

polls of such meeting shall be open from ten o'clock A. M. until four o'clock P. M. Every elector of this state residing within said territory shall be entitled to vote at said meeting. The vote upon that question shall be by ballots upon which shall be written or printed the words, "For the charter," or "Against the charter." If a majority of the ballots cast at such meeting have thereon the words, "Against the charter," then this act shall not take effect. If a majority of such ballots have thereon the words, "For the charter," this act shall have full force and effect. The inspectors of said election shall make and certify returns of the result thereof, and file duplicates of the same in the office of the county clerk of Sauk county, of the town clerk of the town of Reedsburg, and of the village clerk of the village of Reedsburg, and such returns shall be evidence of the facts therein stated, and the regularity of all the proceedings in relation to such meeting.

SECTION 155. This act is hereby declared a public act, and shall be liberally and favorably construed in all the courts of this state, and shall take effect as hereinbefore provided. Public act.

Approved March 24, 1887.

[No. 640, A.]

[Published April 5, 1887.]

CHAPTER 129.

AN ACT for an act to amend chapter 84, of the laws of 1883, entitled, "an act to revise, codify and amend chapter 102, laws of 1882, entitled, 'an act to incorporate the city of Menomonie,'" approved March 21st, 1883.

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

SECTION 1. Section 5, of chapter 84, laws of Wisconsin, approved March 21st, 1883, entitled, "an act to revise, codify and amend chapter 102, laws of 1882, entitled, 'an act to incorporate the city of Officers of the city named."

Menomonie," is so amended that said section 5, shall read as follows: Section 5. The elective officers of said city shall be a mayor, treasurer, assessor, clerk, three justices of the peace, and one school commissioner, 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 of 1877, from the first and second wards, shall hold their offices for three years, and until their successors are elected and qualified, and the one from the city at large shall hold his office for two years and until his successor is elected and qualified; and the commissioners now serving from the third and fourth wards shall hold their offices for one year and until their successors are elected and qualified. Annually thereafter there shall be elected, when the term of office of a school commissioner expires, a school commissioner for a term of three 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, except the superintendent of schools, who shall be appointed by the board of education. All elective officers, except justices of the peace, aldermen and school commissioners, shall, unless elected to fill vacancies, 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 second 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.

SECTION 2. Section 11, of said chapter 84, is hereby amended so it shall read as follows: Sec-

tion 11. In the event of a vacancy in the office of mayor or alderman, 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 to fill a vacancy shall hold the office and discharge the duties thereof until the next annual election, with the same rights and subject to the same liabilities as the person whose office he may be appointed to fill.

New election to be ordered in event of vacancy.

SECTION 3. Section 16, of said chapter 84, is hereby amended so it shall read as follows: 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 duty 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 six hundred dollars per annum, payable quarterly. He may appoint a deputy in writing under his hand, and file such appointment in his office, and such deputy, in case of absence or disability of said clerk, shall have full power and authority to perform all the acts and duties pertaining to said office.

Duties of the clerk defined.

SECTION 4. Section 18, of said chapter 84, is hereby amended so it shall read as follows: 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 three hundred dollars for the term for which he was elected, and which shall be payable when the assessment roll

Duties of assessor defined.

is completed; the salary as so fixed to be in lieu of all fees, and full compensation for all the duties imposed on said assessor by law.

Powers of council in regard to city officers.

SECTION 5. Section 20, of said chapter 84, is hereby amended so it shall read as follows: Section 20. The common council shall have the 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 the officers appointed by it; where the compensation 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 street commissioner 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.

Removal of rubbish and dirt.

SECTION 6. Section 44, subdivision 21, of said chapter 84, is hereby amended so it shall read as follows: Section 44. Subdivision 21. 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 substance 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.

Examination and auditing of accounts.

SECTION 7. Section 47, of said chapter 84, is hereby amended so it shall read as follows: Section 47. 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.

SECTION 8. Section 73, of said chapter 84, is hereby amended, so it shall read as follows: Section 73. 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, sidewalks and crosswalks in the manner hereinafter mentioned, and direct and control the persons employed therein, and provide for the payment of the costs, charges and expenses incurred thereby, out of the city moneys, except for such sidewalks as shall be ordered built and maintained by owners of lots, as hereinafter provided: The common council shall, not later than the first meeting in May of each year, set apart out of the general fund of the city, a sum not exceeding three mills on the dollar of all the taxable property of said city, for a road and bridge fund for the current year; and may by the unanimous consent of the senior aldermen of the respective wards, apportion the amount so set apart to the several wards in sums as they may see fit. The said amounts so set apart, together with the poll tax collected, shall be expended in building and repairing roads, streets, crosswalks, bridges and drains in the city, and in no event shall a greater amount be expended in any one year in any ward of the city, in so building and repairing roads, streets, crosswalks, bridges and drains than has been so set apart. No alderman of any ward shall contract debts against such ward or city, and if any alderman shall so contract debts, neither such ward or the city shall be liable for the same, but the alderman so contracting shall be liable therefor, as if

Power of council regarding care of streets.

the debt had been originally contracted by such alderman personally; provided, that no alderman shall be held liable as aforesaid, without proof of his assent as alderman to the contracting of the debt or liability of the ward or city.

Power to order rebuilding streets.

SECTION 9. Section 74, of said chapter 84, is hereby amended so as to read as follows: Section 74. The common council shall have power, and may order sidewalks built, rebuilt or repaired upon either side of the street, upon a petition of a majority of the owners of the lots (residing thereon), abutting on the side of the street upon which said sidewalk is proposed to be built or rebuilt. The cost of building, rebuilding and maintaining such sidewalks shall be paid by the owners of such lots; provided, that in the event of the cost of construction or of rebuilding or replacing such sidewalk on the grade on which such sidewalk is so required to be built shall exceed the cost of construction on a level, the amount of such excess shall be allowed by the council to such lot owner, and the amount of such excess paid by the city; such excess of costs to be estimated by the city surveyors.

Grade to be designated.

SECTION 10. Section 75, of said chapter 84, is hereby amended so it shall read as follows: Section 75. Whenever the common council shall order the building or rebuilding of a sidewalk, it shall, by resolution, designate the grade upon which the same shall be built or rebuilt, and the time allowed for the construction thereof, and shall give notice to the owners of the lots liable to build or rebuild the same as hereinafter provided. The street commissioner shall serve a notice containing a copy of such resolution upon the owners of the lots liable to build or rebuild such sidewalk personally, or, if not found, then by leaving a copy with some member of the family of suitable age at the residence of such owner, if a resident of the city, commanding him to build or rebuild such sidewalk within the time designated in the resolution. If service cannot be had as above provided, or if said lot owner is not a resident of said city, then service shall be made by publishing said notice, at least two weeks in the official paper of said city, and said commissioner shall make return to the city clerk of such service. At the expiration of the time fixed for building or

rebuilding such sidewalk, the street commissioner shall proceed to build or rebuild such portion of said sidewalk as may be unfinished, and upon the completion thereof, make a statement in writing to the council, specifying the lots abutting on such sidewalk so built or rebuilt by him, and the cost of each portion abutting each respective lot, verified by his affidavit. The council shall, upon the receipt of such statement, appropriate from the general fund of the city the amount of such cost. The amount so appropriated shall be charged to the lots so returned, and if not sooner paid, shall be entered by the city clerk in the next annual tax roll opposite to the lots so returned, in the same manner as other taxes are entered, but in a separate column under the head of sidewalk taxes; provided, that the amount so charged shall not exceed the cost of building or rebuilding such sidewalk upon level ground.

SECTION 11. Section 77, of said chapter 84, is hereby amended so it shall read as follows: Section 77. The council shall give notice to all owners or occupants of lots or lands which may be deemed injurious to health by reason of stagnant waters remaining thereon, in the official paper for two weeks, to abate such nuisance by draining or filling the same 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.

Stagnant
waters, abate-
ment of
nuisance.

SECTION 12. Section 80, of said chapter 84, is hereby amended so it shall read as follows: Section 80. It shall be the duty of the street 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 (of the lot) 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 within twenty-four hours, then, and in that case, the same may be repaired by the street commissioner, at the expense of the lot adjoining said defective sidewalk, said sum to be recovered as provided in section 75, for the building and repairing of sidewalks; provided, however, that the

Duty of street
comm'ssioner
when sidewalks
need repairing.

expense to be charged to any lot, for any such repairs, shall in no case exceed the sum of five dollars. Service of such written notice at the residence of the owner or occupant of the 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 adjacent 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 of said city, as town boards of supervisors have in removing obstructions from highways.

Term of office
of street com-
missioner.

SECTION 13. Section 82, of said chapter 84, is hereby amended so it shall read as follows: Section 82. The street commissioner shall hold his office for the term of one year from the second Tuesday in April, of the year in which he was appointed, unless removed by the council, and shall, before entering upon 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.

Funds in treas-
ury, how drawn
out.

SECTION 14. Section 86, of said chapter 84, is hereby amended so it shall read as follows: Section 86. All funds in the city treasury except school, library, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council and in no other man-

ner; and all orders drawn upon the treasury 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.

SECTION 15. Section 94, of said chapter 84, is hereby amended so it shall read as follows: Section 94. The city treasurer, upon the receipt of such tax roll, 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 treasurers, except as otherwise provided in this act. All taxes may be paid to the treasurer before the tenth day of January in each year without any addition thereto for treasurer's fees. To the taxes paid after the tenth 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.

Treasurer's
dut. after
receiving tax
roll.

SECTION 16. Section 110, of said chapter 84, is hereby amended so it shall read as follows: Section 110. The superintendent of schools shall perform such duties as pertain to his office and are required of him by the provisions of this act.

Superinten-
dent of schools.

SECTION 17. Section 112, of said chapter 84, is hereby amended so it shall read as follows: Section 112. The school commissioners 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 members 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 said board of education. The said commissioners shall not receive any compensation for their services.

Board of edu-
cation, of
whom com-
p. ed.

SECTION 18. Section 115, of said chapter 84, is hereby amended so it shall read as follows: Section 115. The salary of the superintendent of schools shall be fixed by the board, not to exceed

Salary of su-
perintendent of
schools.

three hundred dollars a year, payable quarterly at the end of each quarter, out of the school fund.

Repair of
school-houses.

SECTION 19. Section 119, subdivision 7, of said chapter 84, is hereby amended so it shall read as follows: Section 119, subdivision 7. In the name of the city of Menomonie, to contract for the repair of school-houses and their appurtenances, and for all things necessary or proper for the support and maintenance 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.

Repealing
section.

SECTION 20. Section 139, chapter 102, of the laws of 1882, is hereby amended so it shall read as follows: Section 139, chapter 102, of the laws of 1882, and chapter 84, of the laws of 1883, and acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 21. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1887.

[No. 577, A.]

[Published March 28, 1887.]

CHAPTER 130.

AN ACT to amend an act entitled, "an act to incorporate the city of Viroqua," being chapter 54, of the laws of 1885.

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

Elective and
other officers
enumerated.

SECTION 1. Section 6, of chapter 54, of the laws of 1885, an act amendatory thereof, is hereby