

tate are collected; but no part of the expenses of any such dredging shall be paid by the city.

Harbor-master.

SECTION 4. The common council shall annually appoint a harbor master on whom may be conferred the duties of bridge-tender. The duties and compensation of such harbor master and bridge-tender shall be prescribed by the common council by ordinance. His term of office shall be one year, and until his successor is appointed and qualified; but he shall be subject to removal, at any time, by the common council.

Approved March 12, 1878.

[No. 272, A.]

[Published March 21, 1878.]

CHAPTER 159.

AN ACT to revise the charter of the city of Chippewa Falls.

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

CHAPTER I.

Incorporated.

SECTION 1. All that district of country in the county of Chippewa, hereinafter described, shall be and remain a city by the name of Chippewa Falls, and the people who now, or who may hereafter, inhabit said district, shall be a municipal corporation by the name of the city of Chippewa Falls, and shall have the general powers possessed by municipal corporations at common law, and also the powers hereinafter specially 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 with, in all courts of law and equity, and shall have a common seal, and may change and alter the same, at pleasure.

CHAPTER II.

Boundaries.

SECTION 1. The south half of section number thirty-one (31), and the southwest quarter of section thirty-two (32), in township number twenty-nine (29) north, of range number eight (8) west; also the east one-half of section number one (1) and lots one (1) and two (2), in section twelve (12), in township number twenty-eight (28), range number nine (9); all of section number six (6), except lot number one (1) therein; also lot

number four (4), in section number seven (7), and lots five (5) and six (6), and the west half of the northwest quarter, and the northeast quarter of the northwest quarter of section number five (5), all in township number twenty-eight (28), north, and of range eight (8) west, and the northwest quarter of the northeast quarter, and lots seven (7) and eight (8), in section five (5), township twenty-eight (28) north, and of range eight (8) west; and also the southeast quarter of section thirty-two (32), in township twenty-nine (29) north, and of range eight (8) west, shall be included within and constitute the territory comprising the city of Chippewa Falls.

SECTION 2. The city shall be divided into four (4) wards. All that portion lying north of the Chippewa river, and east of Bridge street and south of Columbia street, and of the highway running easterly therefrom, shall constitute the first ward. All that portion lying north of the Chippewa river, west of Bridge street, and south and west of a line running on Columbia street to the westerly limit of the original plat of the village of Chippewa Falls, thence north to Mansfield's addition, thence west to the city limit, shall constitute the second ward. The remainder of the city shall be divided by a line running on Bridge street until it intersects the quarter line at its end, thence north to the city limit. All west of said line not included above, shall constitute the third ward, and all east of said line not included above, shall constitute the fourth ward.

CHAPTER III

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday of April of each year, at such place in each ward as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon till five o'clock in the afternoon, and ten days' previous notice shall be given by the city clerk, in such a manner as the common council shall direct, of the time and place of holding such elections, and of the city and ward officers to be elected.

SECTION 2. The elective officers of said city shall be a mayor, three alderman from each ward, a city treasurer, city clerk, city attorney, city physician, one assessor, and one justice of the peace, one constable and one supervisor for each ward, which said officers shall hold their respective offices, as follows :

- Terms.** The mayor, aldermen, city treasurer, city clerk, city attorney, city physician and assessor, for one year. Justice of the peace and constables, for two years. The term of office shall commence on the second Tuesday in April of the year for which said officers are elected; each of said officers shall continue in office for his respective term and until his successor is elected and qualified. All other officers necessary to the proper management of the affairs of the city shall be appointed by the mayor, subject to the approval of the common council, and the term of office of all the appointive officers shall expire with that of the mayor who appointed them, unless herein otherwise provided.
- Appointed officers.**
- Vacancies.** SECTION 3. Whenever a vacancy shall occur in the office of mayor, alderman or justice, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office, and discharge the duties thereof for the unexpired term, and shall be subject to the same liabilities as the person whose office he may be elected or appointed to fill.
- Qualifications.** SECTION 4. The mayor, treasurer, city clerk, city attorney, city physician and assessor, shall be freeholders and qualified voters of the city of Chippewa Falls, and the ward officers shall be qualified voters and freeholders or householders, in the ward in which they are elected. When an election shall be closed, the canvassers shall proceed to count the votes cast for each and every legal candidate voted for, and shall make a return thereof to the city clerk on the day following the election, and on the second day after the election the city clerk, city attorney and the mayor shall proceed to canvass the said votes by said returns, and shall file in the office of the city clerk a written statement of the whole number of votes cast for each office, and the number cast for each candidate therefor, duly subscribed by a majority or all of the said board of canvassers, and the city clerk shall, within three days thereafter, give notice to each person elected, of his election. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward in the same manner, and the returns shall be made in the same form and manner as of annual elections, and within such time as may be prescribed by ordinance. Any officer removing from
- Canvass of votes.**
- What to constitute vacancy.**

the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to qualify and enter upon the discharge of the duties of his office shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein prescribed.

SECTION 5. If either of the inspectors at any general or special election shall suspect that any person offering to vote does not possess the qualifications of an elector, or if such vote shall be challenged by an elector, the inspectors before receiving the vote of any such person, shall require him to take the following oath: You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age, and that you are a citizen of the United States (or have declared your intention to become a citizen conformably with the laws of the United States on the subject of naturalization); that you have been an actual resident within the city of Chippewa Falls for one year, and within this ward for thirty days immediately preceding this election, and that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election, which oath any member of the board of inspectors is hereby authorized and empowered to administer, and if the person offering to vote shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment or information, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty five dollars. It shall be the duty of the inspectors of election to keep a list of all the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes; and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election or if any clerk shall willfully omit to write down the name of every voter as he votes or shall willfully make untrue or incorrect counts or tallies of votes, such inspector or clerk shall be liable to indictment or punishment by information, and on conviction thereof shall

Challenges.

Penalty for illegal voting.

List of challenged persons.

Liability of inspectors.

forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars.

Annual elections.

SECTION 6. The first election under this act shall be held on the first Tuesday in April, 1878, and elections shall be held annually thereafter. The present city officers of said city shall hold their offices for the time they were elected.

Elections.

SECTION 7. All the elections shall be conducted by the aldermen of each ward, and by two clerks elected from the bystanders, upon election morning; and if the aldermen, or either of them are not present, their places may be filled by election from the persons present, who shall proceed to discharge the duties of clerks and inspectors in the same manner as is provided by statute for town meetings.

Who entitled to vote.

SECTION 8. All persons entitled to vote for county and state officers, and who shall have resided in the city one year, and within the ward where they offer to vote for thirty days next preceding the time of holding said election, shall be entitled to vote for any officer elected under this act; a residence shall be construed to mean the place where such elector lodges.

Elections to be by ballot.

SECTION 9. All elections by the people shall be by ballot, on which the names of all officers voted for shall be written or printed. 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 in the presence of the common council, at such time and in such manner as they shall direct.

CHAPTER IV.

Oath of office.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state; and file the same, duly certified by the officer administering the same, with the city clerk; and the treasurer, clerk and such other officers as the common council may direct, shall each, before entering upon the duties of his office, execute to the city a bond, with two or more sureties, the aggregate amount of whose property within the state, over and above all their respective debts, exemptions and liabilities, as shown by their several and respective affidavits, attached to or inclosed in such bonds; and said bonds shall respectively contain such penal sums and such conditions as the com-

Bonds.

mon council may deem proper, and shall be subject to the approval of said council. And the common council may, from time to time, require new or additional bonds and remove from office any officer refusing or neglecting to give the same. All official bonds executed to the city of Chippewa Falls, except that of the city clerk, shall be filed with and safely preserved by the city clerk in his office, unless the common council shall otherwise direct. The bonds of the city treasurer and of the city clerk, and of all officers who may be charged with the collection or safe keeping, or the disposition or disbursement of any of the funds of said city, or may have any control over such funds, at any time, shall be duly witnessed and acknowledged, and recorded in the office of the register of deeds of Chippewa county. A transcript from the records of such bonds in the office of the register of deeds or clerk, duly certified by such register or clerk, shall be evidence of the due execution and contents of the bonds so recorded, in case of the loss of the originals. The bond of the city clerk shall be filed with the city treasurer.

Additional bonds may be required.

Bonds to be recorded.

SECTION 2. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. When present, he shall preside at the meeting of the common council, and shall only vote therein on an equal division of the members present. The mayor shall be the chief executive officer of the city, and head of the fire department and of the police, and in case of a riot or other disturbance he may appoint as many special or temporary policeman as he may deem necessary. Any ordinance, resolution or appropriation, which shall have been duly passed by the common council, shall be in force unless disapproved by the mayor, within three days, who shall state his objections thereto in writing, to the common council at its next regular meeting. The council shall thereupon reconsider the vote passing such ordinance, resolution or appropriation, and if, after such reconsideration, two-thirds of all the aldermen elected to such council, shall vote for the passage of such ordinance, resolution or appropriation, the same shall be in force; otherwise it shall be null and void. All such votes on the passage of any such ordinance, resolution or appro-

Power and duties of mayor.

priation, after the objections of the mayor are read, shall be taken by yeas and nays, and entered upon the journal of the council.

Power and duties of president of council.

SECTION 3. At the first meeting of the common council in each year, after the annual city election, or as soon thereafter as may be, they shall proceed to elect, by ballot, one of their number president, and in the absence of the mayor, the president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability from any cause, to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of the mayor. In case the mayor and president shall be absent from any meeting of the common council, the members present shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge the duties of mayor. The president or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and all acts performed by him shall have the same force and validity as if performed by the mayor.

Powers and duties of clerk.

SECTION 4. The clerk shall keep the corporate seal and all papers and records of the city, except as otherwise herein provided, and shall keep a record of the proceedings of the common council, whose meetings it shall be his duty to attend; he shall also keep a record of the official bonds of all officers required by this act or the ordinances of the common council, and shall record all contracts made by or with the city, in a book to be kept for that purpose, and copies of all papers filed or recorded in his office, and transcripts from the records of the common council, and from the records of official bonds, certified by him under the corporate seal, and from contracts with the city recorded by him as provided by this section, shall be evidence in all courts, to the same extent as the originals would be if produced; he shall draw and countersign all orders on the city treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose; he shall file in his office all chattel mortgages presented to him for that purpose, and safely keep and record the same as provided in the general laws of this state for filing and recording chattel mortgages in town clerk's offices, receiving the same fees allowed by law to town clerks, and all chattel mortgages so filed and recorded shall be valid, and have the same effect as if

the same had been filed in the town clerk's office of any town; he shall keep an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection, and all moneys paid into the treasury; it shall also be his duty to do and perform any act required to be done by clerks of towns, not inconsistent with the provisions of this act, and he shall have power to administer oaths and affirmations. Whenever the clerk shall be absent from any meeting of the common council, the council shall appoint a clerk *pro tempore*.

SECTION 5. The city attorney shall conduct all the law business of the corporation, and of all departments thereof, and all other law business in which the city shall be interested, when so directed by the common council. He shall, when requested, furnish written opinions on subjects submitted to him by the mayor or by the common council, or by any of its committees, or by any other department of the municipal government. He shall keep a docket of all the cases in which the city may be a party in any court of record, in which shall be briefly entered all steps taken in such cases, and said docket shall at all times be open to the inspection of the mayor or any member of the common council, or any city officer. It shall also be the duty of the city attorney to draft all indentures, bonds, contracts, leases, conveyances, and such other instruments in writing as may be required by the business of the city, to examine and inspect tax and assessment rolls, and all proceedings in respect to the levy and collection of taxes and assessments, and to perform such other duties as may be provided by the charter and ordinances of the city. He shall have power to appoint an assistant, who shall be authorized to do all acts required by law to be done by the city attorney: *provided*, that the city attorney shall be responsible to the city for all the acts of such assistant, and that the city shall not be liable for the compensation of such assistant, nor have any power to pay the same. The city attorney shall receive for services an annual salary, to be fixed by the city council, payable monthly.

SECTION 6. The city treasurer shall perform all the duties required of him by law; collect all city, county and state taxes, and pay over the moneys in his hands according to law. He shall keep, in a proper book, an account of all moneys received and of all moneys paid out, and the same shall at all times be open to the inspection of the voters of said city. He shall make re-

ports monthly, and render an itemized account to the common council of all sums received, when and by whom the same was paid, and also of all moneys by him paid out, which shall be published in the city papers; such reports to state the amount of money on hand. The treasurer of the city of Chippewa Falls, in no case shall receive more than three per cent. on the sums by him collected, and shall be ineligible for one year next succeeding the termination of his office.

Duties of assessor.

SECTION 7. The assessor shall assess all the taxable property of the city of Chippewa Falls as required by law, without regard to wards, and shall complete and return his assessment roll in the manner hereinafter provided, and receive such compensation as the council may determine.

Duties of city physician.

SECTION 8. The city physician shall have charge of all the sick under the care of the city, and render for them such medical and surgical aid as their condition requires, and in his judgment becomes necessary for their restoration to health, and shall discharge such other and further duties concerning the sanitary condition of the city as the mayor and aldermen may impose.

Justices of the peace.

SECTION 9. 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 Chippewa county, and they shall have jurisdiction over and cognizance of all actions and proceedings, the same as other justices of the peace in the said county of Chippewa, and all proceedings 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 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 offices in the same room: *and provided further*, that their official bonds be approved by the mayor and city clerk. The common council of said city may require a bond from each and all of said justices, to pay over all moneys belonging to the city which may come into their hands; and they shall report monthly to the common council the amount of moneys in their hands belonging to the city; and shall pay the same to the city treasurer, taking his receipt therefor, which receipts shall be attached to their reports.

SECTION 10. The constables shall possess the same **Constables.** power as constables elected by towns under the general laws of this state, and also the powers of police officers under the charter and ordinances of the city of Chipewewa Falls.

SECTION 11. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed; and to prescribe the duties and fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year. **Further duties may be required.** The common council shall by resolution, **Compensation.** fix the salary or fees of all other officers of said city, who are to be elected for the ensuing corporate year, entitled to compensation for their services at the first regular meeting in March of each year: *provided*, that the present common council may fix the salaries of officers for the coming corporate year at any meeting held during the month of March, 1878, and the compensation of the officers so fixed shall not be increased or diminished during the corporate year for which such resolution may be adopted. In case the common council shall fail to fix the compensation of any city officer as aforesaid, then every such officer shall receive the same compensation as that received by his immediate predecessor in office.

SECTION 12. The common council, at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances and proceedings, and matters required by this act, or by the by-laws or ordinances of the common council, to be published in a public newspaper, which printing shall be let by contract to the lowest bidder or bidders. **Official newspaper.** The city printer or printers, immediately after the publication of any notice or ordinance or resolution, or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office. **Affidavit of publication.**

CHAPTER V.

THE COMMON COUNCIL AND ITS POWERS.

- Common council.** SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The mayor and common council of the city of Chippewa Falls do ordain," etc. The common council shall meet at such time and places as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.
- Meetings.** SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday in April, and thereafter stated meetings at such times as they shall appoint, and the mayor may call special meetings by notice to each of the members to be served personally or left at their several places of abode. The common council shall determine the rule of its own proceedings, and be the judge of the election and qualification of its own members, and have the power to compel the attendance of absent members.
- Finances.** SECTION 3. The common council shall have the management and control of the finances, except school moneys, and all of the other property in the city, and shall likewise, in addition to the powers 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, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce and health thereof, and so enforce, as they shall deem expedient; declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of law: *provided*, that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority, by ordinance, resolution or by-laws:
- Power of council.**
- Showmen, etc.** 1st. To license, suppress and prohibit the exhibition of common showmen or shows of any kind, or exhibitions of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys; and to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state or at common law; and may grant

licenses for and regulate groceries, taverns, victualing-houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same: *provided*, that the license for so dealing in or vending spirituous, vinous or fermented liquors shall not be less than one hundred dollars nor more than three hundred dollars, except druggists' licenses, which shall in no case exceed twenty-five dollars; and that all such licenses hereafter granted shall run from the first day of May in each year: *provided, however*, that when any such license may be applied for after that date, the same may be granted, to expire on the said first day of May of each year, on the applicant paying *pro rata* therefor, but no license shall be granted for a longer term or period than one year.

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

Gaming, liquors, hawkers and peddlers.

3d. To prevent any riots, noise, disturbance or disorderly assemblages; to suppress and restrain disorderly houses or groceries and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gambling. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinance of the city of Chippewa Falls, by reason of him or her being implicated in any such offense, but the testimony of such witness shall in no case be used against said witness.

Riots, etc.

Testimony in certain cases.

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

Abatement of nuisances.

5th. To direct the location and management of slaughter houses and markets, and to establish rates for and license venders of gunpowder, and to regulate the storage, keeping and conveying of gunpowder or other combustible materials.

Slaughter-houses and gunpowder.

6th. To prevent the encumbering of the streets, side-

Encumbrance of streets, etc.

walks, lanes or alleys, with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, pine wood, or any other material or substances whatever.

Horse-racing, swimming, etc.

7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Running at large of horses, etc.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining of the same.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

Putrid carcasses, etc.

10th. 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 upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skin, or substances of any kind, and in default, to authorize the removal thereof by some competent officer at the expense of such person or persons.

Ponds, water-works, street-lamps, hackmen, etc.

11th. To make and establish public ponds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants; to erect lamps, and to regulate, license and suppress omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen, and all others who may pursue like occupations in this city; and to provide for lighting the streets, public grounds and public buildings, with gas or otherwise.

Boards of health, burial of dead, etc.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the returns of bills of mortality, and exempt burial grounds set apart for public use from taxation.

Bread.

13th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Sidewalks.

14th. To prevent all persons riding or driving any ox, mule, cattle or other animals on the sidewalks in said city, or in any way doing damage to sidewalks.

Fireworks.

15th. To prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or property therein, or annoying to any citizens thereof.

16th. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Drunkenness,
etc.

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses, or other establishments, and to establish and regulate the police of the city.

Police, and runners.

18th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Public markets

19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions.

Meat, poultry
and produce.

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend the same, to appoint fish inspectors as herein provided, and to appoint a lumber and shingle inspector.

Hay, lime and
fuel.

21st. To compel the occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys, opposite thereto; and to compel said 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.

Obstruction of
sidewalks.

22d. To regulate, control and prevent the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

Public landing.

23d. To regulate the time, place and manner of holding public auctions and vendues.

Auctions, etc.

24th. To appoint watchmen and prescribe their duties.

Watchmen.

25th. To provide by ordinance a standard of weights and measures, and for the punishment of the use of false weights and measures.

Weights and
measures.

26th. To protect trees and monuments in said city.

Trees and
monuments.

27th. To prescribe and regulate the construction of sewers within the city.

Sewers.

28th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances, and to protect them from injury.

Streets and
highways.

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

Public build- 30th. To locate, purchase sites, and let contracts for the erection and construction of public buildings.

Ordinances, etc 31st. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations not contrary to the constitution of the state, for the good order and government of the city and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act; or which may be vested in any officer of said city by any ordinance thereof.

Ordinances—
how enacted.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall within fifteen days after their passage, respectively, be published in the official paper or papers, of said city, once before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded herewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication; and such record of such law, ordinance, regulation or by-law, and the proof of such record, certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance regulation or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor, taken by yeas and nays, which vote shall be recorded in full by the clerk.

Evidence.

Shall not
hinder suits.

Nuisances de-
fined.

SECTION 5. The powers conferred upon the said council to provide for the abatement of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns and houses and places where spirituous, vinous or fermented liquors are sold without the license thereof, within the city limits, are hereby declared and shall be deemed public or common nuisances.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, and all other officers or agents of the city, at such time as they may deem proper, and also at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every officer and agent to exhibit his books, funds and moneys, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of said 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 council, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

Accounts to be examined and audited.

Penalty for failure to produce books, vouchers, etc.

SECTION 7. The corporate authority of said city shall be vested in one principal officer styled the mayor; in one board of aldermen, consisting of three members from each ward, together with such other officers as may be created under this act.

Corporate authority.

CHAPTER VI.

CLAIMS AND APPEALS.

SECTION 1. All accounts or demands against the city, before being acted upon or paid, the council may require the same to be verified by affidavit, except salaries and amounts previously fixed or determined by law, and any person who shall falsely swear to any such account or demand shall be deemed guilty of perjury, and shall be punished according to law.

Claims.

SECTION 2. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court for the county of Chippewa, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety, to be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such

Appeals.

appeal, and the payment of all costs that shall be adjudged against the appellant by the court, and no more.

Duty of clerk in case of appeal.

SECTION 3. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and aldermen, or shall take such measures as, by ordinance or resolution of said common council, he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with their decision thereon, and shall file the same, together with the bond and all the papers in the case in his possession, with the clerk of the circuit court for the county of Chippewa, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner: *provided, however*, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered, judgment shall be rendered against appellant for the amount of such excess.

Claim must first be presented.

SECTION 4. No action shall be maintained by any person against the city of Chippewa Falls, upon any claim or demand, other than a city bond or order, unless such person shall first have presented his claim to the common council of said city.

Perpetual bar in certain cases

SECTION 5. The determination of the common council disallowing, in whole or in part, any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such claim, unless an appeal shall be taken from the decision and determination of such common council, as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city: *provided, however*, that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be so construed as to prevent the institution and maintenance of an action by said claimant against said city.

CHAPTER VII.

OPENING OF STREETS AND ALLEYS.

SECTION 1. The common council shall have power to lay out streets and alleys, and to widen the same, as follows: Whenever ten or more freeholders residing in any ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for the public use, for the purpose of laying out streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be; or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official papers four weeks successively, at least once in each week.

Power to lay out streets and alleys.

SECTION 2. Such notice shall state that on a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication as the case may be, application will be made to the county judge or a court commissioner for the county of Chippewa, for the appointment of twelve jurors to view said premises, and determine whether it will be necessary to take the same for the purpose specified in said petition.

Notice of application.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which such premises may be, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises, to be specified in said precept, and to make returns under their hands to the common council, whether in their judgment it is necessary to take said premises for the purposes specified in such application.

Appointment of jurors.

SECTION 4. Any constable of said city shall serve said precept immediately on the jurors herein named

Service of precept.

by reading the same to every one that can be found; and immediately after such service he shall return the said precept to the judge or court commissioner who issued the same, together with his doings thereon.

Vacancies.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others in their place, and a memorandum of such substitution shall be endorsed on the precept.

Oath of jurors.

SECTION 6. The said judge or court commissioner, or any justice of the peace, shall thereupon administer an oath to said jurors before entering upon the discharge of their duties, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them, which oath shall be filed in the office of the city clerk.

Viewing of premises.

SECTION 7. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for the public use, which said report, testimony and precept, shall be returned to the common council within the time limited in the precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings confirming said report, and directing the same

Assessment of damages.

jurors, within twenty days thereafter, or such future time as shall be necessary, to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return, within the time limited, such damages to

Report of jurors

the common council; and after the jurors shall have made their report, as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve, in ascertaining the amount of compensation, as above, and all the jurors, before entering

upon the discharge of their duties in the premises, shall severally take an oath before some competent officer, that they are freeholders in said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

SECTION 8. If there should be any building in whole or in part upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him to remove. Buildings.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all parties interested shall be given by publication in the official paper or papers of said city, three successive weeks, one in each week; such notice shall specify the building and the award of jurors. It shall also require the parties interested to appear by a day to be therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken with the land appropriated, or their intention to remove such building. He shall have such time for this purpose as the common council may allow. Notice to owner
Buildings.

SECTION 10. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited to his use. Council may sell.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken and, all such premises as will, in their judgment be injured or benefited thereby. After hearing such testimony, as may be offered, by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and determine and appraise to the owner or owners the actual value, in money, of the real estate so proposed to be taken; and the injury arising to them, respectively, in consequence of the taking thereof, which shall be awarded to such owners respectively as damages. In the estimates of the damages to the lands, the Damages and benefits.

jurors shall include value of the building or buildings (if the property of the owner of such lands), as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section eight (8) of this chapter.

In case of lease SECTION 12. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

Award of jurors SECTION 13. The award of said jurors shall be signed by them and returned, together with the testimony taken, and the precept, to the common council, within the time limited in such precept.

Appeal. SECTION 14. Any person whose property is taken, or against whom any assessment is made, may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Chippewa county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section two (2) of chapter six (6) of this act, and such appeal shall be tried by the court and jury as in ordinary cases. The common council shall also have the right to appeal by filing with the clerk a notice thereof within ten days as aforesaid.

To be paid for before appropriated. SECTION 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or agent, or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds opened or laid out.

When void. SECTION 16. The damages assessed shall be paid or tendered, or deposited as herein required, within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case shall be void.

May appropriate when pay is tendered. SECTION 17. The city may pay or tender or deposit, as herein required, at any time within one year from

the confirmation of such assessment and report, the damages assessed in any such case; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among its proceedings to take and appropriate such lands for the purposes required.

SECTION 18. When the whole of any tract or lot or other premises under lease or other contract shall be taken by virtue of this act, all covenants, contracts or engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged. Discharge of contract.

SECTION 19. When only a part of a lot or tract of land, or other premises so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of the report, shall be absolutely discharged, as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for, in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or reserved for, or in respect to the same. Contract discharged in part.

SECTION 20. When any known owner of lands or tenements, affected by any proceedings under this act, shall be an infant, or labor under legal disabilities, the judge of the circuit court of Chippewa county, or in his absence, the judge of any court of record in said county may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian. May appoint guardian.

SECTION 21. Whenever any public ground, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey thereof to be made and filed in the office of the city clerk. Survey.

CHAPTER VIII

FINANCE AND TAXATION.

SECTION 1. All funds in the city treasury except school, state and county funds shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council. Disbursement of funds.

oil, and in no other manner; and all orders drawn upon the treasurer shall specify the purposes for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city, not otherwise appropriated. All orders shall be payable to the person in whose favor they may be drawn, or to the bearer thereof.

Tax levy. SECTION 2. The common council shall annually levy upon the taxable property of said city, a tax sufficient to defray the current and lawful expenses of the same.

Debt. SECTION 3. No debt shall be contracted against the city, or certificates of indebtedness drawn upon the city treasurer, unless the same shall be authorized by a majority of all the members of the common council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act: *provided*, that the common council shall not issue in any one year orders upon the city treasurer to an amount greater than the amount of taxes levied under the provisions of this act for that year; *provided further*, that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose, not exceeding three thousand dollars in any one year, and the said taxes when so levied shall be collected at the same time as other city taxes are collected.

Bridge tax.

Special taxes. SECTION 4. Special taxes may also be levied by the city council, at any regular meeting, for the purpose of paying the interest or principal of any outstanding bonds now due, or hereafter to become due, issued by the city of Chippewa Falls, or which may hereafter be issued by said city, by authority of law: *provided, however*, no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on said bonds at the time such tax shall be collected by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes. Said taxes, when so levied, shall be collected at the same time other city taxes are collected.

Powers and duties of assessor. SECTION 5. The assessor elected under this act shall, within ten days after receiving notice of his election, take and file an official oath with the clerk of the city, and every such assessor shall be authorized to administer such oath as shall be required by this chapter and the laws of this state, and within such time as now or may hereafter be prescribed by the general laws of this

state relating to assessment, said assessor shall make out a complete and accurate assessment roll, which shall contain a description, as near as may be, of all the lands, lots or parcels of land within said city, sufficient to identify the same, and also of all persons or bodies politic liable to pay taxes on personal property, and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite the name of each person or body politic shall be affixed the value of the personal property for which said person or body politic shall be assessed; where there are buildings upon any lot or parcel of land, the value of the same may be set forth in a separate column. Any omission to assess any real estate in the city to the owner, or as unknown, shall not affect the validity of the tax: *provided*, that such assessment rolls may be so made as to conform to this act, and the same are hereby declared to be matters of convenience, and not material to the validity of the taxes to be levied upon such assessment.

SECTION 6. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper or papers and shall fix a time and convenient place, where he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same the assessor shall make such alterations as justice or equity shall require: *provided*, the time of hearing such objections shall not be more than one week from the expiration of such notice.

Notice of hearing complaints.

SECTION 7. Within one week after the time limited for hearing such objections, the assessors shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same may alter and add to, take from and otherwise revise and correct the same: *provided, however*, the board of equalization shall not have the power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessors.

Return of assessment roll.

SECTION 8. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted, for such year or years, that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such

May supply omissions.

- assessment shall have the same force and effect as it would have had if made the year when the same was omitted, and the common council shall direct in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had it not been omitted, and such tax shall be collected as other taxes for the current year. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax so set aside or declared void to be levied in such manner as they shall by ordinance direct: *provided*, that if the defect was in the assessment the same shall be again assessed at such time as the common council shall direct, and the said tax so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes are collected under this act.
- Re-assessment.**
- Board of equalization.** SECTION 9. The mayor, treasurer, city clerk and assessor shall constitute the city board of equalization, and shall meet at the office of the city clerk on the first Monday of July in such year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable in reviewing, correcting and equalizing the assessment roll of said city.
- Council to levy tax.** SECTION 10. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk. Thereupon the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized, not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied.
- Changes to be recorded.** SECTION 11. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.
- Taxes to remain a lien.** SECTION 12. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be levied, from the time of the confirmation of such assessment roll, and on all personal property of any person or body politic, assessed for personal taxes, from the delivery of the warrant for the collection thereof, until such taxes shall be paid; and no sale or transfer of such real or personal estate shall affect said lien; any personal property belonging to the person

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

SECTION 13. It shall be the duty of the city clerk immediately upon the reception of the corrected assessment rolls, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with all the city and other local taxes with two per cent. upon the whole for the expense of collection, to be placed in a sufficient column prepared for that purpose in the assessment roll, placing opposite the several sums set down, as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fraction of a cent when less than one half; otherwise, reckoning said fraction as a cent.

Clerk to carry out tax.

SECTION 14. The city clerk shall immediately make out a duplicate copy of such assessment roll, when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year.

Duplicate roll to be delivered to county treasurer.

SECTION 15. To each assessment roll so delivered a warrant, under the hand of the city clerk, and the corporate seal of said city, shall be annexed, substantially in the following form:

Warrant.

To A. B., treasurer of the city of Chippewa Falls:

Form of warrant.

You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of real estate described therein, the taxes set opposite to the names of such persons, corporations and property, within the time limited by law, and to apply the taxes by you so collected, and make due returns thereof as required by law.

Dated — day of —, 187—.

— —, Mayor.

— —, City Clerk.

SECTION 16. The said assessment roll and warrant thereto attached shall be *prima facie* evidence, in all courts, that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Evidence.

SECTION 17. All the general laws of this state which are now or may hereafter be in force, relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes of said city, in the same manner as is required by law of the town treasurers to collect taxes, except as herein provided.

General laws to apply.

Treasurer to
collect tax.

SECTION 18. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice, in a newspaper published in said city, that such tax list (describing for what purpose such taxes are levied) has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing the date of said notice. If the taxes are not paid within said time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale, by posting up not less than three written notices in as many public places in said city.

Fees.

SECTION 19. The treasurer shall be entitled to receive and collect as fees for the collection of taxes one per cent. upon all taxes collected by him prior to the first day of January in each year, three per cent. upon all taxes collected by him after the said first day of January, and in case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; the city treasurer shall collect the fees hereinbefore prescribed, and shall keep, in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer from any source whatever, and such book shall be open at all reasonable times to the inspection of any person, and the city treasurer shall, when required, make report to common council, duly certified on oath, of all fees or other moneys received and paid out by him as treasurer, and he shall receive no other or further compensation for his services as treasurer than as hereinbefore provided, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties.

State tax.

SECTION 20. The treasurer shall, on or before the third Monday of January in each year, pay to the county treasurer the state tax assessed upon the property in said city.

Directory.

SECTION 21. All the directions hereby given for assessing lands and personal property, and levying and collecting taxes, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

Proceedings to
set aside tax.

SECTION 22. No person shall be permitted to in-

stitute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract, or to set aside or set up or interpose any objections to the title derived by virtue of any tax deed executed in consequence of non-payment of such taxes and of the sale of premises therefor, unless such person shall first pay or tender to the proper party, or deposit for his own use with the city treasurer, the amount of all state, county and city taxes, that remain unpaid upon such lot or tract, together with the interest and charges thereon.

SECTION 23. In case the city treasurer is unable to collect any tax assessed upon any personal property and payable by any person named in the tax list, he shall proceed in all things according to chapter eighteen of the revised statutes of this state and the acts amendatory thereto, in bringing such delinquent person before some justice of the peace; and such proceedings shall be had as are provided by said chapter eighteen, and as are prescribed by chapter one hundred and ninety-eight of the general laws of 1860, and any act that may be hereafter passed amendatory to said acts, or in addition thereto. Mode of procedure.

SECTION 24. The city treasury shall receive nothing but the lawful currency of the United States for taxes, licenses or other dues of the city, and is prohibited from receiving county, city, school or other orders in payment of city dues. Lawful money.

SECTION 25. It shall be the duty of the council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall have power to negotiate temporary loans at the legal rate of interest, for supplying all funds to meet any deficiency in the treasury. Prompt payment.

SECTION 26. When the treasurer shall be unable to pay any order drawn on the treasurer, it shall be his duty to report the fact to the first regular meeting of the council. Thereupon the council shall direct its finance committee to examine the accounts of the treasurer, and if all funds in his hands have been paid out, then the council shall take such action as will enable the city to preserve its credit. Preservation of credit.

SECTION 27. Out of the taxes collected by the city treasurer, the state tax shall first be paid; then all school taxes, then judgments, then all special taxes, in the order in which they were levied; then taxes for bridge purposes, then for fire purposes, then taxes for street and other public improvement, and lastly county Order in which taxes shall be paid.

taxes. Delinquent returns shall be received by the county treasurer in payment of county taxes in the manner prescribed by the general laws of the state.

May anticipate
payment of sal-
aries.

SECTION 28. The council shall meet on Tuesday evening, two weeks previous to the holding of the charter election, for the purpose of disposing of its unfinished business, and shall not thereafter, during its term of office, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of their terms.

CHAPTER IX.

FIRE DEPARTMENT.

Fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden building or buildings, or other materials that shall not be considered fire proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed, shall be made and constructed of fire-proof materials; and to prohibit the repairing or rebuilding within the fire limits, when 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 prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Construction of
chimneys, etc.

SECTION 2. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to regulate and prevent the use of fireworks and firearms; to compel the occupants and owners of buildings to have scuttles in the roof, and stairs or ladders leading to the same; to authorize the mayor, aldermen, and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires,

Fire-buckets.

Firearms.

Preservation
against fire.

and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires, as the common council may deem expedient; and to provide penalties for violation of any resolution or ordinance passed under this charter.

Penalties for violation.

SECTION 3. The common council shall have full power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and the meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able-bodied men, between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer and assistant engineers, who shall be appointed by the council, and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from highway work and poll tax, and from serving on juries and military duty, except in cases of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years in either of said companies shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

Purchase of fire engines, etc

Fire companies

Election of officers.

Exemptions.

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

Penalty for disobedience.

SECTION 5. The common council shall have power to organize a sack company, or to countenance any such company now organized which shall be known by such name as they may select, and shall consist of not more than thirty members. Such company shall con-

Sack company.

stitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Chippewa Falls, and are hereby vested with all the power and authority which now is, or may hereafter be vested in any other police officers of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At all fires they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Such company may, from time to time, adopt such by-laws as they shall deem expedient, not contrary to the statutes of this state, or the ordinances of said city. The members thereof shall not be entitled to any compensation for services rendered in their official capacity. They shall, in case of riot or other disturbance of the peace, have access to all licensed places of amusement in the city, and shall perform such service as may be necessary for the peace and good order of the same.

Moneys of fire department.

SECTION 6. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum, as shall be required, and with sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer, or acting chief engineer, and countersigned by the clerk of said department.

Secretary to return list.

SECTION 7. There shall be elected by the members of each company aforesaid, annually at their annual meetings, a clerk or secretary and a treasurer, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the name of each member of their respective companies, and when any member of either of said companies shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

Record of members.

SECTION 8. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries, as above provided; and no person shall be exempt from jury duty, unless the name is entered on such list. In case any person shall, for any cause,

cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Chippewa a list of all persons who are members of either or all of said companies, exempt from jury duty, on or before the day now appointed for the annual meeting of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

List to be returned to board of supervisors.

CHAPTER X.

ACTIONS TO RECOVER PENALTIES, ETC.

SECTION 1. The city of Chippewa Falls, in its corporate name, may sue for, and recover any and all fines, penalties and forfeitures under this act, or under the ordinance, by law or police or health regulations made in pursuance thereof, or now in force, and not inconsistent with this act, and such action shall be commenced by complaint substantially in the following form:

Recovery of penalties.

FORM OF COMPLAINT.

Form of complaint.

— Court—Chippewa county.
 CITY OF CHIPPEWA FALLS }
 against } Before — — — .

STATE OF WISCONSIN, } ss.
 County of Chippewa, }

—, being duly sworn, complains on oath to —, says that he, this complainant, knows, or has good reason to believe, that —, on the — day of — A. D. 187—, at said city, did violate section —, of chapter —, of a general ordinance of the city of Chippewa Falls, entitled “an ordinance —,” which said ordinance is now in force, and was then and there guilty of —, as the complainant verily believes: and prays that —, may be arrested and held to answer therefor.

Subscribed and sworn before me this — day of —, A. D. 187—.

—, —

It shall be sufficient to give the number of the section or sections, and the title of the ordinance, by-law or resolutions violated in the complaint, and such complaint may be sworn to before any officer authorized to administer oaths in this state. Upon the filing of such complaint in the office of any of the justices of the peace

Description of law violated.

Warrant.

within and for the city of Chippewa Falls, or in the office of the municipal judge in and for the county of Chippewa, such justice of the peace or municipal judge shall issue a warrant thereon, substantially as follows, to-wit:

Form of warrant.

FORM OF WARRANT.

County of Chippewa, City of Chippewa Falls—ss.
The state of Wisconsin: To the sheriff or any constable of said county, or public officer of the city of Chippewa Falls:

Whereas, ——— has this day complained to me in writing, on oath, that ———, on the ——— day of ———, 187—, at said city, did violate section ———, of chapter ———, of a general ordinance of the city of Chippewa Falls, entitled “an ordinance ———,” which said ordinance is now in force, and was then and there guilty of ———, as the complainant verily believes.

Therefore, in the name of the state of Wisconsin, you are commanded to arrest the ——— of the said ——— and bring ——— before me to answer to the city of Chippewa Falls, on the complaint aforesaid.

Given under my hand at Chippewa Falls, this ——— day of ———, A. D. 187—.

May proceed or continue.

Upon the return of the warrant, the court may proceed summarily with the case, unless it be continued by consent or for cause or by order of the court. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with sufficient surety for his appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Chippewa county, or to such other place of confinement as may be provided by the common council. The complaint made as aforesaid shall stand in lieu of a declaration, and the plea of not guilty shall put at issue all the subject matter of the complaint.

Evidence.

SECTION 2. A printed copy of an ordinance, by-law or regulation, passed by the common council, and published in an official newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before the courts of this state.

SECTION 3. The municipal judge of the county of Chippewa shall have jurisdiction to try and determine actions to recover penalties and offenses against the charter, ordinances and regulations lawfully imposed by the city of Chippewa Falls. Jurisdiction conferred.

SECTION 4. Witnesses shall attend before any justice of the peace in and for the city of Chippewa Falls, or before the municipal judge for the county of Chippewa, in all actions for the violation of any ordinance, by-law or regulation of said city, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment. Witnesses must attend.

SECTION 5. In city prosecutions, for the violation of any ordinance, by-law or regulation of said city, no jury shall be allowed either party, and the finding of the court shall be guilty or not guilty; if guilty, the court shall render judgment thereon against the defendant, and adjudge that the defendant pay the fine, penalty or forfeiture contained in the ordinance, by-law, resolution or regulation for the violation of which the defendant shall have been found guilty, and for the costs of the suit upon such conviction, and in default of payment of such judgment, fine, penalty or forfeiture and the costs, the court shall adjudge and determine and enter upon the docket that such defendant be imprisoned in the county jail within and for the county of Chippewa, or such other place as the common council of said city shall by ordinance designate, for a term which in no case shall exceed six months, in the discretion of the court rendering judgment, and such court shall further adjudge, determine and sentence such defendant to be kept at hard labor during the term of his or her commitment, either within or without said jail or place of imprisonment, and the said court shall thereupon issue a commitment, inserting therein such time of imprisonment, and every person so convicted and committed shall be kept at hard labor in the common jail of the county of Chippewa, or at such place as the city of Chippewa Falls may provide, for the benefit of said city, under the watch, guard and supervision of whoever the mayor and common council shall appoint, for the period of time for which such person shall have been so committed, unless said judgment, fine, penalty or forfeiture and costs are sooner paid. The commitment may be substantially in the following form: Jury not allowed.

Finding of the court.

Penalty.

Commitment.

Form of com-
mitment.

COUNTY OF CHIPPEWA—City of Chippewa Falls—ss.
The state of Wisconsin to the sheriff or any constable
of said county, or any police officer of said city, and
to the keeper of the common jail of said county
greeting:

Whereas, at _____ court in and for the county of
Chippewa, held at my office in said city, for the trial
of _____, for the offense hereinafter stated, the
said _____ w_____ convicted of having, on the _____
day of _____, A. D. 187—, at said city, in said county,
violated section _____ of chapter _____ of a general
ordinance of the city of Chippewa Falls, entitled, “an
ordinance _____,” which said ordinance was then in
force, and upon conviction, the said court did adjudge
and determine that the said _____ pay a fine
_____ of _____ dollars, together with _____ dollars
costs; that in default of payment of said fine and costs,
to be imprisoned in the county jail of said county for
the term of _____ at hard labor for the benefit of the
city of Chippewa Falls.

Therefore, in the name of the state of Wisconsin, you
are commanded forthwith to take the _____ of the
_____ and _____ convey and deliver to the keeper of the
common jail in and for Chippewa county; and the said
keeper is hereby commanded in the name of said state
to receive and keep in custody in said jail the said _____
_____ for the term of _____ at hard labor for the ben-
efit of said city, unless the said fine, together with all
costs and jail fees, are sooner paid, or _____ be dis-
charged by due course of law.

Given under my hand, this _____ day of _____,
A. D. 18—.

Prisoners may
be worked.

SECTION 6. If the mayor of the city shall at any
time deem it for the interest of the city, he may employ
and work the prisoners so committed outside of the jail
or yard at labor on the public grounds, streets or alleys
of said city, and may cause them to be secured in such a
manner as in his judgment will prevent their escape,
and the keeper or custodian of the common jail of said
county, shall, upon the order of the mayor of said city,
deliver the prisoner or prisoners in such order named
and described, in the keeping and custody of such person
or persons in said order directed, and receive and se-
curely confine such prisoner or prisoners when re-
turned by such person or persons as aforesaid, and said
order shall remain good and be in force until revoked
by the mayor or common council of said city.

SECTION 7. In all cases the defendant may appeal ^{Appeals.} from such judgment to the circuit court of the county of Chippewa: *provided*, such defendant within twenty-four (24) hours pay to the judge or justice his costs, and one dollar for his return, and make and file with him an affidavit that the appeal is made in good faith and not for the purpose of delay, and enter into a recognizance with one or more sufficient sureties to be approved by the judge or justice from whose judgment the appeal is taken, conditioned to appear before the circuit court for the county of Chippewa at the next general term thereof and from term to term thereafter, and abide the judgment of said court therein. The judge or justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the warrant and return, affidavit or complaint upon which the same was issued, together with the proceedings and copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court, and the city may appeal from any such judgment as in other cases before justices of the peace.

SECTION 8. Said appeal shall stand for trial by ^{Trial by jury.} jury, unless a jury be waived in a manner provided by law in said circuit court at the next term thereof, after the day the judgment of the judge or justice shall be rendered; and no notice of trial shall be required to be given to or by either party.

SECTION 9. If the judgment of the court appealed ^{In case of conviction.} from shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the fine, penalty or forfeiture provided by this act, or the ordinances, by-laws, resolutions or regulations under which he or they are prosecuted, and enter judgment against him or them for such fine, penalty or forfeiture, together with the costs in both courts, and in default of payment of such fine, penalty or forfeiture and costs, to be committed, as provided in section five of this chapter.

SECTION 10. In case of the breach of the conditions ^{May recover of sureties.} of the recognizance hereinbefore mentioned by the escape or non-appearance of the defendant at the circuit court, as hereinbefore provided, the same shall be prosecuted in the name of the city of Chippewa Falls, as plaintiff, in the circuit or municipal court for Chippewa county, and the measurement of recovery shall be the amount of the fine, penalty or forfeiture imposed, together with the costs and fees that accrued in the

case, and all moneys recovered shall be paid into the city treasury, less the fees of the officers and jailer, which shall be paid to them, and such judgment shall be enforced by execution, as in actions of tort.

Not incompetent.

SECTION 11. No person shall be an incompetent judge, justice or juror or witness by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Ordinances to remain in force.

SECTION 12. All ordinances, by-laws, resolutions and regulations now in force in the city of Chippewa Falls, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council, after this act shall take effect, and shall have the force of law.

Vested rights.

SECTION 13. All rights, actions and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Service of process.

SECTION 14. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of said mayor or clerk so served, forthwith to inform the common council thereof, or to take such demand or proceeding, as by ordinance or resolution of said council, may be in such case provided.

Fines and penalties.

SECTION 15. All fines, penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city.

Exempt from attachment.

SECTION 16. All fire engines, hose carts, hook and ladders, and wagons therefor, and all other apparatus and implements used to extinguish fires, and all houses or buildings owned or occupied by said city or such engines, hose, hose carts, hooks and ladders, and other apparatus and implements, shall be exempt from attachment or execution issued in any action or on any judgment wherein the said city shall be a party.

Individual property not liable.

SECTION 17. No real or personal property of any inhabitant of said city, or any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or on any judgment against said city.

Pardons.

SECTION 18. The mayor shall have power to grant pardons or commutations after conviction, for all offenses against the ordinances, by-laws, resolutions or

regulations of the city, upon such conditions as he may deem proper. He shall communicate any such action to the common council at its next meeting, with the reason therefor.

CHAPTER XI.

IMPROVEMENT OF STREETS.

SECTION 1. The common council of the city of Chippewa Falls shall have power to establish the grades of streets of said city, and to change and re-establish such grades as they shall deem expedient: *provided*, that whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have his right of action against the city for the recovery of such damages; but no suit shall be commenced against the city therefor, until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same. Grade of streets

SECTION 2. Every ordinance, resolution or by-law providing for the repairing, construction or reconstruction of any sidewalk, sewer or gutter, or for the grading, repairing or improving of any street at the expense in whole or in part of the owners of the lots or parcels of land abutting or fronting on such sidewalk, sewer, gutter or street, shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law shall not be passed or adopted sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the council had relative thereto, at the meeting when such ordinance, resolution or by-law was introduced, shall have been published in the official newspaper of the city. Ordinances relating to repairing, etc.

SECTION 3. The common council of the city of Chippewa Falls shall have the power, by an affirmative vote of two-thirds of all the members, to order and contract for the making, grading, paving and repairing, and cleansing all streets and parts of streets, alleys, public grounds, reservoirs, gutters and sewers in the manner hereinafter mentioned, and direct and control the persons employed thereon. Cleaning streets, etc.

SECTION 4. The cost and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon in the execution of any public improvement, shall be chargeable to and payable by the Surveying.

Expense of opening and improving.

city. The cost and expense of opening, grading, clay-ing or graveling, planking, paving of streets and alleys, shall be chargeable to the lots or lands fronting on such street or alley, so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land and the center of such street or alley: *pro-vided*, that the common council may order such cost and expense to be paid by the lots or lands fronting such streets or alleys, by a *pro rata* tax based upon the last assessment made prior to such order: *provided further*, that the common council may order and direct such cost and expense to be paid equally by all of the lots or parts of lots fronting upon the entire street or upon the lots or parts of lots fronting upon that portion of the street actually graded, upon the basis of a uniform frontage of lots. Sewers and gutters may be ordered by the council, and built at the expense of the lots or parts of lots benefited thereby: *provided, however*, that when sewers or gutters are constructed through
 ↘ alleys, no lot shall be assessed therefor, except those situated in the block through which such sewers or gutters may be constructed: *and provided, further*, that in all cases where improvements or work of any kind are chargeable, by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds, shall be made and paid for by the city at large, in proportion to the width of the street, alley or public ground.

**Public im-
provement.**

SECTION 5. Whenever the common council shall determine to make any public improvement, as authorized by this chapter, they shall cause to be made an estimate of the whole expense thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and, in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground aforesaid, and such estimate shall be filed in the office of the city clerk, for the inspection of the parties interested, before such work shall be ordered to be done. The common council may authorize the letting of such work by contract, to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part as aforesaid, all bids for doing the same to be approved by the common council; and the said common council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such

security for the performance of such work as they shall direct; such contract, when approved by the council, to be executed, on the part of the city, by the mayor, and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days in the official paper of said city. The common council, instead of letting such work by contract to the lowest bidder, may, by an affirmative vote of two-thirds of the members of the council, order the grading, repairing or improving of any streets, or the making of any public improvement, to be done directly by and under the supervision of the street commissioner, at the uniform expense, in whole or in part, of all the lots or parcels of land abutting or fronting on such street or public improvement.

SECTION 6. Sidewalks shall be constructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, and of such materials, and in such time as the common council, by ordinance, resolution or order, shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalks shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk, as aforesaid, in the manner, of the material, or at the time so directed, the common council may cause the same to be constructed forthwith at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest, reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city, at least for three days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same: *provided*, that no such contract shall be let until twenty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same, at least five days, in the official paper of the city.

SECTION 7. The common council shall have power, by a two-thirds vote of all the members of the common council, to order the building, construction, reconstruction or repair of sidewalks in the city of Chippewa Falls, in such manner as they may deem proper. The city clerk shall receive all proposals for constructing or repairing sidewalks, and shall open them in the

Council authorized to construct sidewalks.

presence of the council, which shall award the contract to the lowest responsible bidder: *provided*, such bid is a reasonable one, subject to such provisions in the case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks, and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided, as in the case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from the city, under any circumstances, until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair, and so remain for the space of twenty-four (24) hours, which in the opinion of the street commissioner will not cost to exceed the amount of five (5) dollars in front of any lot, to repair the same, he shall be authorized, and it is hereby made his duty, to cause the same to be immediately repaired, and when the same is completed, he shall make out an itemized bill of the costs of such repair, specifying the lot and block or piece or parcel of land in front of which said work was done, verified by his oath; and shall deliver the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Chippewa Falls, for payment, and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of said lot, piece or parcel of land does not reside in the city of Chippewa Falls, the said commissioner shall return said account to the common council, with his certificate, stating that fact, and the council shall thereupon levy a special tax to pay the same, in the manner in this section provided.

May levy tax to construct sidewalks, etc.

SECTION 8. The common council of said city shall have power, and may, in its discretion, by a vote of two-thirds of its members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or gutter, or the making of improvements on or along any street or highway in said city limits, which shall have been offered, and levy a tax upon each lot or piece

of ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract, sufficient to pay the cost of constructing the same, without giving notice requiring the owner or owners of such lot or lots or pieces of ground to construct the same.

SECTION 9. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots and lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the council, in writing, that the expense of such excavation or filling will exceed the proportion that should be justly or equitably charged upon the property assessed therefor, the council shall require any constable to summon five freeholders, not residents of the ward, nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises within five days therefrom, and if, in their opinion, the costs of such work will exceed the amount that should be justly and equitably charged upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and what lots or parcels of land on the streets so to be improved will be benefited by such deep cutting or filling, and how much or what portion shall be chargeable to them, and to make a report thereof, in writing, within ten days after such examination, to the common council; and such proportion as shall be reported as property chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same in the same manner as herein provided; in case such owners shall not do such work, the remainder shall be assessed upon the lots benefited by such improvement, in proportion to their respective benefit, as determined by said jury: the sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment, in the same manner as other special assessments for improvements are collected: *provided*, that should said jury find that said petitioners were not entitled to any division of the expense so assessed upon their lots or parcels of land, then the expenses of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same upon the filing of the petition: *provided*, also that the petition of no owner feeling himself aggrieved, shall be

Deep cutting
and filling.

received, unless the same be presented within twenty days after the publication of the notice requiring the same to be done: *and provided further*, that when it shall appear to the common council that any such lands belong to non-residents, infants, or persons laboring under legal disability, who shall not be represented by any agent or guardian, or not be benefited by the making of streets in front of such lots or lands, to the amounts of costs and expenses thereof; it shall then be the duty of the said council to be caused to be summoned a jury as herein provided.

Street commissioner—powers and duties of.

SECTION 10. The common council shall appoint one street commissioner, whose general powers and duties shall be same as those of overseers of highways in towns, except as otherwise herein provided. It shall also be the duty of such street commissioner to see that all ordinances of the city relating to the streets, alleys, public grounds, reservoirs, sewers and water courses within the city are duly observed and kept, and direct and control the persons employed therein. The street commissioner shall have general supervision over all work let by contract for the making, grading, claying, paving and repairing and cleansing all streets and parts of streets, alleys, public grounds, reservoirs, gutters and sewers, in the manner herein mentioned, and direct and control the persons employed therein, unless the common council shall otherwise provide.

Bond.

SECTION 11. Every street commissioner appointed by the common council as aforesaid, shall, before entering on the duties of his office, give a bond to the city of Chippewa Falls, with one or more sufficient sureties, to be approved by the council, in the penal sum of not less than two thousand dollars, conditioned to render an account to the common council when required by law or the ordinances of said city, or by a vote of said council, to safely keep and account for, and deliver over when lawfully required, all property of said city that may come into his hands; to use, disburse and pay over according to law or the ordinances of said city, all moneys that may come into his possession as such officer, and to faithfully discharge the duties of said office.

Account.

SECTION 12. The street commissioner shall, on or before the first day of November of each year, also at the expiration of his term of office, render an account under oath to the common council, showing the amount of money collected by him as such commissioner, and from whom it was collected, and showing the amount

of money that has been expended, specifying the work for which it was expended, and also showing the amount of labor and by whom performed, in payment of highway taxes, and when the same was performed. Such an account shall be rendered as often as the common council shall require.

SECTION 13. It shall be the duty of every male inhabitant in the city, being over the age of twenty-one years, excepting persons of over fifty years of age, idiots, lunatics, paupers and such persons whose names appear upon the list filed with the city clerk, as provided by section seven of chapter nine of this act, to pay each year, when demanded by the street commissioner, a poll tax of one dollar and fifty cents. Said tax may be paid to the street commissioner, or be commuted for in labor as now provided for by law; and in default of paying the same either in money or labor, when demanded by the proper officer, he shall forfeit and pay a penalty of three dollars. No person, however, shall be entitled to any compensation from the city treasurer for services rendered thus. Whenever any person shall refuse or neglect to pay his poll tax, the street commissioner may commence suit for the penalty, incurred by the party refusing to pay the tax, in the name of the city as provided by law in other cases. All poll taxes collected by the street commissioner in said city shall be expended upon the streets in the ward where the person resides from whom such tax is collected: *provided*, that any person liable to pay such poll tax may in lieu of such payment, perform or cause to be performed one days' labor on said streets.

SECTION 14. The street commissioner shall, within thirty days after being notified of his appointment, deliver to the city clerk a list subscribed by him of the names of all the inhabitants of the city who are liable to pay poll taxes, and the clerk shall lay the same before the council at its next meeting. The common council may correct and perfect said list, and shall thereupon assess a poll tax of one dollar and fifty cents upon each person named in said list, for street purposes. All the laws relating to the assessment and collection of poll taxes in towns, when not inconsistent with the provisions of this act, shall be in force in said city, the same as though they were a part of this charter.

SECTION 15. The street commissioner shall be entitled to ten per cent. of the amount collected by him

as poll tax, to be retained out of the moneys so collected, and such other compensation as the common council shall determine; the amount thereof to be fixed in the same manner as provided in this act for the appointive officers, and not to exceed the sum of five hundred dollars per annum; and the city shall not be liable for any services ordered to be performed by said street commissioner, unless provision is made for paying therefor at the time such services are ordered, except as provided in section seven of this chapter.

Street commissioner to issue certificates.

SECTION 16. Whenever any work has been done under contract, as provided in this act, and the same shall have been approved by the street commissioner and city surveyor, such contractor shall be entitled to a certificate therefor, which shall be signed by the mayor and countersigned by said commissioner, stating the amount of work done by such contractor and the nature thereof, and the description of lots or parcels of land upon which the same is chargeable, which certificate may be transferred by endorsement, and shall draw interest at the rate of fifteen per cent. per annum from date of issue: *provided*, the same is not paid within twenty days after demand, until the same is inserted in the tax roll as hereinafter provided; and if the amount thereof and interest shall not be paid before the clerk makes out the annual tax roll, the same may be filed with the city clerk; whereupon said city clerk shall assess the amount of said certificates, with interest as aforesaid, to the time of its being inserted in the tax roll, upon and against the lot or parcel of land described therein in such tax roll, and as a part of the tax against such lot, and the same shall be collected as other taxes and assessments, for the benefit of the holders of such certificates respectively: *provided, however*, that in no case shall the city be liable for the amount of such certificates, or any part thereof, unless the same has been actually paid into the city treasury; and the sale of such land therefor shall not be regarded as payment, and the same shall not be regarded as paid until the parties interested shall have actually redeemed such lots from such sale.

CHAPTER XII

POLICE DEPARTMENT.

Police.

SECTION 1. The mayor of Chippewa Falls shall *ex-officio* be chief of police of said city, and together with such a number of police officers as he, with the appro-

val of the common council, shall determine to appoint, constitute the police force.

SECTION 2. The mayor or common council may direct or detail any of the police officers to perform such official duties as he or they may deem proper, and no extra compensation shall be allowed therefor. Special duties.

SECTION 3. The members of said police force shall perform such duties as shall be prescribed by the common council, for the preservation of the public peace and good order and health of the city; they shall possess all the powers of constables at common law, or by the laws of this state. Duties.

SECTION 4. The mayor, or acting mayor, the sheriff of Chippewa county and his deputies, each and every alderman, justice of the peace, police officer, constable and watchman of said city, shall be officers of the peace, and may command the peace, and suppress in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purposes they may command the assistance of all bystanders, and if any person, bystander, military officer or private shall refuse to aid in maintaining the peace when so required, each such person shall forfeit and pay a fine not to exceed one hundred dollars, and costs, and in default of payment of such fine and costs, to be committed in the county jail in and for said county, at hard labor, either within or without said jail for the benefit of said city, for a term not exceeding six months, under the control, watch and care thereof; and in case where the civil power may be required to suppress riotous and disorderly behavior, the superior or senior officer present, in the order above named in this section, shall direct the proceedings. Peace officers.

SECTION 5. It shall be the duty of the chief of police and all police officers and constables in and for said city, and they are hereby authorized and required, with or without warrant, to summarily arrest and take before the municipal judge in and for the county of Chippewa, or some court of competent jurisdiction, all persons guilty of violating any of the provisions of this act, or any ordinance, by-law, resolution or regulation of the common council of said city, passed in accordance herewith, or which are now in force in said city, and to make complaint before the municipal judge or some court of competent jurisdiction, against any such offenders, and the said municipal judge, or court aforesaid, shall have power to hear, try and determine all complaints for such offenses: *provided*, that when any Summary arrest.

person arrested as heretofore provided, it shall be lawful for such arresting officer to take and convey such person to the common jail of said county, or police station of said city, there to remain for a period not exceeding twenty-four hours, within which time it shall be the duty of said officer to take such person before the municipal judge or court aforesaid, to be tried in the manner aforesaid: *provided, however*, that in computing the said period of twenty-four hours, Sundays shall be excluded.

Removal.

SECTION 6. All police officers shall be removed in the discretion of the mayor and common council.

CHAPTER XIII.

DISQUALIFICATIONS, IMPEACHMENTS, ETC.

Eligible to but one office.

SECTION 1. No voter shall be eligible to or hold more than one office under this charter at the same time.

Not to vote where directly interested.

SECTION 2. No member of the common council shall vote upon any question, matter or resolution in which he shall be directly interested.

Shall not be interested in contracts.

SECTION 3. No member of the common council shall be a party to, or interested in any job or contract with the city, and any contract with the city in which any such member may be so interested, shall be null and void; and in case any money shall have been paid on such contract, the common council may sue for and recover the amount so paid, from the parties to such contract, and from members of the common council interested in the same.

Not eligible.

SECTION 4. No person interested, directly or indirectly, as principal or surety in any contract or agreement, written or verbal, to which said city shall be a party in interest, or to which any officer under this act shall officially be a party, for the construction of any sewer, pavement or building, or the performance of any public work whatever, or involving the expenditure, receipt or disposition of money or property of the said city by any officer under this act, shall be eligible to any office or appointment in said city that will in any manner give him official cognizance or authority over the subject matter of such interest; and if any person thus interested shall be elected or appointed to office, his election or appointment shall be void, and such office shall be declared vacant.

Removal and punishment.

SECTION 5. If any member of the common council, or other officer of the corporation, after his election or

appointment, or while in office, shall become or cause himself to become interested, directly or indirectly, in any contract or agreement, whether written or verbal, to which the corporation shall be a party in interest, or to which any officer under this act officially be a party, or in any question, subject or proceeding pending before the common council, or on which such officer may be called upon to act officially, with intent to gain, directly or indirectly, any benefit, profit or pecuniary advantage, he shall be removed from his office, and the same shall be declared vacant by the common council, and he shall be deemed guilty of felony, and on conviction thereof shall be punished by imprisonment in the state prison for not more than one year, or by fine of not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment, in the discretion of the court.

SECTION 6. If any member of the common council **Bribery.** or officer or agent of the city government shall, directly or indirectly, accept or agree to accept or receive any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange, draft, order or certificate, or any security for the payment of money or goods or chattels, or any deed of writing containing a conveyance of land or conveying or transferring an interest in real estate, or any valuable contract in force, or any other property or reward whatever, in consideration that such member of the common council or other officer or agent will vote affirmatively or negatively, or that he will not vote, or that he will use his interest and influence on any question, ordinance, resolution, contract or other matter or proceeding pending before the common council, or in which such officer or agent may be called upon to decide or act in any particular manner, such member of the common council or agent shall be removed from office and his office declared vacant by the common council, and both he and the person or persons offering or paying such considerations, directly or indirectly, shall be deemed guilty of felony, and on conviction thereof shall be punished by imprisonment in the state prison for not more than three nor less than one year, or by fine not exceeding one thousand dollars (\$1,000), or both fine and such imprisonment, at the discretion of the court.

SECTION 7. A majority of two-thirds of all the **Misce.** members elect of the common council shall have power to dismiss from office for malfesance in office or any

other due cause, in said city, any person elected or appointed to office in said city, except justices of the peace. And the common council shall provide by ordinance the manner of hearing and disposing of complaints against such officers.

Investigation.

SECTION 8. Whenever any charge of official misconduct shall be preferred against any member of the common council of the city of Chippewa Falls, or any officer of said city, the common council shall appoint a committee to investigate such charges; and it shall be the duty of the committee, as soon as practicable after their appointment, to investigate the matter of any charges which may have been so preferred, and to report the results of their investigation to the said common council; and in case such committee shall deem it necessary or proper, for the purpose of their investigation, they may examine witnesses, on oath, in relation to any such charges, and the several members of such committee are hereby authorized and empowered to administer oaths to witnesses to be examined for the purpose of such examination.

Witnesses.

SECTION 9. Subpœnas may be issued for the purpose of procuring the attendance of witnesses before any committee appointed pursuant to the preceding section. Each subpœna shall state when and where and before whom the witness is required to appear and testify, and may require such attendance forthwith, or on a future day named, and the production of books, records, documents and papers therein to be designated, without payment of fees in advance or a tender thereof. All such subpœnas shall be signed by the city clerk of said city, and shall be issued under the seal of said city, and may be served in the same manner, and shall have the same force and effect, as subpœnas issued out of the circuit court. Any willful or corrupt false swearing by any witness or person giving testimony before such committee or any member thereof, or making deposition to any material fact relating to the matter under investigation before such committee, shall be deemed guilty of perjury, and shall be punished as such in the manner provided by law. The provisions of law in respect to the attachment of witnesses subpœnaed before justices of the peace, and compelling the attendance of such witnesses, to appear and testify before them, are hereby applied to the case of witnesses subpœnaed before such committee, and such committees may exercise the powers of arrest, fine and imprisonment, for conviction in circuit or justices' courts, in

such cases. Writs of attachment and commitment for contempt shall be signed by the chairman of such committee.

CHAPTER XIV.

RELATING TO PUBLIC SCHOOLS.

SECTION 1. There shall be elected by the mayor and common council of the city of Chippewa Falls, a board of education, which shall be composed of one school commissioner from each ward, and one from the city at large. The first election of commissioners shall be at a meeting of said common council to be held on the first Tuesday of May, 1878, when a full board shall be elected. The commissioners first elected as aforesaid shall enter upon the duties of their office on the second Tuesday after their election, and shall continue in office as follows: The commissioner from the first ward, one year; the second ward, two years; the third ward, three years; and the fourth ward and city at large four years, and until their successors are elected and qualified. And thereafter the term of office of all commissioners elected shall commence on the second Tuesday of May after their election; and on the first Tuesday of May in each year, after the first election, there shall be elected a school commissioner to succeed any member of the board of education whose term of office will expire on the succeeding second Tuesday of May, who shall hold his office for the term of four years, and until his successor is elected and qualified.

Board of education.

SECTION 2. The school commissioners elected under the provisions of section one of this chapter shall form the "board of education of the city of Chippewa Falls," and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the mayor and council to supply by appointment any vacancy which may occur from time to time in the number of said school commissioners by resignation or otherwise.

Quorum.

Vacancies.

SECTION 3. The board of education shall, at its first regular meeting, in May of each year thereafter, elect one of its members president, who shall preside at all meetings of the board and preserve order and decorum thereat, and decide all questions of order, subject to appeal to the board. He shall sign all orders drawn by the secretary for the payment of teachers' and janitors' wages, and other incidental and necessary expenses of said board of education, and in suits brought by or against the school district, he shall ap-

Powers and duties of president.

pear in behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board: *provided*, that on all questions appropriating money, or the adoption of the text-books, the vote shall be taken by ayes and noes, and on any other questions the ayes and noes shall be called when any member shall request it: *provided further*, that in the absence of the president, the board shall elect a president *pro tempore*.

Monthly meetings.

SECTION 4. The board of education shall have at least one regular meeting in each month, at such time and place as may be directed by them, and they may have special meetings at such other times as they may deem necessary, when called together by the president or a majority of the members. All questions to be determined by the board shall be brought up for consideration at a general or special meeting by motion or resolution and no such motion or resolution shall be adopted, except by a vote of a majority of the members of the board.

Duties of board

SECTION 5. The duties of the board of education shall be as follows:

Employment of teachers.

1st. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and to hire and make contracts with teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher, and by the president and secretary of the board of education. Such contract shall be made in duplicate, and one copy thereof filed with the secretary, together with a copy of the teacher's certificate.

Text-books, etc.

2d. To arrange and determine terms and vacations in all public schools, and to establish uniformity in the school system, and to require and secure uniformity in text-books, and to adopt or reject text-books at will.

Regulations.

3d. To establish rules and regulations for the schools, not in conflict with the constitution or laws of this state.

Incidentals.

4th. To make contracts for all fuel, stationery and articles of furniture required for the use of the schools; to make all necessary repairs on school houses; to make contracts for all incidentals required for carrying on the schools, such as lighting fires, sweeping school rooms, etc.; and such contracts, when executed, shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by

the president of the board of education, and countersigned by the secretary of said board.

5th. The board of education shall, on the first day of November in each year, submit a statement to the mayor and council of all the money disbursed by them during the year, and for what purposes the same was disbursed; and they shall at the same time submit for the consideration of the council, a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages and other items separately and specifically. Nothing in this section contained shall prevent the council from taking into consideration the amount to be received from the county school tax during the ensuing year.

SECTION 6. Whenever repairs to a larger amount than one hundred dollars, shall, in the opinion of the board, be required for any one school-house, they shall cause a statement to be made showing the repairs required, and an estimate of the cost to be laid before the mayor and council; and whenever, in their opinion, another school-house shall be necessary, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same, to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a vote of two-thirds of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased or building or buildings erected; and it shall be the duty of said board to enter into contracts for making such repairs or for the erection of such buildings, or the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

SECTION 7. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasurer, payable out of the school funds, for teachers' and janitors' wages, and all other expenditures authorized by this act.

SECTION 8. No member of the board of education shall have any interest, direct or indirect, in any contract make by said board, and every contract so made

in which any member of said board shall have such interest, shall be absolutely void.

Secretary of board.

SECTION 9. The city clerk of the city of Chippewa Falls shall, in addition to his other duties, act as secretary of the board of education.

CHAPTER XV.

MISCELLANEOUS.

Survey.

SECTION 1. The common council may, at any time, cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharfs and blocks, and may cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk, and recorded in the office of register of deeds of the county of Chippewa.

Evidence.

SECTION 2. The surveys and landmarks so made and established, shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharfs, and blocks in all cases in which they shall be drawn into controversy, in all courts in this state.

Grade of streets

SECTION 3. The common council may, at such time as they deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Chippewa county; and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade.

May hold and convey real estate.

SECTION 4. The city may have, purchase and hold real and personal estate sufficient for the public use of the inhabitants thereof, and may sell and convey the same; and the same, while owned, occupied or held by said city, shall be exempt from taxation.

Subdivisions.

SECTION 5. Every individual or company of individuals, or body corporate, owning a lot or tract of land within the corporate limits of the city of Chippewa Falls, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets

and alleys through the lots and blocks in said city adjacent to said lot or tract so platted, and before making such plat as required by law, it shall be the duty of such person or persons or corporations making such plats to submit the same to the common council of said city for approval; and if said plat shall be approved by the common council, the said person or persons or corporations may cause said plat or plats to be recorded according to law; but except such plat be approved by resolution adopted by said council, a copy of which duly certified by said clerk shall be affixed to or entered on such plat, it shall not be lawful for the register of deeds of the county of Chippewa to receive such plat for record or to record the same; 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 nor more than one thousand dollars, and the register of deeds who shall record such plat without a copy of the resolution aforesaid, approving the same being entered on or affixed thereto, shall forfeit a sum not less than fifty nor more than one thousand dollars.

SECTION 6. When the city of Chippewa Falls deeds Party of first part. or leases any real estate, or any interest therein, owned by said city, the party of the first part shall be the city of Chippewa Falls, and the person or persons authorized to execute such deed or lease, need not be named in the body thereof.

SECTION 7. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed, and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of the said city and countersigned by the city clerk, and sealed with the corporate seal of said city, and be duly witnessed and acknowledged, so as to entitle it to record under the laws of this state. Mayor to execute instrument.

SECTION 8. If an election by the people for common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had at any subsequent day by order of the common council, and if any of the duties enjoined by this act, of the ordinances or by-laws or Corporation not to be suspended

regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said action may be done and performed.

**What creates
vacancy.**

SECTION 9. Any officer removing from the city or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

**Suspension of
officers.**

SECTION 10. The mayor shall have the power to suspend any police officer from duty, and any officer so suspended shall not have any pay or compensation during such suspension, until the council shall take up his case and dispose of it; and with the approval of the common council may appoint as many special police officers and night watchmen as he may deem necessary for the welfare of the city, and in no case shall such special police officers remain on the police force for a longer time than twenty days unless reappointed; and such special police officers and watchmen shall have all the powers of constables within the city of Chippewa Falls.

**No compensa-
tion.**

SECTION 11. The offices of mayor and aldermen shall be filled by their incumbents without fee or salary, or compensation for any services.

Repealed.

SECTION 12. All acts and parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed, but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contracts, acts or suits, claims, penalties or demands that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said acts, or any former acts incorporating said city, or any of them; but the same shall exist and be enforced and carried out and be completed as fully and effectually to all intents and purposes as if this act had not been passed.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1878.