-houses, sites, furniture, books and apparatus shall become and be vested in the city of Marinette, and the same while used for school purposes shall not be levied upon or sold by virtue of any law or execution, nor be subject to taxation for any purpose whatsoever.

May sell school houses and sites.

SECTION 8. Whenever said board of education shall report to the common council that it is advisable to sell any of the school-houses or sites now or hereafter belonging to said city, the common council may dispose of the same, but no

such conveyance of real estate shall be made except upon the recommendation of the board of education, nor shall any school-house or site belonging to said city for school purposes, be used for any other purpose without the unanimous consent of said board.

SECTION 9. The board of education shall have power and it shall be their duty:

Powers and duties of board of education.

1st. To establish and organize such schools in said city as they may deem expedient and necessary, and in their discretion to discontinue the same.

2nd. To purchase or lease school-houses or lots or sites for school-houses, in the name of the city, and to fence or otherwise improve the same as they may deem proper, upon such lots and upon any sites now owned by said city; to build, enlarge, improve and repair school-houses, out-houses and their appurtenances as they may deem proper; provided, no contract to purchase school-house or a school-house site, nor to build, nor enlarge any school house shall be made, except the same shall be previously authorized by the common council.

School-houses.

3d. To purchase, exchange, repair or improve school apparatus and furniture; to furnish pupils with books, and provide fuel for the schools, and to defray the contingent expenses.

Apparatus.

4th. To have the custody and safe-keeping of the school-houses, out-houses, books and furniture belonging to the schools in said city, and see that the ordinances of the common council relating thereto are strictly observed.

5th. To employ and contract with all the teachers in the common schools, to whom the necessary certificates shall have been given by the superintendent, and at their pleasure to remove them; provided, that no contract for the employment of teachers shall extend beyond the first day of July next succeeding the date of such contract; to have in all respects the supervision and management of the common schools of said city, and from time to time to make, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government or instruction, for the reception of pupils from other districts and the transfer of pupils from one de-

Teachers.

partment to another, and generally for their good order and advancement.

Teachers' examination.

6th. To make such orders and regulations in regard to the examination of teachers as they may deem proper; provided, that such examination shall be conducted by the superintendent or in his presence, and none but the superintendent shall be authorized to issue or give certificates of qualification.

Non-resident scholars.

SECTION 10. The said board shall have power to allow children not residents of the city to attend any of the schools in said city, and to fix the amount of tuition to be paid in advance by them and the terms upon which they may attend such schools.

Tuition.

Trustees of library.

SECTION 11. The board shall be trustees of the school district library in said city, and shall expend all moneys appropriated by law or gift for enlarging and establishing the same.

Board to report.

SECTION 12. At the first regular meeting of the common council in July of each year, the board of education shall lay before it an itemized, correct statement of all receipts and disbursements, of all school moneys during the preceding year, specifying from what source received and for what purpose expended. At or before such meeting the board of education shall further certify to the common council an itemized statement of the amounts that they may deem necessary for school purposes for the ensuing year. If the common council approve they shall forthwith order that the amount stated by the board of education be levied for school purposes. If the common council disapprove, they shall appoint a certain time within ten days thereafter when and where the board of education may be heard. Notice of such hearing shall forthwith be served by the city clerk upon the president of the board of education. At the time and place named in such notice, the common council shall assemble and hear the members of the board of education concerning the amount necessary for school purposes. The common council shall then and there, or within ten days thereafter, determine and order the amount of taxes to be levied for school purposes for the ensuing year.

No money to be paid except on order.

SECTION 13. No moneys shall be paid out of the school fund of said city, except on an order au-

thorized by the board of education, signed by its president and attested by its clerk.

SECTION 14. No school commissioner shall be directly or indirectly interested in any contract made with the board of education, and all such contracts shall be void and money paid thereon from the school fund may be recovered. In case any school commissioner shall purposely vote for any appropriation for the payment or expenditure of any money not authorized by law, or in case the board of education shall authorize any expenditure for any purpose not authorized in this act, or exceeding the amount, the board of education are authorized to certify to the common council to raise for any purpose in any one year, the school commissioner, or any part of them, voting for any such appropriation or expenditure, or for the contracting of any such debt or debts, shall be personally liable to the city of Marinette, or any person or persons who may sue for the same in any action in a court of competent jurisdiction, for any damage the city may sustain in consequence of any such illegal payment, expenditure or appropriation.

No commissioner to be interested in contract.

CHAPTER XIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. All powers conferred upon towns or cities of this state to vote, levy and collect special taxes shall be of full force and effect in said city.

Authority to levy special taxes.

SECTION 2. All work or contracts for or with the city or school district, except teaching and performing the duties of school superintendent, when the price therefor exceeds three hundred dollars, shall be let by contract to the lowest and best bidder, which contracts must in all cases be in writing, and due notice shall be given of the time and place of letting such contract, reserving the right to said city to reject any or all bids.

Work to be let to the lowest bidder.

SECTION 3. Actions brought to recover any penalty or forfeiture under this act or the ordinances, fire, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for penalty or forfeiture stating

Actions to be brought in the corporate name.

the clause of this act or ordinance or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

First process
to be by sum-
mons.

SECTION 4. In all prosecutions for any violation of any of the provisions of this act or any ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant, as in other cases.

Form of
summons.

SECTION 5. When the action is commenced by summons the same shall be in the form of an ordinary summons in justice court, and the complaint therein may be substantially in the following form:

Form of
complaint.

The city of Marinette }
against } In justice court.
— — — — — }

The plaintiff complains against the defendant for that the defendant did on the — day of —, 18—, violate section — of an ordinance (or regulation describing it by its title and stating clearly the offense charged or complained of) which said — is now in force. By reason of such violation an action has accrued to the city of Marinette to recover of the defendant the sum of — dollars debt (or penalty). Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs in this action.

SECTION 6. In all cases where the oath is made for a warrant, the complaint shall be made on the oath of the complainant and no other complaint or affidavit shall be necessary, which complaint last above named may be substantially in the following form:

The city of Marinette }
against } In justice court.
— — — — — }

State of Wisconsin }
Marinette county. } ss.

— — —, being duly sworn complains on oath, to — — —, a justice of the peace of the city of Marinette, that — — — did on the — day of —, 18—, violate section — of an ordinance (or regulation) of said city (describing it by its title and stating the offense charged or complained of), which said — is now in force and effect as the complainant verily believes; and prays that the said — — — may be arrested and held to answer to the said city of Marinette therefor.

Subscribed and sworn to before me this — day of —, 18—. Said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with a justice of the peace, such justice shall issue a warrant thereon which may be substantially as follows:

State of Wisconsin, }
 County of Marinette. } ss.
 City of Marinette. }

To the sheriff of said county, or to the chief of police or any policeman of the city of Marinette, greeting: Form of warrant.

Whereas, — —, has this day complained in writing on oath, that — — did on the — day of —, 18—, violate section — (or sections —) of ordinance (regulation or by-law as the case may be, described by its title and stating clearly the offense charged or complained of), which said — is now in full force and effect, as the said complainant verily believes; therefore in the name of the city of Marinette and state of Wisconsin you are hereby commanded to arrest the body of — — and bring him before me forthwith to answer to the city of Marinette on the complaint aforesaid.

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

— —,
 Justice of the Peace.

Upon the return of the warrant the justice shall proceed with the case unless it be continued by consent or for cause. If the cause 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 appearance in such sum as the court may direct, or in default thereof may be put in charge of the officer making the arrest, or be committed to the common jail of Marinette county. The complaint made aforesaid shall be the only complaint required, and a plea of "not guilty" shall put in issue all subject matter embraced in the action.

SECTION 7. Witnesses and jurors shall attend before a justice of the peace in all criminal, quasi-criminal and civil actions, when called on behalf of the state or said city, without the prepayment or tender of fees upon the process of the court

Witnesses and jurors to attend in civil actions without prepayment of fees.

duly served, and in default thereof their attendance may be compelled by attachment.

Relating to prosecutions.

SECTION 8. In all prosecutions under this chapter the finding of the court or jury shall be guilty or not guilty as the case may be; if guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture contained in the ordinance or regulation for the violation of which the defendant shall have been adjudged guilty, and for the costs of the suit. But if not guilty the costs shall be taxed against the city, except when the state of Wisconsin is a party; then the costs shall be taxed against the county of Marinette. Upon conviction, in all cases where the city is a party under this act, and upon the non-payment of such judgment the court may forthwith issue an execution as in cases of tort, and shall determine and enter upon the docket the length of time the defendant shall be imprisoned; which in no case shall exceed six months, and also insert such time in the execution or commitment. The exemption of the person of females from execution, provided for in section 3681, of the revised statutes of Wisconsin, shall not extend to cases under this chapter. Such execution may be in the following forms:

Form of execution.

State of Wisconsin,
 City of Marinette,
 County of Marinette. } ss.

To the sheriff of the county of Marinette, or the chief of police or any policeman of said city, and to the keeper of the common jail of the county, greeting:

Whereas, the city of Marinette on the — day of —, A. D., 18—, recovered a judgment before — —, a justice of the peace of said city, against — —, for the sum of — dollars, together with — dollars costs of suit, for a violation of an ordinance (by-law, regulation or law, as the case may be, describing the same and setting forth the offense), these are therefore in the name of the state of Wisconsin and city of Marinette to command you to levy distress of the goods and chattels of said — —, except such as the law exempts, and make sales thereof according to law in such cases made and provided, 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, take the body of said — and him convey and deliver to the keeper of the common jail in Marinette county; and said keeper is hereby commanded to receive and keep in custody in said jail the said — for the term of —, unless said judgment, together with all costs and fees are sooner paid, or he (or she) be discharged by due course of law.

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

Justice of the Peace.

And on conviction in all actions brought pursuant to the provisions of this act and the laws of the state of Wisconsin, not inconsistent herewith, and the non payment of such judgment, fine, penalty or forfeiture, the defendant in such actions shall be committed to the common jail of Marinette county until such fine, penalty or forfeiture and all costs are paid, or until discharged by due course of law, and said commitment shall be in the usual form prescribed by law; provided, always, that it shall be competent for the justice to impose hard labor in addition to imprisonment, inside or outside of such jail, but within the jail limits as established, and the common council shall by ordinance regulate the mode and manner of performing such labor, and the officer or officers who shall control such prisoners, and the form of the commitment may be varied accordingly; provided, however, that no female convicted or found guilty of any offense under the provisions of this act, shall be sentenced to hard labor.

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

Competency of witnesses, jurors, etc.

SECTION 10. If any person shall make oath before any justice of the peace of the city that he has good reason to believe and does believe, that any house or other building is willfully used as and for a house of ill-fame for the purposes of prostitution, and that persons resort to the same for that purpose, such justice or other officer, whether the names of persons last mentioned are known to the complainant or not, shall issue a warrant commanding the sheriff,

Prosecution in case of house of ill-fame.

chief of police or any policeman to enter into such house or building and to arrest all persons who shall there be found under circumstances which indicate that they have resorted to such building for the purpose of prostitution, and also the keeper and inmates of the same, and take into custody and keep the said persons, and bring them before the said justice, to be dealt with according to law; and any officer who may be charged with such warrant shall have power, if necessary, to break open doors for the purpose of executing the same, and may summon to his aid the power of the county.

Bridges to be under jurisdiction of city.

SECTION 11. All that part of Menominee river and Green Bay within the limits of said city shall be under the exclusive jurisdiction of said city and its common council, and all bridges over said river within said limits shall be under its control, and the common council shall have full power to build or construct or cause to be built and constructed, new bridges at such points as they may deem necessary and for the best interest of the city, and to maintain and support all bridges which said city may now or hereafter want.

City may join with other municipality in constructing bridges.

SECTION 12. The said city by its common council may join with any municipality of the state of Michigan to build, maintain and repair any bridge over the Menominee river, and connecting said city with such municipality in Michigan; and the common council of said city in the name of said city, may contract with such municipality in Michigan, agree and fix the proportion of the cost and expense of building, maintaining or repairing any such bridge or bridges to be borne and paid by said city, and the portion thereof to be borne and paid by such municipality in Michigan. The common council of said city shall jointly with the proper authorities of said municipality of Michigan have the care and supervision of locating, building, maintaining and repairing such bridge or bridges. All bridges constructed or maintained pursuant to the provisions of this act, when consented to or approved by the authorities of the United States, shall be considered and deemed and shall be legal structures.

Bridge across Menominee river a lawful structure.

SECTION 13. The iron bridge built and constructed in the year 1888, by the cities of Marinette, Wisconsin, and Menominee, Michigan,

across the Menominee river near its mouth, is hereby declared to be a legal and lawful structure, and the said cities, and especially the city of Marinette, are hereby authorized to maintain the same, together with the abutments thereof and approaches thereto.

SECTION 14. The general laws for the preservation of bridges and the punishment by such laws provided for willful and malicious injuries done thereto, are hereby extended to and shall include all of said bridges, and shall apply to any willful and malicious damages which may be done to either of them by any person or persons whatever; and the common council may, from time to time, make such by-laws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage done to any of said bridges by any vessels or water-craft, or by the master or any person in command thereof, such vessel or water-craft may be proceeded against under the law, in the same manner as is provided for the collection of demands against boats and vessels.

General law to apply to bridges.

SECTION 15. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process, by a proper officer, with the city clerk, and it shall be the duty of the city clerk to inform the city attorney and the common council, or take such other proceedings as by ordinance or by-laws of said common council may be in such case provided. When a final judgment shall be recovered against said city, or against any city officer in an action by or against him in his name of office, when the same should be paid by the city, the judgment creditor, his assignee or attorney, may file with the city clerk a certified transcript of such judgment, or of the docket thereof, together with his affidavit, showing the amount due thereon and all payments made, if any, and that the judgment has not been appealed from or removed to another court, or if so appealed from or removed, has been affirmed; thereupon a tax sufficient to pay such judgment with interest to the time when the tax warrant shall expire shall be levied and collected as other city taxes, and when so collected shall be paid by the city treas-

Process to be served on city clerk.

urer to the person entitled thereto, upon a proper voucher. No execution shall issue upon any such judgment, except transcript and affidavit be filed as above prescribed, previous to the time of levying the annual taxes, and then not until after the lapse of sixty days from the expiration of the tax warrant, and then only upon leave of court, granted on motion duly noticed. All property of said city used for school purposes or paid for out of the school fund shall be exempt from seizure and sale upon execution or any process of court.

May authorize new survey.

SECTION 16. The common council may at any time by resolution duly passed and entered on its minutes, authorize the city surveyor, or such assistant surveyor as they may appoint to make a new and accurate survey of the lines and boundaries of all the streets, alleys, avenues, highways, public grounds, wards, docks, blocks and lots, establishing such permanent land-marks in each ward, or in any of the wards, as the common council may require, and to cause an accurate map, plat or plats thereof to be made and certified to by said surveyor or assistant surveyor, to be approved by the common council, which approval shall be endorsed thereon by the city clerk, with the corporate seal of the city attached, and filed in the office of the city clerk, and an attested copy thereof filed and recorded in the office of the register of deeds of Marinette county, and such survey and land-marks when so established and recorded shall be prima facie evidence in all courts and places, of the facts therein set forth.

May hold real estate for public use.

SECTION 17. Said city may purchase, lease and hold real or personal estate sufficient for public uses, and may sell and convey the same and the same may be free from taxation.

All real estate subject to tax.

SECTION 18. All real estate within the limits of said city, except the property of said city, shall be subject to special taxes and assessments, authorized by this act for special improvements.

Streets to correspond in width, etc.

SECTION 19. Every individual or company of individuals or body corporate, owning a lot or tract of land within the limits of the city of Marinette who may desire to subdivide or plat such lot or tract of land into city lots, shall in platting the same, cause the streets, avenues and alleys in such plat to correspond in width and general direction

with the streets, avenues and alleys through the lots and blocks in said city adjacent to said lot or tract of land so platted, and before recording such plat as required by law, it shall be the duty of such person or persons making such plat, to submit the same to the common council of said city for approval, and the common council may in its discretion before it approves of such plat, require the owner platting the same to open, improve and grade to a required grade the streets and alleys in the land so platted as shown by such plat; and if said plat and the opening and grading when required, shall be approved by the common council it shall be lawful for the party or parties making such plat to record the same in the manner prescribed by the statutes of this state concerning town plats, but except such plat shall be approved by resolution adopted by said common council, a copy of which duly certified to by the city clerk shall be affixed to said plat, it shall not be lawful for the register of deeds of Marinette county to receive such plat for record, and the person or persons neglecting or refusing to comply with the requirements of this act shall forfeit and pay a sum not less than one hundred dollars and not more than one thousand dollars, and the register of deeds who shall record such plat without such resolution of the common council thereto attached, approving the same, shall forfeit and pay a sum of not less than fifty nor more than one hundred dollars, to be paid into the city treasury for the use of said city.

SECTION 20. When the city 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 Marinette," and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

City to be party of first part.

SECTION 21. The mayor of said city is hereby authorized to execute a deed or deeds, lease or leases, or other conveyance of any real estate belonging to the city; provided, that such sale, lease, quit-claim or other conveyance shall first be authorized by the common council, by ordinance or resolution, which ordinance or resolution shall fully describe the real estate and interest to be conveyed. Said deed or other instrument shall be signed by the mayor and countersigned by the

Mayor authorized to execute deeds.

city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged as prescribed by law. All contracts by or with the city, and required to be in writing, shall be signed by the mayor and countersigned by the city clerk.

When deed is executed clerk to attach copy of ordinance.

SECTION 22. Whenever such deed or other conveyance is so executed, the city clerk shall attach thereto a true and attested copy of such ordinance or resolution, and the same shall be recorded by the register of deeds of Marinette county, with said instrument, and such copy so attached and recorded, shall be prima facie evidence in all courts and places of the authority of such mayor to make and execute such deed, lease or other conveyance.

Town property to belong to city.

SECTION 23. All property, real or personal, within the corporate limits of said city, which belonged on the first Tuesday of April, 1887, to the town of Marinette, in said county, or to any school district thereof, shall vest in and belong to the city of Marinette. All amounts becoming due and payable after the first Tuesday of April, 1887, or any contract made by said town for the purchase, repair or custody of said property, and all amounts coming due for services thereafter rendered within the limits of said city, pursuant to any valid contract theretofore made on behalf of said town or school district, shall be paid by said city.

Council to meet with supervisors and adjust indebtedness.

SECTION 24. The common council of said city or a committee thereof, to be appointed thereby for that purpose, shall meet with the board of supervisors of the town or towns, made from that portion of the town of Marinette not within the limits of said city, at the common council rooms in the city of Marinette, upon six days' written notice given by either party to the other by service thereof on the town or city clerks, for the purpose of apportioning the indebtedness of said town and the funds in the treasury of said town as they were found on the first Tuesday of April, 1887, if such apportionment has not heretofore been made.

Duplicate certificates of apportionment to be filed.

SECTION 25. Duplicate certificates of such apportionment shall be made, signed by said town board or boards and the common council or its committee, one of which certificates shall be filed with the city clerk and one with the town clerk of said town or towns. .

SECTION 26. Any franchise or privileges granted by ordinance or otherwise to any person, association or corporation by the common council of the city of Marinette, which affects the city at large, or the health, welfare or interest of the citizens generally, or the welfare, trade or commerce of the city, may be revoked or annulled by the proper proceeding at law, or in equity instituted against the party or parties holding the same, for or on account of any violation of the provisions, terms or condition, restrictions or obligations imposed by or contained in such franchise or grant; provided, that such violation materially affects the welfare or interest of the city at large or the citizens generally.

When franchise may be revoked.

SECTION 27. All ordinances, regulations, by-laws, rules or proceedings now in force in the city of Marinette, not inconsistent or conflicting herewith, shall be and remain in full force and effect until altered, amended, modified or repealed under the provisions of this act.

Ordinances not inconsistent with this act to remain in force.

SECTION 28. This act is hereby declared to be a public act, and shall be liberally constructed in all of the courts of this state.

Public act.

SECTION 29. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1889.

[No. 540, A.]

[Published March 30, 1889.]

CHAPTER 184.

AN ACT to revise, consolidate and amend the charter of the city of Eau Claire, approved March 2, 1872, and the several acts amendatory thereof.

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

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION 1. From and after the passage of this act, the district of country in the county of Eau