

in its discretion may determine, and in that event a sufficient tax may annually be assessed, levied and collected upon all real and personal property within said city, except such as may be exempt by the laws of this state, to meet the payment for rent of fire hydrants, which said tax when so collected, shall be kept as a separate fund to be known as the "fire hydrant fund." But before the city shall purchase such water works, the question shall be submitted to a vote of the qualified voters of said city, being resident freeholders, and a majority of said voters shall have voted for the purchase.

Public act and  
liberally con-  
strued.

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

Repealing  
clause.

SECTION 29. All acts and parts of acts so far as they conflict with the provisions of this act are hereby repealed.

SECTION 30. This act shall take effect and be in force from and after its passage and publication.  
Approved April 4, 1891.

No. 559, A.]

[Published April 8, 1891.]

## CHAPTER 162.

AN ACT to amend chapter 384, laws of 1889, amendatory to the city charter of Marinette.

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

Amends  
chapter 183,  
laws of 1889.

SECTION 1. Section 4, of chapter 3, of chapter 183, of the laws of Wisconsin for the year 1889, entitled, "An act to amend chapter 119, of the laws of Wisconsin for the year 1887," entitled, "An act to incorporate the city of Marinette," be and the same is hereby amended to read as follows: Section 4. The mayor, at the first or second meeting of the common council after the charter election in each year and as often there-

Mayor to ap-  
point certain  
officers.

after as a vacancy shall occur, shall appoint, subject to the approval of the common council, all the appointive officers of said city.

SECTION 2. Section 8, of chapter 5, of said act, is hereby amended so as to read as follows: Section 8. All the general laws of this state which are now or may be hereafter in force, relative to the assessing, levying or collection of taxes, and to the sale of lands for unpaid taxes shall be in force in said city, except as otherwise herein especially provided; and the city treasurer shall proceed to collect the taxes and all assessments of said city at the same time and in the same manner as is required by law of town treasurers to collect taxes. All delinquent taxes and all unpaid assessments shall in like manner be returned to and collected by the county treasurer, and all such assessments when so collected shall be accounted for by him and paid over to the city treasurer on demand; but the sums included in said return as collection fees shall, when collected, be paid over to the city treasurer and by him placed in the general fund of the city for the use and the benefit of the city. The city treasurer shall charge, collect and receive, for the use of said city, from the taxpayer as fees for the collection of taxes and assessments, two *per cent.* of all sums collected by or paid to him, as such treasurer, prior to the tenth day of January in each year, and five *per cent.* on all taxes and assessments collected by or paid to him after said day and before his return to the county treasurer. Upon the receipt of the tax roll the city treasurer shall, in addition to the notices required by law publish a notice in the official newspaper of the city, that all taxes and assessments, whether upon real or personal property in said tax roll, shall be paid on or before the tenth day of January next ensuing at his office in said city, and that thereafter he shall proceed to collect the taxes charged in such roll and remaining unpaid. The treasurer of the city of Marinette shall receive as his compensation the yearly salary of twelve hundred dollars in lieu of all other fees, in full for all services.

Amends chapter 183, laws of 1889.

General laws relating to taxes to be applicable to city.

SECTION 3. Section 3 of chapter 7, of said chapter 183, as amended by chapter 284 of the laws of Wisconsin for the year 1889, entitled. "An act

Amends chapter 183, 1889, a amend

Cost of surveying streets, etc., payable out of general fund.

to amend chapter 183, of the laws of Wisconsin, for the year 1897," entitled, "An act to incorporate the city of Marinette," is hereby amended to read as follows: Section 3. The cost and expense of surveying streets, alleys, sidewalks and sewers, and of estimating work thereon, and of constructing and repairing public wells and reservoirs, shall be chargeable to and payable out of the general fund of the city. Whenever the city gravels, macadamizes, planks, paves or curbs any street or alley, excepting street crossings, each lot or part of a lot abutting on such street or alley shall be charged with one-fourth of the cost of such graveling, macadamizing, planking, paving or curbing of such part of said street or alley as lies between such lot, or part of lot and the opposite side of such street or alley. The mayor, street commissioner and city clerk shall constitute a board to compute the amount chargeable to each lot or part of lot, under the provisions of this section. They shall, on or before the first Monday in November in each year, make a detailed report in writing, signed by them, certifying to the common council the amount of assessment chargeable to each lot or part of lot, under the provisions of this section, and such amount shall be levied by the common council as a special assessment on such lot or part of a lot.

Amends chapter 183, laws of 1890.

Cost and expense of surveying and establishing sewers to be paid out of general fund; cost of building sewers, how paid.

SECTION 4. Section 8, of chapter 7, in the preceding section mentioned, is hereby amended so as to read as follows: Section 8. The cost and expense of surveying and establishing all public sewers and their appurtenances and of estimating work thereon, shall be paid out of the general fund of the city. Whenever the the city shall build or construct any sewer, each lot or part of lot abutting on the street or alley in which such sewer shall be built, shall be charged with one-fourth the cost and expense of building a twelve inch sewer opposite such lot or part of lot; provided, however, if said sewer is of less dimension than twelve inches, each lot or part of a lot as aforesaid shall be charged with one-fourth the cost and expense of building a sewer of the less dimension; and provided, further, that any lot or part of lot abutting or lying on two or more streets which has been charged with and paid its

portion of the cost of constructing a sewer on one of such streets as herein provided shall be chargeable with but one-eighth of the cost, according to the rule above stated, of constructing such part of said second or third sewer as lies opposite to it in any other street on which it lies or abuts. The mayor, street commissioner and city clerk shall constitute a board to compute the amount chargeable to such lot or part of lot under the provisions of this section. They shall, on or before the first Monday in November in each year, make a detailed report in writing, signed by them, certifying to the common council the amount of assessment chargeable to each lot or part of lot under the provisions of this section, and such amount shall be a lien upon, and shall be levied by the common council as a special assessment on such lot or part of lot for sewerage purposes.

SECTION 5. Section 8 of chapter 13, of said chapter 183 of the laws of Wisconsin for the year 1889, is hereby amended so as to read as follows: Section 8. In all prosecutions under this chapter the finding of the court or jury shall be guilty or not guilty, as the case may be; if guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture, contained in the ordinance or regulation for the violation of which the defendant shall have been adjudged guilty, and for the costs of the suit, but if not guilty, the costs shall be taxed against the city, except when the state of Wisconsin is a party, then the costs shall be taxed against the county of Marinette. Upon conviction, in all cases where the city is a party under this act, upon the non-payment of such judgment the court may forthwith issue an execution as in case of tort; and shall determine and enter upon the docket the length of time the defendant shall be imprisoned in the county jail or city prison, which in no case shall exceed six months, and also insert such time in the execution or commitment. The exemption of the person of females from execution provided for in section 3681 of the revised statutes of Wisconsin, shall not extend to cases under this chapter. Such execution may be in the following form:

Amends chapter 183, laws of 1889.

Judgment on finding.

Form of execution.

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

To the sheriff of the county of Marinette, or the chief of police or any policeman of said city, and to the keeper of the common jail of the county (or to the keeper of the city prison as the case may be), greeting:

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

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

.....,  
 Justice of the Peace.

And on conviction in all actions brought pursuant to the provisions of this act, on the non-payment of the judgment, fine, penalty or forfeiture therein adjudged, the defendant in such action shall be committed to the common jail of Marinette county (or the city prison of the city of Marinette), in the discretion of the justice until such judgment, fine, penalty or forfeiture and all costs are paid, or until discharged by due course of law; provided, always that it shall be competent for the justice, in case the defendant

shall be committed to the city prison, to impose hard labor, within the city limits, in addition to imprisonment, and the common council shall, by ordinance, regulate the mode and manner of performing such labor, and designate the officer or officers who shall have charge of such prisoners, and the form of the commitment may be varied accordingly; provided, however, that no females convicted or found guilty of any offense under the provisions of this act shall be sentenced to hard labor.

SECTION 6. Section 4 of chapter 11, of said chapter 183, of the laws of Wisconsin for the year 1889, is hereby amended so as to read as follows: Section 4.

Amends chapter 183, laws of 1889.

A board of cemetery trustees composed of three freeholders and electors of said city shall be appointed by the mayor, subject to the approval of the common council. On the first appointment, one shall be appointed for one year, one for two years and one for three years; and thereafter such trustees shall be appointed for the term of three years, except in the case of a vacancy, when the appointee shall be appointed only for the unexpired term of the trustee whose vacancy is to be filled. The mayor shall, during the month of April, in each year, appoint, subject to the approval of the common council, one trustee to succeed the trustee whose term of office expires during such year, provided, that the power of appointment herein conferred shall extend only to the filling of vacancies, and the appointment of successors to the present members of said board of trustees. The provisions of this act, relating to the removal by the mayor of appointive officers, shall apply to cemetery trustees. The common council shall make and pass all necessary ordinances and by-laws for the regulation of said board and shall prescribe their powers and duties.

Board of cemetery trustees to be appointed by mayor.

SECTION 7. Subdivision 14 of section 2 of chapter 4 of said chapter 183 of the laws of 1889, is hereby amended so as to read as follows: 14th. To regulate and license runners and solicitors for railways, steamers, vessels, stages, omnibuses, public houses, or other establishments, and to establish and regulate the police force of the city, and to prescribe the duties of policemen, watch-

Amends chapter 183, laws of 1889.

Council may license runners and solicitors for public houses, steamers, etc.

men, harbor masters and bridge tenders, and fix their compensation.

Amends chapter 183, laws of 1889.

Removal of appointive officers.

**SECTION 8.** Another section is hereby added to chapter 3, of said chapter 183, of the laws of 1889, to be known as section 17, and to read as follows: **Section 17.** Any appointive officer of said city may be removed at any time by the mayor; and in case of such removal, it shall be the duty of the mayor forthwith to appoint some suitable person to act in the place of the officer so removed until a permanent appointment shall have been made by the mayor and confirmed by the common council. The person so appointed shall execute and give a bond, with sufficient sureties to be approved by the mayor, to the city for the faithful performance of his duties, and at the first meeting of the common council after the removal of any such appointive officer, the mayor shall present the name of some person to fill the vacancy caused by such removal, and in case the common council shall fail to confirm such appointment, the mayor shall, as often as such failure to confirm shall occur, at the next meeting of the common council thereafter, present to the common council the name of some other person to fill the vacancy until an appointment so made shall be duly confirmed by the council. All removals shall be in writing and filed in the office of the city clerk, and notice thereof served upon such removed officer personally, if to be found within the county, within twenty-four hours after such removal.

Repealing clause.

**SECTION 9.** All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

**SECTION 10.** This act shall be in force from and after its passage and publication.

Approved April 4, 1891.