

said county from any and all liability for damages or claims of any nature in any manner to grow out of any defect or defects in the title of said county to any such lands; and, provided further, that nothing herein contained shall be construed as in any manner interfering with the operation of chapter 261 of the laws of 1880, entitled "an act in relation to the swamp lands in the counties of Marathon, Clark, Shawano, in the county of Oconto south of the south line of township thirty-one, and in the county of Chippewa south of the south line of township thirty-four."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1882.

[No. 189, A.]

[Published March 18, 1882.]

CHAPTER 101.

AN ACT to amend chapter 197 of the laws of this state, passed in the year 1881, entitled an act to re-establish a municipal court for Rock county.

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

Attachment.

SECTION 1. In all actions brought in the municipal court for Rock county, where an attachment shall be issued upon an affidavit made by or on behalf of the plaintiff, and the debt or demand mentioned in such affidavit exceeds the sum of two hundred dollars, such attachment shall be issued in the manner provided in chapter 124 of the revised statutes, entitled "of attachment," and all the provisions of said chapter 124 shall be applicable to any such attachment in said court.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1882.

[No. 123, S.]

[Published March 15, 1883.]

CHAPTER 102.

AN ACT to incorporate the city of Menomonie.

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

Name and general powers.

SECTION 1. All the district of country in the county of Dunn, contained within the boundaries hereinafter described, shall be a city by the name of "Menomonie;" and the people now inhabiting said district shall be a municipal corporation, the name of which shall be

"The city of Menomonie." Said corporation shall have the general powers possessed by municipal corporations at common law, and in addition thereto the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with; of suing and being sued; pleading and being impleaded in all courts, and shall have a common seal and may change the same at pleasure.

CITY BOUNDARIES.

SECTION 2. The southwest quarter of the southeast ^{Boundaries.} quarter, and the southeast quarter of the southwest quarter of section eleven (11), all of sections number thirteen (13), fourteen (14), twenty two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), east half of number thirty-four (34), all of sections number thirty-five (35), and thirty-six (36), in township number twenty-eight (28) north of range thirteen (13) west, in the county of Dunn and state of Wisconsin, shall be included in and constitute the limits of the city of Menomonie.

WARD BOUNDARIES.

SECTION 3. The said city shall be divided into ^{Boundaries of wards.} four wards, the boundaries of which, for the present and until changed as hereinafter provided, shall be as follows, to-wit: All that portion of said city lying west and north of the Red Cedar river shall constitute the first ward; all that portion of said city lying east of Red Cedar river and north of the section line between sections number twenty-six (26) and thirty-five (35) extended west to said river, and west of the center of Ninth street, extended north from said section line to the said river, shall constitute the second ward; all that portion of said city lying east of the center of Ninth street and north of the section line between sections twenty-six (26) and thirty-five (35), extending east on said line to the east boundary line of said city, shall constitute the third ward; all that portion of said city lying south of the south boundary line of the second and third wards and east of the Red Cedar river, shall constitute the fourth ward. But the common council shall have power to change said lines of division as they may deem convenient and proper.

COMMON COUNCIL.

SECTION 4. The corporate authority of said city ^{Officers.} shall be vested in one principal officer styled the mayor; in one board of aldermen, consisting of two

members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned, or may be created under this act.

ELECTIVE OFFICERS.

Elective off-
cers.

SECTION 5. The elective officers of said city shall be a mayor, clerk, treasurer, assessor, and three justices of the peace elected by the city at large, and two aldermen, one school commissioner, one supervisor to represent his ward in the board of supervisors of Dunn county, and one constable in each ward. The school commissioners elected at the election in 1832 from the first and second wards shall hold their offices for one year, and until their successors are elected and qualified; and the commissioners elected from the third and fourth wards shall hold their offices for two years, and until their successors are elected and qualified. Annually, thereafter, there shall be elected from each ward, where the term of office of a school commissioner expires, a school commissioner for a term of two years, and the council may make appointments of school commissioners to fill vacancies which may occur from any cause. All other necessary officers shall be appointed by the common council. All elective officers, except justices of the peace and aldermen, shall, unless elected to fill vacancy, hold their respective offices for one year, and until their successors are elected and qualified; provided, however, the council shall have power, for due cause satisfactory to them, to expel any of their own number, and to remove from office any officer or agent of the city, except justices of the peace, due notice and an opportunity for a hearing having been first given to the officer proposed to be removed. Justices of the peace shall hold their offices for two years, and until their successors are elected and qualified. The term of every officer elected under this act shall commence on the third Tuesday in April of the year for which such officer is elected, and the term of office of all appointed officers shall expire with that of the members of the body appointing them.

Aldermen.

SECTION 6. At the first election held in said city under the provisions of this charter, one alderman shall be elected from each ward whose term of office shall be one year, and one alderman from each ward whose term of office shall be two years. Aldermen elected thereafter, except to fill vacancy, shall hold their office for two years.

ANNUAL ELECTIONS.

SECTION 7. The qualified voters of the city of Menomoneie shall hold an election on the first Tuesday in April of each year, for the election of city and ward officers herein designated, and shall be presided over by the inspectors of election, appointed under the general laws of this state, who shall see the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the votes presented; shall count the ballot at the close of the polls, and shall certify and seal two returns; and the day following the election shall direct and return one of the said returns to the city clerk of the city of Menomoneie and the other to the county clerk of the county of Dunn. The mayor of the city and such members of the common council as shall hold over shall constitute a board of canvassers, who shall, within three days after such election, meet at the council chamber and canvass such returns; and after the aforesaid returns have been canvassed by said board, the mayor shall notify by a certificate the persons elected to the respective offices. The polls shall be kept open in the respective wards from nine o'clock in the forenoon until five in the afternoon, but an adjournment may be made from twelve o'clock, noon, to one o'clock in the afternoon, by notice thereof given at the opening of the polls. Said elections shall be conducted in accordance with this act, and of the existing laws of the state of Wisconsin, and any frauds or violation of said laws at such elections shall be punishable in the same manner as any violation of the election laws in any part of the state.

QUALIFIED ELECTORS.

SECTION 8. All persons who are qualified electors of the state of Wisconsin shall be deemed qualified electors and voters of said city and ward. Each ward officer shall be a qualified elector in the ward in which he is elected, and each city officer shall be a qualified elector in the city.

SPECIAL ELECTIONS.

SECTION 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by inspectors of election, as provided by this act, and the returns thereof shall be made in the same manner and form as of annual elections; provided however, that in case a special election is to be held in the city other than for ward purposes, the common council may order a single poll for the entire city, and appoint the

place where the election is to be held, and the inspectors of election and the clerks therefor.

Elections by ballot.

SECTION 10. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All elections by the council shall be viva voce, except as hereinafter provided. 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 council, at such time and in such manner as it may direct.

Election in case of vacancy.

SECTION 11. In the event of a vacancy in the office of mayor, justice of the peace or aldermen, by death, removal or other disability, the common council shall order a new election, and shall give five days' notice thereof. Any vacancy in other offices shall be filled by the common council. The person appointed or elected to fill a vacancy shall hold the office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Officers deemed to have vacated.

SECTION 12. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify, on or before the third Tuesday of April next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office immediately after receiving notice of such election or appointment.

OFFICERS — THEIR POWERS AND DUTIES.

Powers and duties of officers.

SECTION 13. Every person elected or appointed to any office under this act except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the clerk of the city; and the clerk, marshal, constable, and such other officers as the council may direct shall severally, before they enter upon the duties of their respective offices, execute to the city of Menomonie a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bond shall contain such penal sums and such conditions as the council shall deem proper. The treasurer, before entering upon his duties, shall also execute a bond,

with at least two, nor more than ten, sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities or exemptions, and the aggregate of such amounts shall at least exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds from the treasurer or other officer of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws, except that their official bonds shall be approved by the council, and in addition thereto shall have jurisdiction in all cases arising under this act, and hold their office and courts in any part of the city. All constables elected under this act shall have and exercise the same powers and duties, and be subject to the same liabilities as constables of towns.

SECTION 14. The mayor shall, when present, ^{Duties of mayor.} preside over the meetings of the council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the council such information, and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and in case of a riot or other disturbance, he may appoint as many special or temporary constables as he may deem necessary. He shall have the authority to remove the marshal for inefficiency or neglect of duty, and to appoint a marshal in place of the one he may remove, but the term of office of a marshal who may be appointed by the mayor shall not commence until his nomination has been approved by a majority of the council. The mayor shall have a vote in the council only in case of a tie, and when the council shall be engaged in the election of any officer he shall have a vote the same as an alderman. When presiding over the council his style shall be "Mr. President."

SECTION 15. At the first meeting of the council after its election in each year, it shall proceed to elect, ^{Election of president.} by ballot, one of its members president, and in the absence of the mayor, the said president shall preside

over the meetings of the council; and during the absence of the mayor from the city, or his inability for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case both the mayor and president shall be absent at any meeting of the common council it shall proceed to elect a temporary presiding officer, who for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and any acts performed by him shall have the same force and validity as if performed by the mayor, but the president of the council as acting mayor shall sign no order, warrant or other proceeding whatever which the mayor has refused to sign and communicated such refusal to the council.

Duties of clerk. SECTION 16. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the council, at whose meetings it shall be his business to attend, and copies of all papers filed in his office, and transcripts from the records of the council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the council, and shall keep a full and accurate account thereof in books provided for that purpose. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk pro tem. The city clerk shall have power and authority to administer oaths and affirmations. The salary of the city clerk shall not exceed four hundred dollars per annum, payable quarterly.

Duties of treasurer. SECTION 17. The treasurer shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the council shall direct. He shall report to the council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report; and also of the state of the treasury, which statement shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition to

the powers and duties already specified, shall have the same powers and duties, and be subject to the same liabilities as treasurers in towns. No person having been city treasurer for two years in succession shall be eligible to a re-election until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office. The salary of the treasurer shall not exceed four hundred dollars per annum, and shall be payable quarterly.

SECTION 18. The assessor shall assess all the taxable property of the city of Menomonie as required by law, without regard to wards, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this state. The assessor shall receive for his services such compensation as the common council shall determine, not exceeding two hundred dollars for the term for which he was elected, and which shall be payable when the assessment roll is completed.

Duties of assessor.

SECTION 19. The marshal shall possess all the powers of a constable in towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed by the mayor and when necessary, in criminal cases, or for the violation of any ordinance of said city or laws of this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offence against any ordinance of said city or laws of this state, and forthwith bring such person before competent authority for examination; and for such service he shall receive such fees as are allowed to constables for like service. He shall do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city. He shall have the power to appoint one or more deputies, to be approved by the council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

Duties of marshal.

SECTION 20. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed; and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and to fix the compensation of all officers appointed by them where the com-

Other duties may be required of any officer.

pensation is not fixed by the statute or this charter. The council shall, at least ten days before the annual charter election in each year, fix, by resolution, the salary which shall be paid to the clerk, treasurer, marshal, assessor and school superintendent for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected, neither shall extra compensation be granted except by unanimous vote of the council, which vote shall be approved by the mayor.

Official newspaper.

SECTION 21. The council, at the first meeting after its election, or as soon thereafter as practicable, shall designate a newspaper, printed in said city, in which shall be published all ordinances and other matters required by this act or the by-laws or ordinances of the city to be published in a newspaper.

Shall file a copy of newspaper.

SECTION 22. The city printer or printers immediately after the publication of any notice, ordinance or resolution 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 or resolution, as stated in such affidavit.

Penalty for not delivering to successors.

SECTION 23. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city or pertaining to the office he may have held he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws in this state.

Shall not be interested in any job.

SECTION 24. No alderman shall be a party to or interested in any job or contract with the city, and any contract in which an alderman may be so interested shall be null and void, and in case any money shall have been paid on any such contract, the council may sue for and recover the amount so paid from the parties to such contract and the aldermen interested in the same, or either or any one of them. Provided, however, that this section shall not prevent the council from leasing any of the public grounds of the city in such manner and to such parties as it may see fit to do.

SECTION 25. The mayor or acting mayor, sheriff of Dunn county, and each and every alderman, justice of the peace, marshal, constable and watchman, 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, may command the assistance of all bystanders, and if need be, of all citizens; and if any person, bystander, military officer or private, shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of fifty dollars; and in cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings.

Officers of the peace.

SECTION 26. The council may elect a city surveyor, and prescribe his duties and fix the fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the surveyor, or filed with the city clerk when ordered by the council, and be open to the inspection of the parties interested; and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office, to his successor or the council. The certificate of the surveyor shall have the same force and effect in all courts as the certificate of the county surveyor. The council may elect a city attorney, who shall conduct all law business of said city and the departments thereof, and all other business in which the city shall be interested, and when requested by the mayor or council, he shall furnish written opinions on subjects submitted to him in which the city or any departments thereof may be interested. It shall also be his duty to draft all ordinances, bonds, contracts, leases, conveyances, and such other instruments in writing as may be ordered by the council, and to perform such other duties as may be prescribed by the ordinances of the city or by any resolution of the council. The salary of the city attorney shall be fixed by the council, at a sum not exceeding two hundred dollars a year, payable quarterly.

City surveyor and his duties.

SECTION 27. All actions to recover any penalty or forfeiture under this charter or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city, and

may be heard and determined by or before any justice of the peace in the city. All fines and penalties collected by any justice in such cases shall be paid over to the city treasurer. Each justice shall report to the council on the first Monday in January, April, July and October in each year, a statement of all such fines and penalties collected by him, and at the same time pay over the amount thereof to the city treasurer, except as above mentioned.

SECTION 28. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect and his office shall be deemed vacant from the time such resignation shall be accepted by the council.

Shall give bonds.

SECTION 29. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made by the city, nor shall any officer required to give bonds as aforesaid enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by this act provided.

COMMON COUNCIL

Style of ordinance.

SECTION 30. The mayor and aldermen shall constitute the common council and the style of all ordinances shall be: "The common council of the city of Menomonie do ordain," etc. The council shall meet at such time and place as it by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Shall hold stated meetings.

SECTION 31. The council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their usual places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members; and have power to compel the attendance of absent members and enforce its rules; to punish by fine and imprisonment, by a vote of two-thirds its members, any member for disorderly or contemptuous conduct, and by a vote of two-thirds its members may expel any member for cause.

GENERAL POWERS OF COUNCIL

General powers of council.

SECTION 32. The common council shall have the control and management of the finances and of all property of the city, and shall likewise, in addition to the powers herein vested in it, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the

city, for the suppression of vice and immorality, for the prevention of crime and for the benefit of the trade, commerce and health, as it shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law; and such ordinances, rules and by-laws are hereby declared to be and have the force of law: provided, they are not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinances, resolutions or by-laws.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard or pool tables and bowling saloons, and to provide for the abatement and removal of nuisances under the ordinances or at common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; provide, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of the state.

Licenses shows,
etc.

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

Gambling, etc.

3d. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Prevent riots,
etc.

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

Cleanse nau-
seous places.

5th. To direct the location and management of slaughter houses and markets, and to prevent the erection, use or occupation of the same where the offal or filth thereof shall discharge into the waters of the

Slaughter
houses.

- creeks or river; and to establish rates for and license venders of gunpowder, and to regulate the storage, keeping and conveying of the same, or other explosive materials.
- Grading and repairing streets.** 6th. To provide for the making, grading, improving and repairing the streets of the city of Menomonie, and to provide for the making, constructing and repairing gutters and sidewalks in said city, and to prevent the encumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, firewood, or other materials or substances whatever.
- Prevent horse racing, etc.** 7th. To prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.
- Impound stock.** 8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.
- Suppress 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 of said city.
- Depositing unwholesome substances.** 10th. To prevent persons from bringing, depositing or having within said city, or placing in the waters adjacent to said city any putrid carcass or other unwholesome or nauseous 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, hides or skins of any kind, or on default, to authorize the removal by some competent officer, at the expense of such person or persons.
- Public pounds.** 11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs and to provide for the erection of water works for the supply of water to the inhabitants of the city; to regulate and to license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps and to provide for lighting the streets, public grounds and public highways, with gas or otherwise.
- Boards of health.** 12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation.
- Bread.** 13th. To establish the assize and weight of bread and to provide for the seizure and forfeiture of bread baked contrary thereto.

14th. To prevent all persons riding or driving any horse or mule, cattle and other animals on the sidewalks in said city, or in any way doing damage to such sidewalks. **Driving teams on sidewalks.**

15th. To prevent shooting off firearms or crackers and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein or annoying to the citizens thereof. **Firearms and crackers.**

16th. To restrain drunkards, immoderate drinking 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. **Restrain drunkards.**

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, cars, public houses and other establishments. **Runners.**

18th. To make rules and ordinances for the government and regulation of the police of the city. **Police regulation.**

19th. 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 punish or restrain all persons for interrupting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops and stands for the sale of game, poultry, meats, fish and other provisions. **Public market.**

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same. **Weighing and selling produce.**

21st. To compel the owners of buildings or grounds, or the occupants, where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default, to authorize the removal or destruction of the objectionable substance by some officer of the city at the expense of such owner or occupant. **Keep sidewalks clean.**

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

23d. To regulate the time and manner of holding public auctions and vendues, and to regulate the sale of goods, wares and merchandise, and other property **Auctions, etc.**

at public auction, and to grant licenses for the sale of goods, wares, and merchandise and other property at public auction, and to prescribe and fix the amounts to be paid for such licenses; provided, it shall not be lawful to charge less than five dollars nor more than five hundred dollars for any such license for one year; and provided also, that nothing in this section shall prohibit, or affect in any manner, sales at auction in cases specified in section 1585 of the revised statutes.

Watchmen.

24th. To appoint watchmen and prescribe their duties.

Weights and measures.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of any person using or keeping any false weights and measures.

Jurisdiction over streams.

26th. The common council shall have jurisdiction over the streams within the limits of said city, and may enact and enforce ordinances or by-laws for the preservation of fish in the waters thereof, so as to prohibit, regulate or license the taking or killing of fish in the waters thereof at any time; and may also, by ordinance or resolution, prevent any deterioration of the said waters, or any nuisance being cast therein by which the health of the inhabitants of the city or the purity of the water shall be impaired as it shall deem expedient.

Appropriations.

SECTION 33. No appropriation shall be made nor shall any debt be created or liability incurred against the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council; and all ordinances before the same shall be in force, shall be signed by the mayor; and all resolutions or measures for the appropriation of money, whereby a debt shall be created against, or a liability incurred by the city, shall be approved by the mayor before the same be in force; and all ordinances shall be published in the official newspaper, printed at the city of Menomonee, before the same shall be in force, and within fifteen days after publication, such publication being duly proved by the affidavit of the printer or foreman of the printers of such newspaper, the city clerk shall record such ordinance and affidavit in a book provided for that purpose, and such affidavit shall be prima facie evidence of such publication.

SECTION 34. The power conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or

proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor; houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

SECTION 35. The common council shall examine, audit, and adjust the accounts of the clerk, treasurer, marshal, street commissioner, and all other officers or agents of the city, at such time as it deems 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 such officer or agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books 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 delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements; and the common council shall have power, by an affirmative vote of two-thirds of its members, upon reasonable notice, for cause, to remove from office any officer of the city, elected by the common council, or whose appointment shall have been confirmed by it.

Accounts to be examined by common council.

OPENING OF STREETS, ALLEYS, ETC.

SECTION 36. The common council shall have power to take for the use of the city, in the manner hereinafter provided, any lots or any land for public squares, grounds, streets and alleys, and to widen or straighten the same, or for the purpose of erecting a public hall, market house, fire engine house, or any building in the construction of water works, or for flowing the same, for supplying the city with water, or any other lawful municipal purpose, or for erecting hospitals or pest houses for the prevention of contagious or infectious diseases within the city, or for any needful or convenient purpose in connection with or to execute and accomplish any other power, right or privilege conferred

Opening of streets, alleys, etc.

on or granted to the city by its charter, or any act amendatory thereof, or by any act of the legislature; and may take the same, and whether within or without the city, by conveyance from the owner upon a bargain and sale, or upon a donation thereof, or in manner as follows: Whenever it shall, in the opinion of the common council, be necessary said council shall declare, by resolution that it is necessary to take any such lots or lands for any of the purposes above set forth, giving description of the premises, defining separately each parcel thereof separately owned, and the purpose for which they are to be taken. The common council shall thereupon cause a written notice, as prescribed in the next section, to be served upon the occupant or occupants of such lands, and the owner or owners of the same, if the place of residence of such owner or owners is known, or can be ascertained by reasonable diligence, when such residence is within this state, and in case such owner or owners are non-residents of the state, or their place of residence, after due diligence by the city attorney of said city, cannot be ascertained, which fact shall be made to appear by his affidavit, then the common council shall cause service of such notice to be made on such non-resident owner or owners, or the owner or owners the residence of whom cannot be ascertained, by causing the same to be published for six weeks in the official paper of the city, at least once in each week, and by causing such notice to be mailed, post paid, to the address of such owners within five days from the time of the first publication of such notice, when the postoffice address of such owner is known.

Notice, how
signed and
what to state.

SECTION 37. Such notice shall be signed by the city clerk, or city attorney, and shall state the adoption of the resolution and embrace a copy thereof, and further, that at a time and place therein named, not less than ten days after the service of such notice, or the expiration of such publication, as the case may be, application will be made to the judge of the circuit court for said county of Dunn, for a jury to enquire and determine whether it is necessary to take the land or any part thereof, described in such resolution for the purposes therein specified. Such notice shall further state the time and place at which such jury will be applied for to meet to discharge such duty; and the judge aforesaid shall fix the time and place so named in the precept hereafter mentioned, and no other notice thereof shall be necessary.

SECTION 38. At the time fixed in said notice for the appointment of such jurors, the judge named in said notice, upon proof of the service of the same on the owner or owners of the premises described in such notice, which proof shall be made in the same manner as is now required to make proof of the service of a summons in civil actions in courts of record in this state shall appoint twelve competent persons, having the qualification of jurors in and for the county of Dunn, and not residents of the ward in which such premises are situated, not interested in such application, but residents of the city shall not be disqualified; provided, that if the owner of the land sought to be taken shall, before said judge shall appoint such persons, demand in writing that the jury be taken from any other county in such judicial circuit, then said judge shall appoint such jury from persons having the qualifications of jurors in such other county in the circuit as shall be designated by such land owner in his demand for the inquiry to be made respecting his lands. The same rights of challenge peremptorily, or for favor, or cause, may be exercised by the city attorney, and by such land owner whose land is sought to be taken, or by his agent or attorney, as a party to a civil action in the circuit court is entitled to have, and the judge shall decide the same in like manner, and replace the name of any jurors successfully challenged, by the name of some other competent person, until a jury of twelve be chosen. The said judge shall thereupon issue his precept directed to such jurors, requiring them and each of them to appear before him, on the day named in the notice for such jurors to meet for the discharge of their duties under such appointment. The precept so issued may be served by the sheriff of said county, or by any public officer of said city. The jurors so chosen shall, before entering upon the performance of their duty, take an oath before such judge faithfully and impartially to discharge their duty as such jurors, and a true verdict give, whether it is necessary to take such land or any part thereof, mentioned in such resolution for the purpose therein specified.

Proof shall be made.

SECTION 39. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Disqualified jurors.

SECTION 40. The said jurors shall forthwith, under direction of said judge, proceed in a body to view the

Shall view premises.

premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by said judge; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Shall render a verdict in writing.

SECTION 41. After having made such view and heard such testimony as shall have been produced, the said jury shall, under direction of said judge, deliberate apart and return their unanimous verdict in writing, signed by them, in which they shall find and state whether it is necessary to take the whole of the lands described in such resolution for the purpose therein specified, or any part thereof, describing particularly the part to be taken, if they find only a part thereof so necessary. Such verdict, with all the papers, proceedings and testimony had before him and said jury, shall then be forthwith filed by said judge with the clerk of the circuit court for Dunn county, together with a certificate by said judge that the same are the originals and the whole thereof. The clerk shall, on application, furnish a certified copy of the same or any part thereof, which shall have the same force and effect as the originals. In case any jury called under the provisions of this charter shall disagree, another jury shall be forthwith selected in like manner, and all the like proceedings thereafter had as hereinbefore provided for the first jury, except that the said judge shall fix a reasonable time for the assembling of such jury in the precept therefor, but no other notice thereof shall be necessary to any party; and the like steps shall be taken in case of any further disagreement, until a verdict shall be found.

Common council may enter an order.

SECTION 42. Should the necessity for the taking of the premises, or any part thereof, mentioned in the resolution of the council, be so established by the verdict of the jury, then the common council may enter an order directing the city attorney to proceed to procure to be assessed and appraised the damages to the owner or owners of the premises so found necessary to be taken by reason of the taking of the same for the purpose specified. The city attorney shall thereupon make application to the judge of the circuit court or judge of the county court for Dunn county, briefly setting forth the fact that the necessity for taking such premises has been so established by the verdict of a jury, and praying the appointment of three commissioners to appraise the damages of each and all of the several owners of such lands, and showing the amount of land,

giving the metes and bounds thereof, the purpose for which the same is to be taken, and the names of the several owners so far as the same are known to the city attorney. Five days' notice of the time and place when such application will be presented to such judge, accompanied with a copy of such application, shall then be served on each owner in the cases when required and in the manner provided in section thirty-six of this act. At the time and place designated, such judge shall hear all parties interested who appear, and shall appoint three disinterested and reputable freeholders of said county as such commissioners, by his order in writing, to ascertain and appraise the compensation to be made to the owners of or persons interested in the land so found necessary to be taken, and fix the time and place for the first meeting of said commissioners.

SECTION 43. If there should be any building standing, in whole or in part upon the lands to be taken, the commissioners before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to remove. Value of build-
to be estimat-
ed.

SECTION 44. 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 persons interested shall be given by publication in the official paper three successive weeks; such notice shall specify the building and the award of the commissioners. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the commissioners, and allow such building to be taken, with the land appropriated, or their intention to remove such building, at the rate set thereon by the commissioners to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council shall allow. Notice to be
given.

SECTION 45. If the owner 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 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 for him in the city treasury. Building may
be sold.

Shall take and
subscribe an
oath.

SECTION 46. The commissioners shall take and subscribe the oath prescribed by the twenty-eighth section of the fourth article of the constitution before entering on the discharge of their duties. A majority of them may adjourn the proceedings before them from time to time, in their discretion. They shall cause notice to be given to each party interested of the time when and the place where they will meet to consider the amount of compensation to which he is entitled, which notice shall be personally served on such party, or his authorized agent or attorney, or by leaving the same at his residence or place of business, with a person of suitable age and discretion, at least six days before the time of such meeting. If such party is a non-resident of this state, or his residence is unknown, and he has no authorized agent or attorney in this state, such notice shall be published in a newspaper as aforesaid for such length of time as the court or judge appointing said commissioners shall direct. The commissioners shall file a proof of such notices, or of the appearance of such parties before them, either personally or by attorney, with their report. But it shall not be necessary to serve or publish notice of any subsequent meeting held pursuant to adjournment.

Commissioners
shall award
damages.

SECTION 47. The commissioners shall view the premises described in the petition, and hear the allegations of the parties, and shall appraise, ascertain and determine the value of each tract or parcel of land proposed to be taken, with the improvements thereon, and of each separate estate therein, and the damages sustained by the owner by reason of the taking thereof, and fix the amount of compensation to be made to each of such owners therefor; and in fixing the amount of such compensation, said commissioners shall not make any allowance or deduction from the value of the real estate taken on account of any real or supposed benefits which the parties in interest may derive from the construction of the proposed improvement, for which such real estate may be taken; but special benefits to the real estate adjoining the lands so taken, shall be allowed in deduction of any damages sustained by the owner to such adjoining real estate. In case of any building on the land, and proceedings shall have been taken as provided in sections 43, 44 and 45, the said commissioners shall include the value of such building as estimated by them, 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. A majority of the commissioners, all being present, shall be competent to determine all matters before them. The commissioners shall, within twenty days after viewing any of the lands so taken, make and file in the office of the clerk of the circuit court of such county, a report of their proceedings concerning such lands, setting forth the award made for each tract or parcel thereof, or separate estate therein, to the owner or owners thereof. The commissioners shall be entitled to such compensation as the court may direct, which shall be paid by the city.

SECTION 48. If the lands or buildings belong to different persons, or if the lands 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 person or interest respectively, may be awarded to them by the commissioners, less the benefits resulting to them respectively from the proposed improvement.

If lands or buildings belong to separate parties.

SECTION 49. Whenever the commissioners shall have completed their duties and filed the report of their proceedings and determination as before provided, the common council may, if they shall deem it expedient by resolution or ordinance order such improvement to be made, and the land which has been so found necessary to be taken therefor to be taken and used; and in such case the city shall be absolutely liable to the owner or owners or parties entitled thereto for all compensation that may be established against said city therefor; and the council may also in that case make an assessment of the compensation to be paid therefor, with the costs of proceedings, or such part thereof as they shall determine to be just, upon the lands found by them to be directly benefited by such improvement in such proportion to the benefits enjoyed as they shall determine. If the council shall not deem it expedient to make such improvement, they may, by resolution, order all further proceedings to be discontinued.

Duties of commissioners.

SECTION 50. Any person being dissatisfied with the amount of compensation for property taken, or the amount assessed as benefits, shall have the right to appeal to the circuit court within twenty days from the time of awarding of compensation or assessment of benefits, by serving on the mayor or city clerk a notice of appeal therefrom, and giving a bond to the city in not less than one hundred dollars, to be approved by the

May appeal.

mayor, acting mayor or city clerk, to pay all costs of appeal in case the appellant shall not, upon such appeal, increase the amount of compensation or decrease the amount assessed as benefits, as the case may be. The common council may appeal in behalf of the city by giving notice to the opposite party without giving bond. Upon filing such notice with the clerk of the circuit court the appeal shall be considered an action pending in court for trial there as other actions, and shall be entered by the clerk upon the records of the court by setting down the party appealing as plaintiff and the other party as defendant. Such appeals shall be tried by jury, unless a trial by jury be waived by both parties; costs shall be allowed to the successful party, in accordance with the conditions of said bond.

Report of commissioners to be recorded.

SECTION 51. The report of the commissioners shall be recorded by the clerk of the court, in whose office the same is filed, in the judgment book of such court, and at any time after the making of such award the city may set apart in its treasury, to the order of the owner or owners of the lands so taken, or pay the same to such owner or owners, or to the clerk of said court for the use of such owner or owners, the amounts awarded by the commissioners, and thereupon may enter upon, take and use the land for the purposes for which it was condemned, and may obtain from either of said judges, upon twenty-four hours' notice, a writ of assistance to put its officers or agents into possession of the same. If such city be in possession or put in possession of such land, pending an appeal, the owners or parties entitled thereto shall be entitled to receive the money paid into court or set apart in the city treasury on account of the award appealed from, without prejudice to the appeal taken, but if the city shall have appealed, such money shall only be so withdrawn by leave of court, upon filing a bond in such sum and with such surety as shall be approved by the court or judge, to repay the amount by which such award shall be abated on such appeal, with costs. If any defect of title to or incumbrance upon any parcel of the premises shall be suggested in said petition, or if any party to said proceeding or any person not a party shall petition to the said court, setting up a claim adverse to the title set out in said petition to said premises, and to the money or any part of it to be paid as compensation for the property so taken, the court shall hear and determine the right of the parties to said money, and for that purpose may order a refer-

ence or an issue to be tried by a jury. Either party may except to the decisions of the court and appeal to the supreme court in like manner as in actions. Either court may award costs to the prevailing party, and render judgment therefor against the other party.

SECTION 52. When the whole of any lot or tract of land or other premises under lease or under contract shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties touching the same or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged. All covenants declared discharged.

SECTION 53. When only a part of a lot or tract of land or other premises so under lease or contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respectively, the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for and in respect to the same shall be so proportioned that the part thereof justly and equitably payable for such residue thereof and no more shall be paid or recoverable for in respect to the same. In case a part is only taken.

SECTION 54. When any known owner of lands or tenements affected by any proceedings under this charter shall be an infant or labor under any disability, the judge before whom the proceedings are pending, may, upon the application of the council, or such party or his next friend, appoint a guardian for such party, in the same manner as in a civil action in a court of record, and all notices required by this charter shall be served on such guardian. In case of infants, etc.

SECTION 55. The judge or court before whom proceedings are pending shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as he deems proper, and also to appoint other commissioners in place of any who shall die, or refuse or neglect to serve, or be incapable of serving. Judge may amend defect.

SECTION 56. Whenever any improvement chargeable to the property adjacent thereto shall have been determined upon, the proportion of the costs properly chargeable to each lot, part of lot or parcel of land subject to contribute to the payment of the same shall be ascertained by the council, and the city clerk shall Proportion of costs.

forthwith issue to each person occupying such premises liable to contribute, a certificate stating the amount assessed and chargeable to the premises occupied by such person, and the amount so chargeable to any particular lot or parcel of land shall be, from the time it is so ascertained, a lien and charge thereon, and upon no other property; and the said amount shall be entered against such lot or lots in the tax warrant for the year in which the assessment is made and collected in the same manner as other taxes.

Surveyor's profile.

SECTION 57. Whenever any public grounds, street or alley shall be laid out, widened or enlarged, or other public improvements made under the provisions of this chapter or this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Shall change the name of street, etc., if desirable.

SECTION 58. The council shall have the power to change the name of any street and to vacate any plat or portion thereof that may be petitioned for by the proprietor of such plat, or any person interested therein; but no petition for such variation shall be acted upon unless notice of such application to the council shall have first been published in the official city paper for at least two weeks prior to the meeting of the council.

Roads or streets, how laid out.

SECTION 59. Roads or streets may be laid out by the council through unplatted lands in the same manner as roads are laid out by supervisors in towns.

Only directory.

SECTION 60. All the foregoing directions given in this chapter shall be deemed only directory, and no error, irregularity or informality of any of the proceedings under the provisions of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings.

CITY IMPROVEMENTS.

City improvements.

SECTION 61. The council shall have power to order and contract for the making, grading, paving, macadamizing, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters, sewers, drains and sidewalks in the manner hereinafter mentioned, and direct and control the persons employed therein.

Expense of surveying streets shall be chargeable to the city.

SECTION 62. The cost and expense of surveying or repairing streets, alleys, sidewalks, drains and sewers, and of estimating work thereon in the execution of any public improvement, shall be charged to and payable by the city. The cost and expense of opening, grading, graveling, paving, macadamizing or planking streets and alleys and constructing or repairing sidewalks shall

be chargeable to and payable by the lots fronting on such street or alley, so that each lot or parcel of land shall pay for the work done between the front of such lot or tract of land and the center of such street or alley. Sewers, crosswalks and drains may be ordered by the council, and all costs and expenses as well as the damages which shall be sustained by owners of lands through which the same shall pass shall be charged to and payable by the city.

SECTION 63. Whenever the council shall determine to make any public improvement, as authorized by the two preceding sections of this act, it shall fix the time wherein such work shall be done, and shall give notice by advertisement to be published once a week for three successive weeks in the official paper of the city to the owners or occupants of the lots or parcels of land fronting on any street, alley or sidewalk ordered to be improved, requiring them to do the work mentioned in such notice within the time fixed by the council for the doing of the same, to be therein specified. If said work shall not be done within said time, the street commissioner of the ward in which said work is required to be done shall immediately proceed to advertise and contract for doing the same at the expense of the lots upon which such work is chargeable. Proposals shall state a gross amount for doing the work in front of any lot, and the contract shall be awarded to the lowest responsible bidder. This section shall apply to streets which have heretofore been ordered graded as well as to streets which may hereafter be ordered graded. The council may direct the letting of such work in whole or in part; all bids for doing the same to be approved by the council, and the said 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 it 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.

SECTION 64. The council of said city shall have power, and may in its discretion, by a vote of two-thirds of all the members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or

Notice to be given by advertisement.

Council may advertise and let.

gutter or the making of any improvement on or along any street in said city which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which such sidewalk, gutter or improvement shall have been ordered and constructed under such contract, sufficient to pay the costs 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.

Manner of re-paving streets

SECTION 65. Whenever the council shall require any street to be repaved or macadamized it shall determine the manner in which the work shall be done and of what material, and the street commissioner or such other person or officer as the council may designate to have charge of the work shall let a contract for doing the whole of such work. Public notice of the letting of such contract shall be given by advertisement in the official paper of the city for at least twenty days, and the contract shall be awarded to some responsible bidder whose bid it shall deem most reasonable and proper. The cost of such paving or macadamizing shall be chargeable to the lot fronting on the street, so that each lot or parcel of land shall bear its proportionate amount of the expense of such paving or macadamizing, according to its frontage on the street, but the expense of all engineering and grading necessary to be done to prepare a street for paving or macadamizing shall be payable by the city.

In case no bids are received.

SECTION 66. In case no bids shall be received for the performance of any work required to be done by this act, the council may cause such work to be done under the supervision of the street commissioner or a committee of the council, and the expense for doing the same shall be apportioned and assessed to each lot, according to its frontage on the street, and the amount shall be collected in the manner provided for the collection of other special taxes.

Deep cutting.

SECTION 67. Whenever the general interest of the city requires deep cutting or extraordinary filling in any street, and the owners of the lots or lands affected by such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the council, in writing, within twenty days after the passage of the ordinance requiring the work to be done, that the expenses of such excavation or filling will exceed the proportion that should be justly and equitably charged upon the property assessed therefor, the council shall require the marshal to summon five freeholders, non-

residents of the ward, nor owners of 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, and if, in their opinion, the costs of such work will exceed the amount that should be justly and equitably chargeable 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 to what lots and parts of land on the streets so improved will be benefited by such deep cutting or filling, or the construction of such sewers or drain; and how much or what portion shall be chargeable to them, and to make a report thereof as soon as practicable, in writing, to the 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, and the remainder shall be assessed upon the lots benefited by such improvement, in proportion to their respected 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 city 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 expense of all proceedings under this section shall be paid by said petitioners, and the council may require a bond for the payment of the same on the filing of the petition; provided, also, that the petition of no owner, feeling himself aggrieved, shall be received unless the same shall 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 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 amount of the costs and expenses thereof, it shall then be the duty of said council to cause to be summoned a jury as herein provided.

SECTION 68. The council shall give notice to all owners or occupants of lots which may be deemed injurious to health by reason of stagnant waters remaining thereon, in the official paper for two weeks, to abate

Stagnant
waters.

such nuisance by draining or filling such lot within a reasonable time, therein to be specified, and if such nuisance shall not be abated or removed within the time so specified, the council shall cause the same to be abated and removed at the expense of the property upon which the same may exist.

Adjustment of
contractor's ac-
counts.

SECTION 69. After the completion and performance of any contract entered into by the street commissioner, for work chargeable to lots or lands by virtue of this act, they shall give the contractor or contractors a certificate under their hands, stating therein the amount such contractor is entitled to, and the description of the lot or parcel of land upon which the same is chargeable; which said certificate may be transferred by endorsement thereon; and if the amount thereof shall not be paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and shall be assessed up in the said lots or parcels of land respectively, and collected therefrom for the use and benefit of the holder of such certificate as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof; and if the notice to do the work required shall have been given as herein provided, no informality or error in the proceedings shall vitiate such assessment. When the tax shall have been paid to the city treasurer he shall pay over the amount on order of the council to the persons entitled to receive it. But if the tax on such lot shall not be paid while the roll is in the hands of the city treasurer, it shall be returned to the county treasurer as delinquent, and shall be received by such treasurer in part payment of the county tax. Then the city shall issue a city order to the amount assessed against the lot in favor of the contractor, on his petition to the council so to do. But in no event where work is ordered to be done at the expense of any lot or parcel of land, shall either the city or county be held responsible for or on account thereof, or of any proceeding for the collection of the pay therefor. This proviso shall apply as well to work already done or ordered to be done at the expense of particular lots as that which may be done hereafter.

May appeal.

SECTION 70. In all cases where work is ordered to be done by the owner of any lot, under the provisions of this chapter, such owner may make his appeal as hereinbefore provided at any time within twenty days after the publication of the notice required to be given,

and while such appeal is pending no such order shall be executed.

SECTION 71. The council shall appoint a street Street commis-
sioner. commissioner for the city, or if it so elects it may by resolution require that the city marshal shall be such street commissioner, who shall have all the powers and perform all the duties required of street commissioners in this act. The general powers and duties of the street commissioner shall be the same as overseers of highways in towns, except as otherwise herein provided. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the streets, alleys, public grounds, reservoirs, gutters, sewers, water of the rivers and watercourses within their respective wards are duly observed and kept, and direct and control the persons employed therein; and they shall have a general supervision over all work let by contract for the improvement of streets or sidewalks in their respective wards, unless the council shall otherwise provide. Such street commissioner shall be under the direction and control of the council, and they shall make no orders or give any directions for the improvement of streets, unless such improvements have previously been authorized by the council, or a committee of the council acting under authority. Whenever any place occur in any street whereby the life or property of persons using the street becomes endangered, the street commissioner shall proceed at once to repair such street to a safe and passable condition.

SECTION 72. It shall also be the duty of the street Duties of said
street commis-
sioner. commissioner, whenever in his opinion any portion of a sidewalk shall be out of repair or in a dangerous condition, to serve a written notice upon the owner or occupant adjacent to which such defective sidewalk shall be, if a resident of said city, to immediately repair the same, and if said owner or occupant fail to repair the same forthwith, then and in that case the same may be repaired by the street commissioner at the expense of the lot adjoining said defective sidewalk; provided, however, that the expense to be charged to any lot for any such repairs shall in no case exceed the sum of five dollars, unless such repairs shall be according to the provisions of this act; service of such written notice at the residence of the owner or occupant of such lot, upon a member of his family of suitable age and discretion, or with the agent of the owner, shall be deemed service upon such owner or occupant; and in case the owner of such lot

is not a resident of said city or his residence is unknown, and such owner has no agent in said city known to the street commissioner, then and in that case it shall be the duty of the street commissioner to forthwith repair the same without notice to the owner of the adjoining lot, at the expense of such lot, as hereinbefore provided. The street commissioner shall also have the same powers and duties in relation to removing obstructions from any of the streets in said city as town boards of supervisors have in removing obstructions from highways. The city shall not be liable for any services ordered to be performed by the street commissioner, unless provision is made for paying therefore at the time such services are ordered.

May remove earth or gravel.

SECTION 73. Any owner of a lot may remove the earth, gravel or material of any kind from the street adjacent to his lot, prior to the grading of the same, at his pleasure, but in doing so he shall not impair the usefulness of the street. The street commissioner, however, may take material from any point in the street to make ordinary and necessary repairs elsewhere upon such street, but in so taking material he shall do no damage to the adjacent property. When any street shall have been ordered graded and the time for doing such work shall have expired without its having been performed, the city may take such material from the street in front of or adjacent to any lot as is not necessary for the purpose of bringing such street along such lot to the established grade, or may authorize any person to take it and use it upon any street of the city, or for any other purpose, as to it may seem best.

Term of office of street commissioner.

SECTION 74. The street commissioner shall hold his office for the term of one year from the first Tuesday in April of the year in which he was appointed, unless removed by the council, and shall, before entering on the duties of his office, give a bond to the city of Menomonie, with one or more sufficient sureties, to be approved by the council, in the penal sum of not less than five hundred dollars, conditioned to render an account to the council whenever 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 as required by 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.

SECTION 75. In order to secure a proper and faithful observance of the ordinances of the city relating to the cleaning of alleys, the council may appoint an inspector of alleys. If the power conferred by this section be exercised by the council, it shall by resolution designate the blocks which shall be under his supervision, and shall define his duties, and in the discharge of them he shall be invested with all the authority of the street commissioner and a police officer. The council may provide for defraying the expenses incurred under this section, by levying a special tax on each lot placed under the supervision of the inspector of alleys, not exceeding one dollar for each lot in any one year.

SECTION 76. The council shall have power to purchase a stone crusher and to purchase stone and cause the same to be broken and prepared for use in improving the streets of the city, and in cases where owners of lots are required by ordinance to improve the streets in front of the lots owned by them, and broken stone are required to be used in making such improvements, the council may sell to said owners of lots the stone required at a price not exceeding the cost thereof. The council may, with the consent of the sheriff or of the board of supervisors of Dunn county, deposit stone when brought upon the grounds connected with the jail of said Dunn county, and may use in breaking said stone such labor of prisoners under sentence in said jail as the sheriff will furnish, or may use said labor in breaking stone or in doing any other work in any part of the city.

SECTION 77. The council shall have power to require the owner of any lot or grounds in said city to set out ornamental or shade trees in the street in front of the same, and to protect and preserve them, and, in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expense of the same. It shall also have power to determine the lines on which the trees shall be set, the places where they shall be set, the kind and size of the trees to be set, and the manner of protecting them, and for replanting them, when they have died or been so injured as to fail to answer the purpose for which they were set out, and to prohibit the setting out of any trees that may be regarded as nuisances, and to order their removal when they have hitherto been set out. It shall also have power to provide for and direct the trimming of shade trees to

proper proportions, and to do all other needful acts as to them may seem just and proper, to give this section proper effect.

CHAPTER VII.

FINANCES AND TAXATION.

Finances and taxation.

SECTION 78. All funds in the city treasury, except school, state and county funds, shall be under the control of the 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, and in no other manner; and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city. All orders shall be payable to the person in whose favor they may be drawn, or to the bearer thereof.

No debt contracted with out authority.

SECTION 79. No debt shall be contracted against the city, or orders be drawn on the city treasury, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same, in case it exceeds fifty dollars, shall be entered by ayes and nays upon the journal of the council; and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act, and for the payment of indebtedness now existing.

Forfeitures and penalties to be paid into the general fund.

SECTION 80. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses shall be paid into the city treasury, and become part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of three fourths of all the aldermen elect.

All property liable for city taxes.

SECTION 81. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers and perform the same duties as are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment roll, and more fully define the duties of assessor.

SECTION 82. The county board of supervisors shall have the right to regard the city of Menomonie as a town in equalizing the assessment rolls of the several towns in Dunn county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards. City regarded as a town.

SECTION 83. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law, in relation to towns or town clerks; and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided. May levy taxes.

SECTION 84. Upon receiving the statement of the amount of taxes so levied the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein; which statement shall be called the tax list of the city of Menomonie, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council. Clerk shall make out assessment roll.

SECTION 85. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in this state that every act or thing required by law to be done relating to assessing or levying of taxes, from the election of officers to the completion of the tax list inclusive, has been done regularly, correctly and as required by law. Tax list prima facie evidence.

SECTION 86. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the first day of December of the same year, Shall make duplicate copy.

or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

City treasurer shall proceed to collect.

SECTION 87. The city treasurer, upon the receipt of such certificate copy of the tax list, shall proceed to collect the same and in like manner, and shall have like power and be subject to like requirements, liabilities and restrictions as town treasurer, except as otherwise provided in this act. All taxes may be paid to the treasurer before the first day of January in each year, without any addition thereto for treasurer's fees. To the taxes paid after the first day of January, five per cent. treasurer's fees shall be added, which fees when collected shall be paid into the treasury of the city for the benefit of the general fund.

Shall make return to county treasurer.

SECTION 88. The said treasurer shall make out and return to the treasurer of Dunn county, at the time required by law in the case of towns, a list of all lands and lots upon which the taxes have not been paid, and shall also settle with, and pay over all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required of town treasurers. The county treasurer shall add the same interest penalties or fees to such delinquent returns as are allowed or required by law upon the delinquent returns from the several towns. The city treasurer, at the time of returning the tax roll to the county treasurer, shall make out a list of all unpaid personal property taxes, duly certified, and file it with the city clerk, and shall not return such unpaid taxes to the county treasurer. The city clerk shall make out a warrant for the collection of such delinquent personal property taxes and place it in the hands of the city marshal. Such warrant shall be similar in form to the one prescribed by county treasurers and directed to sheriffs commanding them to collect delinquent personal property taxes, and the city marshal shall be clothed with all the power of sheriffs for the collection of such taxes.

County treasurer shall sell.

SECTION 89. The county treasurer shall sell all delinquent lands and lots returned from the city of Menomonie at the same time and in the same manner as other delinquent lands are sold in the county.

Subject to special taxes.

SECTION 90. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and improvements of streets in front of the same.

Farming land.

SECTION 91. All lands lying within the city limits not divided and laid out into lots or lots or blocks, and all

out lots, not subdivided and numbered by such subdivision, which may be used, occupied, reserved or held for agricultural purposes, shall be assessed as farming land, and shall not be subject to any special taxes.

SECTION 92. All the directions hereby given, except in section eighty-three of this act, for the assessing of lands and the levying, collection and return of taxes and assessments, and the sale thereof, 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. Directory.

SECTION 93. In addition to the amount herein limited for taxes for general city purposes, special taxes may be levied for the purchase of fire engines, cemetery grounds, public squares, gas purposes and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the common council, and afterwards submitted to a vote of the people and approved by them. Whenever the council shall recommend such a tax, (they) shall specify the amount to be raised and the object thereof, and cause notice thereof, and of the time and place of voting thereon, to be published in the same manner as in case of the annual city election. Special tax.

SECTION 94. The city treasurer shall receive nothing but national currency, treasury notes, coin, or coin certificates 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. 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 the supplying of all funds to meet any deficiency in the treasury. Lawful money.

SECTION 95. When the treasurer shall be unable to pay any order drawn on the treasury, 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. Empty treasury.

SECTION 96. 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 Which taxes shall first be paid.

taxes for bridge purposes; then taxes for fire purposes; then taxes for streets and other public improvements; and lastly, county 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.

When council shall meet.

SECTION 97. The council shall meet on Monday 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 their 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.

Surplus fund.

SECTION 98. The council shall have power to direct that all surplus funds belonging to the city, not needed for immediate use, except school funds, may be invested as the council may direct, or borrowed for the temporary use of the other funds of the city, and all interests and profits arising from such investment shall belong to the city, and shall be accounted for in the same manner that other funds are accounted for.

Monument to soldiers.

SECTION 99. The council shall have power to provide for the erection of a monument to the memory of those of her citizens who lost their lives during the late rebellion, at such time and in such place as they may direct, and for that purpose may levy a tax to pay for all necessary expenses incurred, without submitting the same to a vote of the people.

FIRE DEPARTMENT.

Fire department.

SECTION 100. The council, for the purpose of guarding against the calamities of fires, shall have power to prescribe the limits within which wooden buildings, or buildings or other materials that shall not be considered fire-proof shall be erected, repaired or moved, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the removal of buildings into such fire limits or the removal of any building or buildings situated or located within said fire limits to or on any other lot or lots within such fire limits, and to prohibit the repairing of wooden buildings 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.

SECTION 101. The council shall have power to regulate the building, construction and condition of chimneys, fire places, hearths, stoves, stove-pipes, boilers apparatus used in 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 to prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire-wardens, and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and enforce the provisions of this act and the ordinances under it by suitable penalties.

Regulate chimneys.

SECTION 102. The council shall have power to authorize the formation of fire engine, hook and ladder and hose companies, provide for the due and proper regulations of the same, and to disband any such companies at any time, and to prohibit their meetings as such when disbanded, which companies shall be officered and governed by their own by-laws, provided such by laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city, and shall be formed only by voluntary enlistment. Every member of any company in said city shall be exempt from serving on juries and from poll tax and military duty, except in cases of war, invasion or insurrection, and whenever a member of a fire, hook and ladder, bucket and hose company, shall have served therein for ten years, he shall be entitled to a discharge signed by the mayor, and shall thereafter be exempt as aforesaid.

Hook and ladder companies.

SECTION 103. The council shall have power to raise a tax each year, not exceeding five mills on the dollar of the taxable property within said city for fire purposes, the same to be assessed and collected in the same manner as the general tax of said city; and the moneys arising therefrom shall be expended under the direction of the council of said city for fire purposes.

Tax for fire purposes.

Sack compa-
nies.

SECTION 104. The council shall have power to organize sack companies to consist of not more than thirty members each. Such companies shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said companies, either collectively or individually, are hereby authorized and empowered to act as special police in and for said city, and are hereby vested with all the power and authority which now is, are or may hereafter be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department; at fires they shall take charge of all the 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 companies may from time to time adopt such by-laws and regulations as they may deem necessary, not inconsistent with the laws of this state. The members of said companies shall not be entitled to receive pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said companies shall severally take an oath or affirmation that they shall faithfully discharge the duties of their said office, and when any member shall cease to be a member thereof, by resignation, expulsion or otherwise, a notice thereof shall be given to the city clerk, and he shall preserve a list of all members of each of said companies.

SCHOOLS.

Superintendent
of schools.

SECTION 105. There shall be elected by the council of the city of Menomonie, at its first meeting after its election in the year 1882, a superintendent of schools, who shall be a member of the board of education and perform such duties as pertain to his office and are required of him by the provisions of this act.

Women eligi-
ble.

SECTION 106. Every woman of the age of twenty-one years and upwards residing in the city shall be eligible to the office of superintendent of schools and to the board of education.

Board of educa-
tion.

SECTION 107. The said school commissioners so elected in conjunction with the superintendent of schools of said city of Menomonie shall constitute a board to be styled "the board of education of the city of Menomonie." Said board shall appoint and hold

stated meetings, and a majority thereof shall constitute a quorum for the transaction of business. At the first meeting of said board in each year the members thereof shall elect one of the number president and whenever he shall be absent a president pro tem. may be appointed. The superintendent of schools shall be clerk of said board, whose compensation shall be fixed by the council. The said commissioners shall not receive any compensation for their services.

SECTION 108. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record or a transcript thereof, certified by the president and clerk, shall be received in all courts and places as prima facie evidence of the facts therein set forth, and such records and all books and accounts of said board shall at all times be subject to the inspection of the council, and of any committee thereof, and the said superintendent shall examine all teachers making application to teach in the public schools of said city; all certificates to teachers, granted by said superintendent, shall be substantially in the form as prescribed by the state superintendent of schools. The clerk of said board shall visit all schools in said city, at least once in each month, and report their condition to the board of education, with such suggestions for their improvement as he may deem proper. He may also make such suggestions to said board as he may deem necessary for improving and repairing school houses, grounds, fences and appurtenances thereto belonging.

Duties of school clerk.

SECTION 109. The clerk of said board shall in each year, and at the time and in the manner now and hereafter to be required by law, make and transmit to the state superintendent of public instruction a report in writing, which report, in form, shall be such as is now or may hereafter be required by law to be made annually to the state superintendent. He shall also make and submit to the council, at least ten days before the annual election in each year, a report, showing the receipts and expenditures by the board since the report made to the council, at its first meeting in July. Such account need only show the gross amount of receipts from each of the various sources, and gross amount of expenditures for each of the various purposes, required to be reported. Such report shall include salaries of teachers, and all other expenses up to the close of the terms of office of the board on the third Tuesday in April, and all salaries or bills that

Further duties.

will be due at that time may be paid before making the report. The report shall also show the gross amount of receipts and expenditures since the preceding annual report. If the receipts or expenditures since the July report are more or less than estimated in the July and October reports, the report shall state the amount, more or less, and the report shall also state whether, and if any, how much more or less than estimated in July and October will be needed for the entire school year ending in June.

Salary.

SECTION 110. The salary of the superintendent of schools shall be fixed by the council, not to exceed two hundred dollars a year, payable quarterly at the end of each quarter.

Passage of ordinances.

SECTION 111. The council of said city shall have power to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection and safe-keeping, care and preservation of school houses in said city, and lots and appurtenances to the schools, and also to impose penalties for the violation thereof. All such penalties shall be collected in the same way that other penalties authorized to be imposed by said council under the act of which this act is amendatory, are collected.

Title shall be vested in city.

SECTION 112. The title of the school houses, sites, furniture, apparatus and appurtenances, and all other property mentioned by this act, shall be vested in the city of Menomonie; and the same while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever, and the said city shall be able to take, hold and dispose of any real or personal estate, transferred to it by gift, grant, bequest, or devise for the use of the schools of said city, whether the same shall be transferred in terms to said city by its proper style, or by any other designation, or to any person or persons or body for the use of said schools.

City to demand all moneys due from county.

SECTION 113. The treasurer of said city is hereby authorized, empowered and directed to apply for, demand and receive from the county treasurer of Dunn county, all moneys appropriated for the use of schools in said city, and all other moneys in possession of said county treasurer at any time raised, appropriated or intended for the use and benefit of schools in said city, and the said county treasurer is hereby directed and required, on demand of the said treasurer, to pay over to him the said moneys without delay or set-off, taking

his receipts as such treasurer therefor, and all such moneys shall be placed to the credit of the school fund of said city.

SECTION 114. The said board of education shall have power and it shall be its duty:

1st. To establish and organize such and so many schools in said city, or the several wards thereof, as they shall deem necessary and expedient, and to alter and discontinue the same.

Duties of board of education.

Establish schools.

2d. To have the custody and safe keeping of the school houses, out houses, books, furniture and appendages, and to see that the ordinances and regulations of the common council in relation thereto are observed.

Custody of school houses.

3d. To contract with and employ in behalf of the city, all teachers in the common and ward schools and such other schools as may be under the direction of said board, who shall have been licensed by said board, and at their pleasure to remove them.

Employ teachers.

4th. To have in all respects the superintendence, supervision and management of all the public schools in said city, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils and their transfer from one school to another, and generally for the promotion of their good order, prosperity and utility.

Superintendence of public schools.

5th. Whenever in the opinion of said board it may be advisable to sell any of the school houses, lots or sites, or any of such school property now or hereafter belonging to the city, to report the same to the council.

Selling school houses.

6th. To prepare and report to the council such ordinances and regulations as may be necessary or proper for the protection, safe keeping, care and preservation of school houses, lots, sites and appurtenances, and all the property belonging to the city connected with or appertaining to the schools, and suggest proper penalties for violation of such ordinances and regulations, and annually to determine and certify to the council at its first meeting in October of each year, the amount of money, in their opinion, necessary or proper to be raised for school purposes, specifying the sum required for each of the purposes therein mentioned, and the reason therefor.

Necessary regulations.

7th. In the name of the city of Menomonie to contract, subject to the approval of the council, for the repair of school houses and their appurtenances, and for all things necessary or proper for the support and main-

Repair of school houses.

tenance of schools in said city, and to superintend the erection, construction and repair of all school houses, and generally to have the entire and exclusive supervision and control of all property belonging to said city used for said purposes. The board of education shall have the power, by and with the consent of the council of said city, to erect, construct, hire and purchase buildings suitable for school houses, buy and lease sites for school houses with the necessary grounds, and to furnish the school houses in said city with the necessary fixtures, furniture and apparatus.

School tax.

SECTION 115. The council of said city of Menomonie shall have power to annually levy and collect a school tax not exceeding three-fourths of one per cent. on all real and personal property of said city to meet the expenses of erecting and repairing school houses, purchasing or hiring sites for school houses and supporting and maintaining schools.

Audit indebtedness.

SECTION 116. It shall be the duty of the board of education to audit each and every indebtedness of said city for school purposes, and to issue orders therefor, signed by the president and clerk of the board of education; and all moneys received by or raised in the city of Menomonie for school purposes shall be disbursed on the said orders of the president and clerk of the board of education, and in no other manner. The city treasurer and his sureties shall be liable for all school funds that come into his hands, and for payments not authorized by this act.

Outside attendance.

SECTION 117. The said board of education shall have power to allow the children of persons not residents of said city to attend in either of the schools therein under the care and control of said board, upon such terms as said board shall by resolution prescribe, fixing the tuition which shall be paid therefor; all moneys so received for tuition shall become a part of the school fund of said city. It shall be the duty of the board of education to report to the council, at its first meeting in the month of July of each year, the condition of the several schools of said city, and the average number of pupils in attendance, the names and rate of compensation of the several teachers, the cost of supporting each and all of said schools since the previous report, and the estimated cost thereof to the time of their next succeeding report as in this section required, specifying the items thereof, under their appropriate heads, together with such other matters as they may deem proper, or the council may require;

provided, that nothing in this act contained shall be deemed to authorize said board of education or the council, or both, to appropriate, contract or expend for school purposes in any one year, any greater sum than is provided for in section 115 of this act, in addition to the school moneys derived by said city from the state and county school funds, and such fines, forfeitures, penalties and tuition moneys as may properly belong to the city school fund, unless first authorized thereto by a vote of two-thirds of the legal voters of said city.

MISCELLANEOUS PROVISIONS.

SECTION 118. The credit of the city shall never be given or loaned in aid of any individual, association or corporation. Credit of the city.

SECTION 119. No tax for general city purposes shall be levied in any one year exceeding one per cent. of the assessed valuation of property in the city in that year. Per cent. of tax.

SECTION 120. The city shall have no power to borrow money or contract any debt which cannot be paid out of the revenue of the current year. Cannot borrow money.

SECTION 121. All work for the city exceeding one hundred dollars in amount shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract. Let by contract.

SECTION 122. No extra compensation shall be allowed to any officer, agent, servant or contractor after the service shall have been rendered, or the contract entered into, nor shall any compensation be paid to the mayor or any alderman for their services. Extra compensation.

SECTION 123. The council shall settle all just claims and demands against the city, and settle with the treasurer annually, and publish accounts of the receipts and expenditures of the city, for the information of the citizens. Settling accounts.

SECTION 124. In all prosecutions for any violation of any of the provisions of this act, or any by-law or ordinance, the first process shall be a summons, unless oath be made for a warrant as in other cases. Prosecution, how to be made.

SECTION 125. Execution shall issue forthwith on the rendition of the judgment, unless the same be stayed or appealed according to the laws of this state. The execution shall require the defendant in any such action, in case no goods or chattels, lands or tenements whereof the judgment can be collected, be found, to be imprisoned in the jail of Dunn county for a term not exceeding three months, in the discretion of the Issuing execution.

justice or judge rendering judgment, unless the same be sooner paid or discharged by the common council.

Incompetent.

SECTION 126. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which said city shall be a party in interest.

Failure to hold election shall not suspend corporation.

SECTION 127. If any election by the people or council shall, for any cause not be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation; but such election or organization may be had on any subsequent day, by order of the council; and if any of the duties enjoined by this act or the ordinances or by-laws of the city to be done by any officer at any specified time, be not then done or performed, the council may appoint another time at which the said acts may be done or performed.

How suit can be commenced.

SECTION 128. When any suit or action shall be commenced against said city, the service of process therein may be made by levying a copy thereof by the proper officer with the mayor; and it shall be the duty of the mayor forthwith to inform the council thereof, or take such other proceedings as by the ordinances or resolutions of said council may be in such case provided.

In case judgment shall be recorded against city.

SECTION 129. When a judgment shall be recovered against the city of Menomonie or against any city or ward officer in an action prosecuted by or against such officer in his name of office, where the same should be paid by the city, no execution shall be awarded or issued upon such judgment, except as herein provided; but the same, unless reversed, shall be levied and collected as other city taxes, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if any payment thereof be not made within sixty days after the city treasurer is required to make his return of taxes next after the rendition of such judgment, execution may be issued thereon upon the order of the court authorized to issue such execution, on special application therefor. Nor shall any real or personal property of any inhabitant of said city or any individual or corporation be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

SECTION 130. The said city may lease, purchase and hold real or personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation; provided, that no debt shall be incurred in any such purchase which cannot be paid out of the revenue of the fiscal year. City may hold real estate.

SECTION 131. The council of said city are hereby authorized and empowered to cause to be made by some competent person a plat of all pieces or parcels of land within said city which are not embraced and described in any of the recorded plats of land in said city, which plats shall plainly define the boundary of each tract or lot of land designated thereon, and each tract or lot of land embraced in said plat shall be designated by a number placed thereon. The said plat when completed shall be certified to by the person making the same, and shall be acknowledged before some officer authorized to take the acknowledgement of deeds by the mayor and clerk of said city, and when so certified and acknowledged shall be recorded in the office of the register of deeds of Dunn county. Plat shall be made.

SECTION 132. The said plat shall be called and known as "assessors' sub-division of lands in the city of Menomonie," and for the purpose of assessment and taxation it shall be deemed a sufficient description of any piece of land described and designated in said plat, to designate the same by its number as it appears on said plat, and any deed of any such tract or piece of land which may be executed pursuant to the laws of this state by reason of the non-payment of any tax hereafter assessed shall be as valid and effectual to pass the title to the lands therein described as it would be if said premises had been described by metes and bounds, and the said plat or the record thereof shall be received in evidence in all courts and places as correctly describing the several pieces or parcels of land therein designated and numbered. "Assessor's" sub-division.

SECTION 133. Every license issued by the authority of this act or the ordinances of the city shall be signed by the city clerk and sealed with the corporate seal, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinuous or malt liquors unless the same shall Licenses, by whom signed.

have been authorized by the council, and the appellant shall have filed his receipt as aforesaid together with a bond as required by the laws of this state, which shall be approved either by the mayor or council; provided, that the sum to be paid for any such license shall not be less than the amount fixed by the laws of the state, and that all licenses shall be granted to expire on the first day of May next following in each year.

Use of jail.

SECTION 134. The use of the jail of Dunn county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of such county, for whose custody, safe keeping and delivery the said sheriff shall be responsible as in other cases. But said county shall not incur or pay any liability or expense on account of any person committed to said jail for the violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

Meeting of council.

SECTION 135. It is hereby made the duty of the common council of said city and the board of supervisors of said town of Menomonie to meet together at some convenient place on or before the first Monday of May, 1882, upon notice given by either body, and, if possible, agree upon some just, fair and equitable settlement or adjustment and division of the property, money, credits, duties, liabilities, obligations and every other matter or thing made necessary by the organization of said city out of the territorial limits of the town of Menomonie, and, among other things, make a fair and just proportion of the bonded indebtedness of said town, between the town and said city, fixing forever the amount of said indebtedness to be paid by said city, and the amount by said town, and such settlement and adjustment shall be made upon the basis of and in proportion to the assessment roll of said town of Menomonie for the year 1881.

In case board and council can not agree.

SECTION 136. If the common council of said city and board of supervisors of said town shall be unable to agree upon an honorable, just and fair settlement or adjustment and division, as provided in the preceding section, then it is hereby made the duty of the circuit judge of the circuit court in and for the county of Dunn, upon application made to him by either of said bodies, five days notice having been previously given to the other body, to appoint three commissioners, one to be a resident of said city, one of said town and one to reside outside of both city and town, who shall have power, and it is made their duty, as soon as may be af-

ter their appointment and filing with the clerk of the circuit court, in and for said county, of their oaths to faithfully and fairly to adjust and settle all matters of dispute between said city and town, as hereinbefore mentioned to examine into and fairly, equitably and justly make a division of all property, moneys, credits and property owned by said city or any part thereof in common with said town; made a full and complete settlement or adjustment of all matters between said city and town, arising or growing out of the formation of said city out of the territorial limits of said town, and especially of the indebtedness of said town, any portion of which said city ought to pay. And in order to make such a settlement, adjustment and division as herein contemplated, the said commissioners shall make use of and shall use as a basis of such settlement and adjustment, and shall be therein governed by the assessment roll of said town of Menomonie for the year 1881. The said commissioners shall, as soon as possible, make their award in writing and file the same in the clerk of court's office of said county, which shall be final and conclusive between the parties.

SECTION 137. Any and all amounts found as afore-
Adjustment of city and town accounts.
 said to be owing by said city to any portion of the territory outside of the city which comprises a part of the town of Menomonie, from which said city was formed, shall be paid by said city to the proper officers authorized to receive and receipt for the same. But if it shall be found upon such settlement that there is any amount due any portion of said city from any portion of territory outside of said city limits which was an organization, from which said city was formed, that portion of said territory so owing said part of said city, shall pay the amount to the city treasurer. And in case any portion of the territory so indebted shall fail, neglect or refuse to pay the amount thereof so found to be due, the city treasurer of said city shall proceed to collect the same in the manner as is now provided by the laws of this state for the collection of debts against towns, cities and villages

SECTION 138. The question of the adoption of this
Submitted to the people.
 act as a charter of said city of Menomonie, shall be submitted to the electors of the town of Menomonie before such charter shall become operative. For the purpose of determining such question, the qualified electors residing in the town of Menomonie, shall meet on Tuesday, the twenty-first day of March, 1882, at 10 o'clock A. M. of that day, at such place as the

inspectors of such election shall appoint, and vote by ballot upon such question. The board of supervisors of the town of Menomonie are hereby appointed inspectors of such election, and the town clerk of Menomonie is appointed clerk thereof. Such inspectors shall give notice of such election by publishing notice thereof in one or more papers printed in the town of Menomonie, or by posting the same in two or more public places in each ward of the proposed city, at least six days before such election. Such notice shall specify time, place and object of such election; the time of opening and closing the polls. At such meeting the polls shall be opened at 10 o'clock A. M. and kept open until 5 o'clock P. M., when they shall be closed. In case of vacancy in the board of inspectors the electors present shall choose viva voce from the qualified electors of the town of Menomonie inspectors to fill such vacancies. Such inspectors shall preside over and conduct such election, and all the laws of this state applicable to the election of town officers shall apply to all the proceedings thereat so far as they are consistent with the provisions of this act. Every elector residing in such territory, and qualified to vote for town officers in said town of Menomonie, may vote at such meeting by a ballot having thereon the (words) "for the charter," or the words "against the charter." If a majority of the ballots cast at such election have thereon the words "against the charter," this act shall be inoperative and void. If a majority of such ballots have thereon the words "for the charter," this act shall be in full force and effect. The said inspectors shall make and certify returns of the result of such election and file duplicates of the same in the office of the county clerk of the county of Dunn and the town clerk of the town of Menomonie, and such returns shall be evidence of the facts therein stated, and the regularity of all proceedings in relation to such election.

Duty of board
of supervisors.

SECTION 139. In case this act is adopted as the charter of said city, it shall be the duty of the town board of supervisors of Menomonie to designate a place for holding the annual election in each ward, appoint the inspectors of election and perform such other acts as may be required in holding the first municipal election in said city. The said town board shall also act as a canvassing board for said city at the first election and perform such duties as may be required of the board of canvassers under this act.

Re:ls

SECTION 140. Whenever the town board of supervisors of the town of Menomonie, in the county of

Dunn, may deem it for the convenience and interest of the legal voters of said town, they are hereby authorized and empowered to select a place for the polls of any general or special election or town meeting, at any suitable place within the limits of the city of Menomonie; provided, that such polls shall not be nearer to any poll of election in any ward of said city than three hundred feet, and notice of such elections and the place where the same is to be held shall be given as provided by the laws of this state.

SECTION 141. It shall be lawful for the supervisors of said town to hold their meetings for the transaction of town business at any proper place within the city of Menomonie, and the town board may authorize and empower the town clerk and town treasurer of said town to keep the books and papers in their respective offices at some suitable place within the limits of said city; provided, that the said city shall not be chargeable with nor liable for any of the expenses arising or growing out of any of the provisions of this or the preceding section; and provided further, that the place of meeting, and the places for the town clerk and the treasurer of the town mentioned in this and in the preceding section, shall not be at any place or places of meeting of the common council or of officers of the city without consent first being obtained of the common council.

May hold meetings, etc.

SECTION 142. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1882.

[No. 165, S.]

[Published March 18, 1882.]

CHAPTER 103.

AN ACT to authorize John H. Knapp, Henry L. Stout, Andrew Tainter, William Wilson, Thomas B. Wilson and John H. Douglas, their heirs or assigns, to erect and construct and maintain a dam across Red Cedar river, Barron county.

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

SECTION 1. John H. Knapp, Henry L. Stout, Andrew Tainter, William Wilson, Thomas B. Wilson and John H. Douglas, their heirs and assigns, are hereby authorized to construct and maintain a dam across the Red Cedar river, on the southeast quarter of the northeast quarter of section twenty-one and lot three of section twenty-two, town thirty-six, range

May maintain a dam.