

An Act to appropriate to Beriah Brown the sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. There is hereby appropriated to Beriah Brown, out of any money in the state treasury not otherwise appropriated, the sum of twelve hundred and seventy-five dollars and fifteen cents, in full for the incidental printing for the state, from the twenty-second day of March, A. D. 1851, to the sixth day of January, 1852.

C. LATHAM SHOLES,
Speaker pro tem. of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, February 20, 1852.

LEONARD J. FARWELL.

An Act to consolidate and amend the act to incorporate the City of Milwaukee, and the several acts amendatory thereof. Chap. 56.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

CHAPTER I.—CITY AND WARD BOUNDARIES.

SECTION 1. All the district of country, in the county of Milwaukee, contained within the limits and boundaries hereinafter described, shall be a city, by the name of *Created municipal corporation.* "Milwaukee," and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation, by the name of the "City of Milwaukee," and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess 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 of law and equity; and shall have a common seal, and may change and alter the same at pleasure. *Powers.*

SEC. 2. The territory included within the following boundaries and limits, shall constitute the city of Milwaukee, to wit: beginning on the shore of Lake Michigan, where it is intersected by the section line dividing sections fifteen and twenty-two, of township seven, north of range twenty-two east; running thence west along said line, to the south-east corner of the south west quarter of said sec- *Boundaries of city defined.*

tion fifteen; thence north along the quarter section line to the north east corner of the south-east quarter of the south-west quarter of said section fifteen; thence west to the north-west corner of said quarter section; thence south, to the south-west corner of said quarter section; thence west, along said line, dividing sections fifteen and twenty-two, to the west line of said township seven: thence south, along said line, to the south line of said township; thence east, along said line, to the lake shore, in the southerly part of Milwaukee Bay; thence from a point therein, in range with the south side of the south pier of the government harbor, the line shall diverge and run southeasterly, in a direct line, to and along the south side of said pier, to the further extremity thereof, and five hundred feet beyond, and from thence due east, to the eastern boundary of the state, in Lake Michigan; thence north, to a point opposite to the place or point of beginning; thence west to the place or point of beginning.

SEC. 3. The said city shall be divided into five wards, as follows: all that part of said district which lies east of the middle of the Milwaukee River, and north of the middle of Wisconsin Street, shall be the first ward; and all that part of the said district which lies west of the middle of Milwaukee River, and north of the middle of Cedar Street, and its extension to the west line of the city, shall be the second ward; all that part of the said district which lies east of the middle of the said river, and south of the middle of Wisconsin Street, shall be the third ward; and all that part of the said district which lies west of the middle of said river and south of the middle of Cedar Street, and within sections numbered twenty-nine and thirty, shall be the fourth ward; and the residue of said city shall be the fifth ward.

Divided into
Wards.

CHAPTER II.—ELECTIONS.

When elections
to be held and
polls opened.

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

Elective officers.

SEC. 2. The elective officers of said city shall be a mayor, treasurer, marshal, and police justice, for the city, and three aldermen, one assessor, one constable, and one jus-

ties of the peace for each ward. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council. All elective officers, except justices of the peace, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified: *Provided, however,* The common council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. Justices of the peace shall hold their respective offices for two years, and until their successors are elected and qualified.

Term of office

Provis-

Terms of Justice.

SEC. 3. Whenever a vacancy shall occur in the office of mayor or aldermen, such vacancy shall be filled by a new election, which shall be ordered and held within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights, and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

How and when vacancies to be filled.

SEC. 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the common council, at such time and in such manner as they shall direct.

Election to be by ballot.

How the vote decided.

SEC. 5. All persons entitled to vote for county or state officers, and who shall have resided in the city for one year preceding the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created.

Who legal voters.

SEC. 6. The elections in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of elections, and shall take the usual oaths or affirmations, as prescribed by the general laws of this state, to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks of such elections, and to administer the necessary oaths. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled, as required by the laws of this state regarding elections.

How elections to be conducted.

Challenges.

SEC. 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspector, before receiving the vote of any such, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age, that you are a citizen of the United States, (or have declared your intention to become a citizen; conformably to the laws of the United States on the subject of naturalization) that you have resided within this city one year, and within this ward ten days next preceding this election, and that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election;" and if the person offering to vote shall take such oath, his vote shall be received. And if such person shall take such oath falsely, he shall be deemed guilty of a wilful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter, shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides,

Form of oath.

Further penalties.

Penalty for making false returns.

or shall vote more than once at any one election, he shall be liable to indictment, and on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars, or less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes; and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect count and tallies of votes, each and every such inspector and clerk shall be liable to indictment, and on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the circuit court of the county of Milwaukee.

Inspectors to make returns.

SEC. 8. When an election shall be closed, and the number of votes for each candidate or person voted for, shall be counted and ascertained, the said inspectors shall make return thereof, stating therein the number of votes for each person, for each and every office, and shall deliver, or cause to be delivered, such returns to the clerk of the common council, who shall forthwith give notice to each of

the aldermen elected, of their respective elections. With-
in one week after any election, the common council shall
meet and canvass said returns, and declare the result, as
it appears from the same.

Council to can-
vass and declare
the result.

SEC. 9. Special elections, to fill vacancies, or for any
other purpose, shall be held and conducted by the alder-
men of each ward, in the same manner, and the returns
thereof shall be made in the same form and manner as
general or annual elections, and within such time as may
be prescribed by ordinance.

Special elections

SEC. 10. Any officer removing from the city, or any
ward officer removing from the ward for which he was
elected, or any officer who shall neglect or refuse for ten
days after notice of his election or appointment, to enter
upon the discharge of the duties of his office, shall be
deemed to have vacated his office, and the common council
shall proceed to fill such vacancy, as herein prescribed.

How offices vaca-
ted.

SEC. 11. There shall be elected, at the first election un-
der this act, one alderman for each ward, who shall hold
his office for two years, and two aldermen who shall hold
their office for one year.

Terms of alder-
men at first elec-
tion.

SEC. 12. At every annual election thereafter, there
shall be elected one alderman for each ward, who shall
hold his office for two years, and one who shall hold his
office for one year.

Terms thereaf-
ter.

SEC. 13. The votes for the alderman who shall hold his
office for two years, shall be deposited in a separate ballot
box; and the votes for aldermen holding their office
for one year, and all other elective officers shall be on one
ballot, and deposited in a separate ballot box.

Votes to be in
separate box.

SEC. 14. There shall be written or printed, or partly
written or printed, at the head of the votes for the alder-
man for two years, the words "Alderman for two years,"
and at the head of the vote for alderman for one year, "Al-
derman for one year."

Form of votes.

SEC. 15. The aldermen in each ward elected for two
years, shall be, in the order of their election, members of
the county board of supervisors, with all the rights, duties,
and liabilities of the chairmen of the board of supervi-
sors of the several towns.

Aldermen to be
members of b'd
of co. supervi-
sors.

SEC. 16. By consent of a majority of the aldermen of
any ward, the alderman for two years may substitute ei-
ther of the other aldermen in his place, in said board of
supervisors, for such time as may be named by him in writ-
ing.

How substitute
may be made.

SEC. 17. All the city and ward officers now in office,
shall hold their respective offices until their successors

Term of office. shall be elected or appointed under this act; and the term of every officer elected under this law, shall commence on the second Tuesday of March, of the year for which he was elected; and shall, unless herein otherwise provided, continue for one year, and until his successor is elected and qualified.

Duties in regard to first election. SEC. 18. All duties herein required of the common council and aldermen, in regard to elections, shall be performed, so far as may be necessary, by the present common council and aldermen, in regard to the first election, and the organization of the city government under this law.

When new election to be held. SEC. 19. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, the common council may order a new election to be held, ten day's notice of the time and place of holding the election being first given.

CHAPTER III.—OFFICERS—THEIR POWERS AND DUTIES.

Officers to take oath. SEC. 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same duly certified by the officer taking the same, with the clerk of the city; and the treasurer, clerk, marshal, constables, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Milwaukee 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 bonds shall contain such penal sum and such conditions as the common council may deem proper; and they may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

To give bonds.

Powers and duties of mayor.

SEC. 2. The mayor shall, when present, preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time, give the common council such information and recommend such measures 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. The mayor shall have a vote only in case of a tie.

SEC. 3. At the first meeting of the common council each year, they shall proceed to elect, by ballot, one of their number president; and in the absence of the mayor, the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability, from any 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 the mayor and the president shall be absent at any meeting of the common council, they 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 board, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor.

Council to elect president pro tem.

SEC. 4. The clerk shall be elected by ballot by the common council; he shall keep the corporate seal and all the papers and records of the city; and keep a record of the proceedings of the common 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 common 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 common council, and keep a full and accurate account thereof, in books provided for that purpose. The clerk shall have power and authority to administer oaths or affirmations.

To elect clerk.

His powers and duties.

SEC. 5. The attorney shall perform all professional services incident to the office, and when required, shall furnish written opinions upon any subject submitted to him by the common council, or its committees.

Duties of attorney.

SEC. 6. The treasurer shall receive all monies belonging to the city, and keep an accurate and detailed account thereof, in such manner as the common council shall, from time to time, direct. The treasurer shall exhibit to the common council, at least fifteen days before the annual election, or sooner, if required by them, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury; which account shall be filed with the clerk.

Duties of treasurer.

SEC. 7. The marshal shall perform such duties as shall

Duties of marshal. he prescribed by the common council for the preservation of the public peace and the collection of license moneys and fines; he shall possess the powers of constable at common law, or by the laws of this state, and receive like fees, but shall not serve civil process, except where the city is a party.

Power of common council. SEC. 8. 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 elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

To select papers to publish ordinances, &c. SEC. 9. The common council, at their first meeting in each year, or as soon thereafter as may be, shall designate not more than two daily newspapers printed in said city, one in English and one in German, in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council to be published in a public newspaper.

Printer to make affidavit of publication. SEC. 10. 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.

Penalty for withholding books, &c. SEC. 11. 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 to deliver; and such successor may recover the possession of such books, papers, and effects, in the manner prescribed by the laws of this state.

SEC. 12. No alderman shall be a party to, or interested in any job or contract with the city, or any of the wards, and any contract in which any alderman may be so interested shall be null and void; and in case any money shall

have been paid on any such contract, the common council may sue for and recover the amount so paid, from the parties to such contract, and the alderman interested in the same.

Aldermen prohibited from being interested in contracts.

Sec. 13. The mayor or acting mayor, sheriff of Milwaukee 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 purpose may command the assistance of all bystanders, and if need be, of all citizens and military companies; 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 case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

Who officers of the peace.

Penalty for refusing to aid, &c.

Sec. 14. The police justice shall possess all the authority, powers and rights of a justice of the peace, except that he shall in no case entertain any civil proceeding, to which the city is not a party, and shall have sole exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace; but warrants returnable before the police justice may be issued in criminal cases by any other justice in the city; but no fee shall be received therefor by such justice. The police justice shall have exclusive jurisdiction in all cases in which the city is a party, and he shall have the same power and authority, in cases of contempt, as a court of record: *Provided*, That nothing herein contained shall be deemed to divest the circuit judges of their authority as conservators of the peace, nor to affect in any manner the jurisdiction or powers of the county or circuit court of Milwaukee county. In case of the absence, sickness, or other inability of the police justice, or for any sufficient reason, the mayor, by warrant, may authorize any other justice of the peace within said city, to perform the duties of police justice, and it shall thereupon be the duty of the mayor to inform the attorney and marshal of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, or appoint some other justice of the peace, and the justice so appointed shall, for the time being, possess all the authority, powers, and rights of the police justice.

Authority of police justice.

Proviso.

When mayor may appoint.

Justices to make report.

SEC. 15. The police justice shall quarterly report to the common council a list of all proceedings instituted before him, in behalf of the city, and the disposition thereof; and shall, at the same time, account and pay over the amount of all penalties and costs collected, which may by law accrue to the city. He shall be entitled to receive from the county of Milwaukee an annual salary of not less than four hundred dollars, nor more than eight hundred dollars, for his services in criminal cases; and shall receive from the city of Milwaukee, such compensation as the common council may deem proper.

Salary.

Council to elect surveyor.

SEC. 16. There shall be elected by the common council, a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall 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, or either of the wards, shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of 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 common council.

CITY COMPTROLLER.

Council to appoint comptroller.

SEC. 17. The common council shall appoint a city comptroller, whose duty it shall be to make out the amount paid by, and chargeable to the general city fund and to the several ward funds for personal taxes for the year 1849, refunded, and for over payment of taxes accruing under the law authorizing the collection of taxes, approved 24th January, 1851.

To report ward indebtedness.

SEC. 18. After the assumption of the ward debts by the city, said comptroller shall report to the common council the amount of indebtedness of the several wards to the city, and what amount of taxes it will be necessary to levy annually, in each ward, and for what number of years, to reimburse the city the amount paid by the same, on account of the indebtedness of the several wards.

To make out list of city bonds.

SEC. 19. He shall make out a list of all the outstanding city bonds, to whom, when, and where payable, and the rate of interest they may respectively bear, and recommend such action to the common council, as will secure the punctual payment of the principal and interest of such bonds.

SEC. 20. He shall report annually, on or about the first of April to the common council, an estimate of the expenses of the city, and of the several wards, and likewise the revenue necessary to be raised for the current year; and the fiscal year of the city shall commence on the first day of April.

To report annually.

Fiscal year.

SEC. 21. He shall make or cause to be made, estimates of the expense of any work to be done by the city, and countersign all contracts (made in behalf of the city,) and certificates of work by any committee of the common council, or by any city officer.

To make estimates.

SEC. 22. He shall examine all estimates of work to be done by the street commissioners of the several wards, and countersign all contracts and certificates of work entered into or given by them; and no contract entered into, or certificate issued, shall be of any validity unless countersigned by the comptroller.

To examine estimates and sign contracts.

SEC. 23. He shall keep a list of all certificates issued in each ward, and before the levy by the common council of the annual tax, shall report to the council a schedule of all the lots or parcels of land within the several wards, which, under this act, may be subject to any special tax or assessment, and also the amount of such special tax or assessment, which it may be necessary to levy on such lot or parcel of land, with a full statement of the several acts done and performed in reference to such special taxes or assessments; which said schedule shall be verified by the affidavit of the comptroller, and shall be *prima facie* evidence of the facts therein stated in all cases wherein the validity of such special tax or assessment shall come in question. The common council shall, if from such report they deem such special tax legal and just, cause the same to be levied, in pursuance of the provisions of this act.

To report schedule of lots, &c.

SEC. 24. He shall report monthly to the common council the amount of work done, or for which contracts have been entered into, chargeable to the several wards and to the general city fund, and set forth what proportion the same will bear to the annual estimate made by him for the work to be performed and revenue to be raised.

To make monthly report of work

SEC. 25. If on or before the first day of December of any year, the amount expended or to be expended, chargeable to any of the ward or city funds, (adding thereto the current expenses estimated for the remainder of the fiscal year, and chargeable to such fund,) shall be equal to three-fourths of the tax authorized to be raised, or revenue estimated for such fund, he shall at once report the same to the common council; and he shall not countersign any con-

To report the sums expended

tracts chargeable to such fund, until the amount of taxes actually collected be ascertained; and during the remainder of the fiscal year he shall not countersign any contract, the expense of which shall exceed the revenue actually collected for the fund to which such expense is properly chargeable.

May negotiate loans.

SEC. 26. The comptroller may negotiate, between the first of April and the collection of taxes for the same year, such temporary loans for the different funds, anticipating the revenue of the current year, as he shall deem expedient; and such loans shall be subject to the approval of the common council.

To examine accounts, &c. of treasurer.

SEC. 27. He shall examine the report, books, papers, vouchers, and accounts of the treasurer, and from time to time, shall perform such other duties as the common council may direct.

To audit and adjust accounts.

SEC. 28. All claims and demands against the city, before they are allowed by the common council, shall be audited and adjusted by the comptroller.

To keep a public record.

SEC. 29. The comptroller shall keep a record of all his acts and doings, which record shall be open to the inspection of all parties interested. He shall not be directly or indirectly interested in any contract or job to which the city or either of the wards is a party.

CHAPTER IV.—THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

Common Council.

SEC. 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The Mayor and Common Council of the City of Milwaukee, do ordain," &c. The common council shall meet at such time and place as they, by resolution, shall direct. A majority of the aldermen shall constitute a quorum.

To hold meetings, make rules &c.

SEC. 2. The common 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 place 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.

Council to have control of finances and property of city.

SEC. 3. The common council shall have the management and control of the finances, and of all the property of the city, and shall likewise in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend, and repeal, all such ordinances, rules and by-

laws, for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce, and health thereof, (and) as they 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, rules, or by-laws; and such ordinances, rules, and by-laws, are hereby declared to be and have the force of law: *Provided*, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority by ordinances, resolutions, or by-laws, Proviso.

1. To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibitions of caravans, circuses, or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinances, or at common law; and to grant licenses, and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous, or fermented liquors: *Provided*, that the license for so dealing in, or vending spirituous or fermented liquors, shall be thirty dollars a year, and that no license shall be granted for a less term than one year. To license, &c.
Proviso.

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

3. To prevent any riots, noise, disturbance, 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. To prevent disturbances, &c.

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

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

6. To prevent the encumbering of the streets, side walks, lanes, or alleys, with carriages, carts, wagons, sleighs, To prevent encumbrance of streets.

boxes, lumber, firewood, or any other materials or substances whatever.

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

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

Dogs. 9. 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 ordinance.

To prevent and remove putrid matter. 10. To prevent any person from bringing, depositing, or having within said city, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides, or skins of any kind; and on default, to authorize the removal thereof by some competent officers, at the expense of such person or persons.

To establish water works, &c. 11. 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, to erect lamps, and regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen, and cartmen in the city; and to provide for lighting the streets, public grounds, and public buildings with gas or otherwise.

Health, &c. 12. To establish and regulate boards of health, provide hospital 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. 13. To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

To prevent riding on walks. 14. To prevent all persons riding or driving any ox, mule, cattle or other animal, on the side-walks in said city, or in any way doing any damages to such side-walks.

Fire Works, &c. 15. To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of any fire works in any situation which may be considered by the council dangerous to the city, or any property therein, or annoying any citizen thereof.

To restrain obscenity, drunkenness, &c. 16. 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.

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

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

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

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

21. To compel the owners or occupants of buildings or grounds, to remove snow, dirt, or rubbish from the sidewalk, 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 thereof by some officer of the city, at the expense of such owner or occupant. To compel removal of rubbish.

22. To regulate the construction of piers or wharves extending into Lake Michigan, within the limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon. Piers, &c.

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

24. To regulate the time, place, and manner of holding public auctions or vendues. Vendues.

25. To appoint watchmen and prescribe their duties. Watchmen.

26. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. Weights & measures.

Sec. 4. All laws, ordinances, regulations, resolutions, and by-laws, shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in the official papers of said city, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk, in books to be provided for that purpose; but before any of the said laws, ordinances, regulations, or by-laws shall be recorded, the publication thereof, respectively, within Ordinances, how framed.

the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication. No appropriation shall be made without a vote of a majority of the members of the common council in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the council.

Common nuisances.

SEC. 5. The powers 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. Depots, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored, or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous, or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Council to examine books, &c.

SEC. 6. The council shall examine, audit, and adjust the accounts of the clerk, treasurer, school commissioners, street commissioners of each ward, marshal, and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the term for which the officers of the said city are elected or appointed shall have expired. And the common council shall require each and every such officer and 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 said 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 and agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties; and shall make a full record of all such settlements and adjustments.

CHAPTER V.—FINANCES AND TAXATION.

Council to have control of certain funds.

SEC. 1. All funds in the treasury, except school, state, and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor

and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city, and all such orders shall be received in payment of any tax or assessment levied by the authority of the city. All orders shall be payable to the order of the person in whose favor they may be drawn, and shall be transferable by endorsement.

SEC. 2. No order or warrant drawn by the authority of the city of Milwaukee upon ward or city funds previous to the taking effect of this act, nor any warrant or order drawn for any debt or liability contracted previous thereto, shall be receivable by the city treasurer on payment of any tax or assessment levied in pursuance of this act: *Provided, however,* That orders or warrants issued in payment of special taxes or improvements, shall be receivable therefor.

Certain warrants not receivable for taxes.

Proviso.

SEC. 3. The common council is hereby authorized, and it shall be their duty, to issue bonds of the city, bearing interest of not more than seven per centum, as the common council may determine, payable at such time or times as said council may deem advisable, regard being had in the case of a ward debt to the probable time that will be required under the provisions herein made to pay off such indebtedness, in payment of the existing indebtedness of said city, and of the several wards thereof, contracted for general city or ward purposes.

Council may issue bonds.

SEC. 4. The said council shall annually levy a tax upon all the property in said city, subject to taxation, not exceeding one per cent. per annum, to pay off the present indebtedness of said city, until such indebtedness shall be finally extinguished; and they may levy a further tax not exceeding three-fourths of one per cent. to defray the current expenses of the city.

To levy taxes.

SEC. 5. The common council shall annually levy a tax, not exceeding one per cent. upon the property liable to taxation, of any ward that is indebted, to pay off the indebtedness of such ward, assumed by the city, under the provisions of this chapter, until an amount shall have been collected by the city from such tax, sufficient to pay off the indebtedness of such ward so assumed by the city, at which time such tax shall cease.

To levy ward tax to pay debts.

SEC. 6. The common council shall annually levy upon the property liable to taxation in each ward, a tax not exceeding one per cent. per annum, to defray the current expenses of such ward.

Ward tax

SEC. 7. The aldermen of any ward shall certify to the

Aldermen to certify &c. council any debts contracted by such ward for the current year, and thereupon the said council shall (if such debt be a proper claim against such ward,) allow such debt, and direct the mayor and clerk to issue to the proper person orders of the city to the amount of the debt allowed: *Provided*, The said council shall in no case allow any such debt, if such allowance will cause the whole amount of orders so issued to meet the indebtedness of such ward, to exceed the amount of tax which may be levied and collected under the provisions of this chapter, to meet the expenses of the current year, assuming as a basis the tax list of such year, if then made out, and if not, then the tax list of the preceding year.

Alderman not to contract debts. SEC. 8. No alderman of any ward shall contract debts against such ward, in any one year, to an amount greater than the amount of tax which, under the provisions of this chapter, may be levied in such ward to meet the current expenses of the year; and if any alderman shall so contract debts to a greater amount than such tax, neither such ward nor the city shall be liable for the same, but the alderman so contracting shall be liable therefor, as if the debt had originally been 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 liability or debt by the ward.

Proviso.

CHAPTER VI.—OPENING OF STREETS, ALLEYS, &c.

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

To give notice.

be taken, to be published in the official paper for four weeks, at least once in each week.

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

What notice to contain.

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

Judge to appoint jurors.

SEC. 4. 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.

How panel filled in certain cases.

SEC. 5. The said jurors, at such times as they may agree upon, shall proceed in a body, to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Jurors to view premises, &c.

SEC. 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for the public use, which said report, testimony, and precept, shall be returned to the common council, within the time limited therein.

To make report.

SEC. 7. Should the jurors report that it is necessary to take such premises, the common council shall enter an order among their proceedings, confirming said report, and directing the same jurors, within one month thereafter, or such further time as may be deemed proper, to again view said premises, for the purpose of ascertaining and deter-

Council to enter order to assess damages.

mining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefitted by such taking, and to assess and return, within the time limited, such damages and benefits to the common council.

To first estimate value of buildings.

SEC. 8. If there should be any building standing, in whole or in part, upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the 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 him to remove.

Notice of award to be given.

SEC. 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all 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 jurors. It shall also require the parties interested to appear by a day to be therein named, or give notice of their election to the common council, either to accept the award of the jurors, and allow such building to be taken, with the land appropriated, or of their intention to remove such building, at the value set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council may allow.

Party to make election.

SEC. 10. 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 common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited to his use.

Council may sell building.

SEC. 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such other premises as will, in their judgment, be injured or benefitted thereby, after hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise, to the owner or owners, the value of the real estate so proposed to be taken, and the injury arising to them respectively in consequence of the taking thereof, which shall be awarded to such owners respectively, as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improve-

Jurors to appraise value of real estate.

ment. In the estimate of damages to the land, the jurors shall include the value of the building or buildings, (if the property of the owner of such land,) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner, at the value to remove; in such case, they shall only include the difference between such value and the whole estimated value of such building or buildings.

SEC. 12. If the damage to any person be greater than the benefits received, or if the benefit be greater than the damages, in either case the jurors shall strike a balance, and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall, in any case, be collectable of them, or payable to them.

SEC. 13. If the lands or building belong to different persons, or if the land be subject to lease, judgment, or mortgage, or if there be any estate in it, less than an estate in fee, the injury done to such persons or interests, respectively, may be awarded to them by the jurors, less the benefits resulting to them respectively, from the proposed improvement.

SEC. 14. Having ascertained the damages and expenses of the proposed improvement as aforesaid, the jurors shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the proposed improvement, as nearly as may be, and shall describe the real estate upon which their assessments may be made. The award of the said jurors shall be signed by them, and returned, together with the testimony taken, to the common council, within the time limited in their order of appointment.

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

SEC. 16. Where the whole of any lot or tract of land, or other premises, under lease, or other contract, shall be

Jurors to strike
a balance.

How award to
be made in cer-
tain cases.

To report award
to council.

Damage to be
paid or ten-
dered.

Leases, &c. to be
discharged.

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.

Covenants, &c. to be discharged.

SEC. 17. When only part of a lot or tract of land, or other premises, so under lease, or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts, or agreements respecting the same, upon the confirmation of 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 or in respect to the same, shall be so proportioned, so that the part thereof justly and equitably payable for such residue thereof, and no more shall be paid or recoverable for in respect to the same,

When damages to be paid or tendered,

SEC. 18. The damages assessed shall be paid, or tendered, or deposited as herein required, within six months from the confirmation of such assessment and report; and if not so paid, tendered, or deposited, all the proceedings in any such case shall be void. The benefits so assessed, from the confirmation of said report, shall become and remain a lien upon the premises so determined by the jurors to be benefited by the opening or widening of such street alley or public ground.

Judge may appoint guardian.

SEC. 19. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant, or labor under legal disability, the judge of the circuit court of Milwaukee county, or in his absence, the judge of any court of record in said county may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Council may fill vacancy in jury.

SEC. 20. After the jurors shall have made their report as to the necessity of taking any lands under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve; and the jurors, before entering upon the discharge of their duties, shall severally take an oath before some competent officers, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trusts reposed in them.

Parties may appeal.

SEC. 21. Any person whose property is taken, or against whom an assessment is made, may, within ten days

from the return of the jurors to the common council, appeal from said assessment of damages or benefits, to the circuit court of Milwaukee county where such appeal shall be tried by the court and jury, as in ordinary cases. The common council shall have the same right of appeal.

SEC. 22. Whenever any public ground, street, or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor.

Survey, &c, to be filed.

SEC. 23. In all cases where the return of a jury may have established the necessity of taking private property for the purpose of opening streets, previous to the passage of this act, the common council may cause the damages and benefits arising therefrom to be assessed as required by this act, and for such purpose may summon a jury and do and perform all other acts in the same manner as if such proceedings had been originally instituted under this act.

Council to summon jury.

SEC. 24. The common council shall have no power, under the provisions of this chapter, to lay out any streets, alleys, or public grounds, on the lands of Garret Vliet or Samuel Brown, in the north half of section nineteen, and north-west quarter of section twenty, without consent of the said Garret Vliet and Samuel Brown, as the case may be, as long as they are owners thereof, and the same be used for farming purposes.

Lands excepted

CHAPTER VII.—CITY IMPROVEMENTS.

SEC. 1. The aldermen of the several wards shall be street commissioners, in and for their respective wards, two of whom shall be a quorum; one of their number, or some person appointed by them, shall be clerk of the board of commissioners, who shall keep a record of all their acts and doings, and shall keep and preserve all contracts, receipts, and papers of the board. The several boards of street commissioners shall make report in detail to the common council, of their acts and doings whenever required; and at the expiration of each year, and before their term of office shall expire, shall submit all their acts and doings, books, records, papers, accounts, receipts and vouchers, to the common council for final settlement and adjustment.

Street commissioners.

Powers.

SEC. 2. Any person deeming himself aggrieved by an act of the board of street commissioners, may, at any time, appeal to the common council, who shall inquire into, exam-

Appeal.

inc and correct the act or order complained of, as shall seem just and proper; and the further action of the board, in this respect shall be regulated accordingly.

Commissioners
may make con-
tract.

SEC. 3. The said street commissioners shall have power to order and contract for the making, grading, repairing, and cleansing of streets, alleys, public grounds, reservoirs, gutters, and sewers, within their respective wards, and to direct and control the persons employed therein.

How walks made
or repaired.

SEC. 4. Whenever the street commissioners shall deem it necessary to construct or repair any side walk within their ward, they shall direct the owner or occupant of any lot adjoining such side walk, to make or repair the same, at his own proper cost and charge. If such work is not done in the manner and within the time prescribed, the commissioners shall cause the same to be done at the expense of the lots adjoining such side walk.

How costs paid.

SEC. 5. The cost and expense of surveying streets, alleys, side walks, sewers, and of estimating work thereon, and of repairing and cleansing streets and alleys, and of constructing and repairing reservoirs and sewers, shall be chargeable to and payable out of the fund of the proper ward; opening, grading, graveling, planking, or paving streets and alleys to the centre thereof, shall be chargeable to and payable by the lots fronting on such street or alley. Sewers may be ordered by the street commissioners, and built at the expense of the lots or parcels of land, benefited thereby, which shall be apportioned among said lots or parcels of land by the street commissioners, with the assistance of the city surveyor: *Provided however*, That where sewers are constructed through alleys, no lots shall be assessed therefor, except those situated in the block or blocks through which such sewers may be constructed; and where sewers are constructed through streets, no lot shall be assessed therefor, except those situated in the blocks fronting on such streets: *And provided further*, That in all cases where improvements or work of any kind are chargeable, by virtue of this section, upon lots benefited, all such improvement across streets, alleys, and public grounds shall be made and paid for out of the fund of the proper ward, in proportion to the width of the street, alley, or public ground.

Proviso.

Proviso.

SEC. 6. Whenever the commissioners shall determine to make any public improvement, as authorized by sections 3, 4, and 5, of this chapter, the[y] shall cause to be made an estimate of the whole expense thereof, and of the proportion to be assessed and charged to each lot, and in case of grading streets, alleys, or side walks, of the number of

cubic yards to be filled in, or to be excavated, in front of each lot; and such estimate shall be filed with the city comptroller, for the inspection of the parties interested. The street commissioners shall give notice by advertisement for ten days, in one or more daily papers published in Milwaukee, to the owners or occupants of the lots or parcels of land fronting on any street, alley or side walk ordered to be graded, graveled, planked, or paved, requiring them to do the work mentioned in such notice, within a reasonable time, therein to be specified; and if the said work shall not be done within such time, the said commissioners shall enter into contract for the doing thereof.

SEC. 7. Whenever the general interest of the city or ward requires deep cutting, or extraordinary filling, in any street, and the owners of the lots or lands fronting on such deep cutting or filling, shall deem themselves aggrieved thereby, and shall represent to the commissioners in writing that the expense of such excavation or filling will exceed the benefit the same will be to the property assessed therefor, the street commissioners shall require the marshal to summon five freeholders, not 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 cost of such work shall exceed the benefit derived therefrom, it shall be their duty to make report thereof to said commissioners, in writing, and shall state therein what portion of such work shall be chargeable to such lots or parcels of land, and how much, or what portion shall be chargeable to the ward fund; and such proportion as shall be reported as properly chargeable to the lots or parcels aforesaid, shall be assessed upon the same, and levied and collected as other taxes and assessments, and the remainder shall be paid out of the ward fund: *Provided, however,* That the petition of no owner, feeling himself aggrieved by an act of the street commissioners shall be received unless the same shall be presented within fifteen days after the first publication of the notice requiring the same to be done: *And provided further,* That when it shall appear to the street commissioners that lands belonging to the non-residents, infants, or persons laboring under any legal disability, who shall not be represented by any agent or guardian, or not benefitted by the making of streets in front of such lots or lands, to the amount of the cost and expense thereof, it shall then be the duty of said

To file estimate.

To give notice.

To summon freeholders.

Shall examine premises.

To make report

Proviso.

Proviso.

To summon jury commissioners to cause to be summoned a jury, as is herein provided.

To give notice. SEC. 8. The street commissioners shall give notice to all owners or occupants of lots which may be deemed injurious to health by reason of stagnant water remaining thereon, in the official papers, for ten days, to abate 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 street commissioners shall cause the same to be abated and removed at the expense of the property upon which the same may exist.

May construct wharves. SEC. 9. The street commissioners shall have power to regulate and cause to be constructed, altered and maintained, wharves along the banks of the Milwaukee and Menominee rivers, and shall have and exercise the same power and control over the said rivers, that they, may by virtue of this act possess over streets and alleys. They shall also have power to cause the Milwaukee river to be dredged on each side thereof, not exceeding one hundred feet in width, and the expense of constructing, altering, and maintaining such wharves and dredging the river shall be apportioned by the street commissioners among, and payable by, the several lots or parcels of land extending to said river, in proportion to the work done opposite to such lot or parcel of land, to be estimated by the surveyor: *Provided, however,* That before causing such work to be done, the same notices shall be given as is required in the case of grading streets.

May dredge Milwaukee River. SEC. 10. After the completion and performance of any contract entered into by the street commissioners for work chargeable to lots or lands by virtue of this act, they shall give to the contractor or contractors a certificate under their hand, stating therein the amount of work done by such contractor, the nature thereof, 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 shall be assessed upon the said lots or parcels of land respectively, and collected for the use and benefit of the holder of such certificate, as other taxes on real estate are collected by virtue of this act; 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: *Provided,* That in no event where work is ordered to be done at the expense of any lot or parcel of

To give certificate.

May be transferred.

How collected.

Powers.

land, shall either the city or any ward be held responsible for the payment thereof.

SEC. 11. 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 until the expiration of such twenty days, no such order shall be executed. May appeal.

SEC. 12. The aldermen of the first ward may cause the bayou in said ward to be filled, and shall cause the same to be done by contract, to be given to the lowest bidder in such manner as the common council shall by ordinance prescribe: *Provided, however,* That such contractor shall in no event hold the city or said ward responsible for the payment of any work he may do under said contract. It shall be the duty of the city surveyor to make an estimate and report to the common council the amount of filling opposite to each lot abutting on, or extending to, said bayou; and the common council shall levy a tax upon the several lots so abutting, in proportion to the amount of filling opposite to each lot as reported by the surveyor, which in the aggregate shall be sufficient to defray the expense of such filling, including all costs and charges connected therewith, but in no case shall either said ward or the city be responsible for the payment of any liability that may be created in pursuance of this section. The tax so levied shall become a lien upon the several lots for such amount as shall be reported by said surveyor, and shall be collected as other taxes levied under this act. May provide for filling bayou.

Provide.

Council to levy tax.

CHAPTER VIII.—ASSESSING, LEVYING, AND COLLECTING TAXES.

SEC. 1. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government, and the payment of its debts and liabilities; and the same shall be assessed in the manner hereinafter provided; and the assessors elected under this act, shall have and possess the same powers, that are or may 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 rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering, or adding to such rolls, as they may from time to time deem advisable. Property liable to taxation.

Provide.

Assessors to organize, make assessment roll &c

SEC. 2. Within ten days after receiving notice of their election, the assessors shall assemble at the common council chamber, and after taking their official oath, shall proceed to organize their body by electing one of their number chairman, who shall be authorized to administer such oaths as shall be required by this chapter; and within such time as the common council shall designate, the said assessors shall make out a complete and accurate assessment roll, which shall contain a description, as near as may be, of all the lands, lots, or parcels of land within said city sufficient to identify the same; and also of all persons or bodies politic, liable to pay taxes on personal property; and opposite to each lot or parcel of land, shall be affixed the value thereof; and opposite to the name of each person or body politic, shall be affixed the value of the personal property for which such person or body politic shall be assessed. Where there are buildings upon any lot or parcel of land, the value of the same shall be set forth in a separate column. The assessors may if they deem it advisable assess any lot or tract of land in such parcels or such subdivisions as they may deem proper, but it shall not be necessary to enter the name of the owner opposite to any tract or parcel of land. Any act done by a majority of the assessors shall have the same force and effect as if done by all the assessors elected under this act.

To meet to hear grievances. &c.

SEC. 3. When the same shall be completed, the assessors shall give one week's notice thereof in the official papers, and shall fix a time and convenient place where they will meet for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment; and after hearing the same, the assessors shall make such alterations or revisions as justice or equity may require: *Provided*, The time of hearing such objections shall not be extended more than two weeks from the expiration of such notice.

Council to examine roll.

Proviso.

SEC. 4. Within one week after the time limited for the hearing of such objections, the board of assessors shall return the said assessment roll to the common council, and they may confirm or refer the same back to the board of assessors. The common council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from, and otherwise revise and correct the same: *Provided, however*, The common council shall not have power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessors.

SEC. 5. When the assessment roll shall have been re-

vised and corrected, the same shall be filed with the clerk, and an order confirming the same shall be entered in the proceedings of the common council. Thereupon the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied, and if not for general city purposes, the ward upon which the same are levied.

Council to confirm assessment roll.

May levy tax.

SEC. 6. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed from the time of the confirmation of such assessment roll; and on all personal property of any person or body politic assessed for personal taxes, from the delivery of the warrant for the collection thereof, until such tax shall be paid; and no sale or transfer of such real or personal estate shall affect such lien. Any personal property belonging to the person taxed, may be taken and sold for the payment of taxes upon personal property.

Taxes to be a lien on real and personal property.

SEC. 7. As soon as said tax shall be levied, the common council shall cause the same to be copied in a book provided for that purpose, setting opposite to each tract of land, and to each person named, under proper columns, such sum or sums as may be levied upon such lot or against such person. The said copy shall be designated the tax list, and to it 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 in said list specified in the manner prescribed by this act; and in case said taxes and assessments shall not be paid within such time as in said warrant shall be specified, that then he shall proceed to sell the several lots or parcels of land, or those parts thereof, upon which said taxes or assessment shall remain unpaid, and to make due return to the common council within such time as shall be fixed in said warrant.

Tax list how verified.

SEC. 8. Such tax list, before being delivered to the treasurer, shall be compared by the clerk with the assessment roll, as confirmed; to it he shall append his certificate, that the same has been so compared by him, and that the said assessment roll, and the whole thereof, has been copied into such tax list; and the said tax list, when so certified, shall be *prima facie* evidence in any court, that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Tax list to be compared with assessment roll.

Treasurer to give notice, &c.

SEC. 9. On the receipt of such tax list, the treasurer shall give one week's notice thereof in the official papers. Such notice shall specify that taxes on personal property shall be paid within twenty days from the first publication of said notice; and taxes and assessments on real estate, before the last day of December following; and that all tracts or parcels of land specified in said tax list, upon which the taxes and assessments shall not be paid by that day, will be sold at a certain time and place to be therein specified; and the publication of such notice shall be deemed a demand, and a neglect to pay the taxes and assessments within the time specified, shall be deemed a refusal to pay the same.

How delinquent tax may be collected.

SEC. 10. On the expiration of the twenty days mentioned in the preceding section, the treasurer shall proceed to enforce the collection of the personal taxes in the manner specified in title five of the Revised Statutes, and if any of such personal taxes shall not be paid or collected in consequence of the neglect or delay of the treasurer, the common council may sue for and recover the amount thereof from the said treasurer and his sureties. In case the taxes on personal property shall not be paid within the time limited in the ninth section of this chapter, the treasurer may issue his warrant directed to the city marshal, requiring and commanding him within a certain time in such warrant to be specified, to proceed and collect such taxes on personal property as shall then remain unpaid. And the marshal receiving such warrant shall be subject to all the liabilities, and shall have all the powers of levying, distraining, and selling, that are herein given to the treasurer, and shall be entitled to the fees for collecting which the treasurer would have, had the tax been collected by him.

Treasurer to sell &c.

SEC. 11. On the day and at the place designated in the treasurer's notice, he shall commence by public auction the sale (and continue the same from day to day till the whole are disposed of,) of all tracts and lots, or parts thereof, upon which the taxes or assessments shall remain unpaid. The sale to be made for the smallest undivided portion of the lot or tract for which any person will take the same and pay the taxes and charges thereon. On receiving the amount of such taxes and charges, the treasurer shall issue to the purchaser, his or her heirs or assigns, a certificate, containing the name of the purchaser, a description of the premises sold, the amount paid therefor, the rate of interest said certificate may bear, and the time when the right to redeem the same will expire. The treasurer shall keep a

record of the lots or tracts sold, the name of the purchaser, the date and amount of sale, the time, by whom, and for what sum the same was redeemed, and the time and to whom the same was conveyed if not redeemed.

SEC. 12. In case any purchaser at such tax sale shall neglect or refuse to pay the amount for which any lot or tract was sold, at such time as the treasurer shall designate, he shall, on the day following, offer said lot or tract again for sale; and any person bidding off, at any such sale, any lot or tract of land, and refusing or neglecting to pay for the same within the time designated, shall forfeit and pay to the city the sum of five dollars, for each lot so purchased and not paid for, to be sued for and collected as other penalties under this act.

Penalty for neglecting to pay for tax certificate,

SEC. 13. Any lot or tract of land so sold, or any portion thereof, may be redeemed within three years from the day of sale, and at any time before the deed is executed, by the owner or any person interested therein, paying to the treasurer the amount for which the same was sold, together with the interest at the rate of twenty-five per cent. per annum, and the legal charges thereon. If the estate of an infant or lunatic be sold, the same may be redeemed upon the like terms, at any time within one year after such disability shall be removed.

Title of redemption.

SEC. 14. Any tract or lot of land sold in pursuance of this act, or any part thereof, which shall not be redeemed within three years from the day of sale, shall be conveyed by the treasurer to the purchaser, or his assigns, as herein provided.

If not redeemed treasurer to convey.

SEC. 15. The assignee of any tax certificate, by endorsement thereon, of any premises sold for taxes by virtue of this act, shall be entitled to receive a deed of such premises in his own name and with the same effect, as though he had been the original purchaser.

Assignee to have deed.

SEC. 16. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the city; and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property by virtue of this chapter, the treasurer shall have the power to sell the same at public sale; and in case the city shall become the purchaser of any real estate at any tax sale, the treasurer is authorized to sell the certificates issued therefor, for the amount sold and interest, and to endorse and transfer such certificate to the purchaser.

If no bidders, the property to be struck off to the city.

In case of omis-
sions tax to be
reassessed.

SEC. 17. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years, and that the same was then liable to taxation, they shall, in addition to the assessment for that year, assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred; and such assessment shall have the same force and effect as it would have had, if made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with, had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosoever hands they may have come. Should the tax or assessment upon any parcel of land be set aside or declared void, by reason of any defect or informality in the assessing, levying, selling, or conveying the same, but not effecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be relieved in such manner as they shall by ordinance direct: *Provided*, That if the defect was in the assessment, the same shall again be assessed at such time as the common council may direct; and the said tax or assessment so reassessed or relieved, shall be and continue a lien upon said lot or tract, and shall be collected as other taxes and assessments are collected under this act.

Proviso.

Tax deeds to be
prima facie valid

SEC. 18. All deeds purporting on their face to be executed on account of sale for taxes or assessment under this act, shall be in all cases *prima facie* evidence of the validity of such tax, and if the title conveyed by such deed shall come in question, shall be *prima facie* evidence of all facts recited in such deeds, so far as they effect the validity of the title conveyed by such deed.

Error not to vi-
viate tax.

SEC. 19. All the direction hereby given for the assessing of lands, and the levying and collection of taxes and assessments, 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 effect the validity of the tax or assessment.

Treasurer to re-
ceive all redemp-
tion monies.

SEC. 20. The treasurer shall receive all moneys that may be legally tendered him for the redemption of lands sold for taxes, and he shall keep an account thereof, and pay the same over on demand, to the persons entitled to

receive the same. He shall cancel all certificates so redeemed, and preserve the same in his office, and at the expiration of his term of office, he shall deliver over to his successor all redemption moneys in his hands, with a statement of the amount so received.

SEC. 21. In all cases where by the provisions of this act, any charge or assessment is made a lien upon land, the amount of such charge or assessment shall be carried out on the tax list in a separate column or columns, opposite the lot or tract upon which the same may be a lien; and the treasurer may collect and sell, and do all other acts in regard thereto, in the same manner as if the amount of such lien was a general tax. Assessment when a lien, how collected.

SEC. 22. The treasurer, in addition to such sum as the common council may allow him, shall be entitled to the following fees, to wit: five per cent. on all sums collected on personal tax, the same to be added to the amount of the personal tax of each person taxed; and in case of a distress and sale by him, of goods and chattels, for the payment of any tax, he shall be entitled to such fees as are allowed sheriffs on sales of goods under execution. For each certificate by him issued on sale of lands for payment of taxes or assessments, ten cents, to be added to the amount of such tax or assessment, and included in such certificate; for each lot redeemed, for which he shall issue a certificate, twenty-five cents, and five cents for each additional lot embraced in such certificate, to be paid by the person redeeming; for each tax deed executed by him, one dollar; and five cents for each additional lot or tract embraced in the same deed, to be paid by the person receiving the same. Fees of Treasurer.

SEC. 23. All those parts of sections nineteen, twenty, twenty-one, twenty-two, twenty-nine, thirty, thirty-one and thirty-two, included within said city limits, that are used for farming purposes, and not laid out into city lots, or for town or city purposes, shall be exempt from all taxes and assessments authorized by this act, except for state, county, school, and poor purposes; but the common council may levy upon the lands so exempt, an annual tax of four mills on the dollar, one-half of which shall be applied to general city purposes, and the remainder to the ward in which the lands may lie. Lands not laid out to be exempt &c.

SEC. 24. Whenever any person shall bid off any lot offered for sale for taxes, which lot shall have been bid off in the name of the city for the taxes of any previous year, and shall, at the time of such subsequent sale remain the property of the city, such person shall, before being entitled to his certificate of such sale, purchase of the city its When holders of tax certificate to purchase of city.

certificate, by paying the amount of principal, interest, and charges thereon, and receive from the treasurer an assignment thereof.

How lands to be redeemed in certain cases. SEC. 25. When there shall be a sale by the county treasurer, and by the city treasurer of any piece or parcel of land for taxes, in the same year, the purchaser of such piece or parcel who may be first in point of time, may redeem the same from the subsequent purchaser, and in case he shall not redeem, the right of the last purchaser shall be held paramount in case of the execution of any tax deed therefor. If the first purchaser in point of time shall so redeem, it shall be the duty of the proper officer to make an entry in the sale book of the character in which such person may redeem, and the person so redeeming shall be substituted to all the rights of the holder of the certificate, so redeemed as aforesaid.

Person before instituting suit to pay or tender taxes due. SEC. 26. No person shall be permitted to institute any proceeding to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land, or to set aside any deed executed in consequence of the non-payment of such taxes and of the sale of the premises therefor, unless such person shall first pay or tender to the proper party, or deposit for his use with the treasurer, the amount of all state, county, and city taxes that may remain unpaid upon such lot or tract, together with the interest and charges thereon.

COUNTY AND STATE TAXES.

Clerk of city to furnish copy of assessment roll to supervisors. SEC. 27. Before the annual meeting of the board of supervisors of the county of Milwaukee, in the fall, it shall be the duty of the city clerk to cause a copy of the assessment roll of said city for such year, to be transmitted to the clerk of the board of supervisors, who shall lay the same before the board of supervisors at their meeting.

Supervisors may equalize &c. SEC. 28. The board of supervisors shall have the right of equalizing the assessment rolls of the towns in said county, and of said city, 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 valuations of the different wards.

How tax may be levied. SEC. 29. The said board of supervisors may levy a tax, as now provided by law, but shall therein proceed without regard to the division of the city into wards, and shall cause the amount of taxes to be levied, and the purposes to be certified to the city clerk, in the manner provided by the general laws of this state; and the said city clerk shall

make out a tax list for that purpose, separate from the tax list for city purposes, and shall deliver the same to the city treasurer, as provided by law.

SEC. 30. The treasurer of the city, in giving bonds, collecting such tax, and making his return to the county treasurer, and (*and*) in all other respects shall conform to the general laws of the state, except that the return to the county treasurer shall be for the city and not for the wards.

City treasurer to conform to state law.

CHAPTER IX.—FIRE DEPARTMENT.

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

Council to prevent erection of buildings.

SEC. 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers, and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous;

May prevent the erection of insecure chimneys.

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;

Other powers & duties.

To regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires;

To regulate and prevent the use of fire works and fire arms;

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 any fire, all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention

and extinguishment of fires as the common council may deem expedient.

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

Organization of companies. **SEC. 4.** There shall be a meeting of the members of said companies on the third Monday of March in each year, at such place as may be designated by the chief engineer, when they may nominate and recommend to the common council for appointment, one chief engineer, and three assistant engineers, and the common council shall thereupon confirm said nominations; and the persons so appointed shall perform such duties as the common council shall prescribe.

Annual meeting.

Chief engineer.

SEC. 5. At the same time, the members of said companies shall nominate, and the common council shall appoint the same, ten fire wardens, who shall perform such duties as the common council shall prescribe; and they may at any time enter in, to, or upon any house, store, barn, or other building or enclosure, for the purpose of inspecting the same.

Fire wardens.

SEC. 6. One-half of the net proceeds of all fines and penalties recovered for the breach of any ordinance, by-law, or regulation, made in pursuance of this chapter shall be paid to the fire department.

How fines paid.

SEC. 7. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor, or alderman, at any fire, it shall be lawful for the officer giving such order, to arrest, or to direct orally, the marshal, constable, watchman, or any citizen, to arrest such person,

and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner, such officers, or any of them may arrest or direct the arrest and confinement of any person, at such fire, who shall be intoxicated, or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

Penalty for refusing to obey orders.

SEC. 8. The common council shall have power to organize a sack company, or continue in force any such company now organized, which shall be known as Sack Company, Number One, to consist of not more than seventy members. Such company 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 company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Milwaukee, and are hereby vested with all the powers and authority which now [is] or may be hereafter 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 property which may be exposed or endangered, and shall, so far as it may be in their power, preserve the same from injury or destruction. Said company may, from time to time, adopt such by-laws and regulations as they may deem necessary, not inconsistent with the laws of the state. The members of said company shall not be entitled to any 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 company shall severally take an oath or affirmation that they will faithfully discharge the duties of their said office, and when any member of said company shall cease to be a member thereof by resignation, expulsion, or otherwise, notice thereof shall be given to the city clerk and police justice, and they shall preserve a record of all the members of said company.

May organize Sack Co.

Powers and duties.

CHAPTER X.—MISCELLANEOUS PROVISIONS.

SEC. 1. All work for the city, or either of the wards, shall be let by contract to the lowest bidder, and due notice shall be given to the lowest bidder.

Contracts to be let to lowest bidder.

tice shall be given of the time and place of letting such contract.

Appropriations. SEC. 2. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

How penalty remitted. SEC. 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of all the aldermen elect.

How actions brought. SEC. 4. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of this act, or by-law, or ordinance, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

How commenced. SEC. 5. 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.

Executions. SEC. 6. 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 Milwaukee county, for a term not exceeding six months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid.

Inhabitants not incompetent jurors, &c. SEC. 7. No person shall be an incompetent judge, justice, witness, or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Ordinances, &c., to remain in force. SEC. 8. All ordinances, regulations, or resolutions now in force in the city of Milwaukee, and not inconsistent with this act, shall remain in force under this act until altered, modified, or repealed by the common council after this act shall take effect.

To prosecute suits. SEC. 9. All actions, rights, fines, penalties, and forfeitures, in suit or otherwise, which have accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Failure to hold election not to dissolve corporation. SEC. 10. If any election by the people or common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein 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 common 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, and the same are not then done or performed, the common council may appoint another time at which the said acts may be done and performed.

SEC. 11. Bridges shall be maintained and supported ^{Bridges.} across the Milwaukee and Menominee rivers, at the expense of the city as follows: one from Water Street in the first ward, to the foot of Cherry Street, in the second ward; one from the foot of Wisconsin Street in the first and third wards, to Spring Street, in the fourth ward; one from the foot of Water Street in the third ward to Ferry Street, in the fifth ward; and one across the Menominee river, at the foot of West Water Street. All of said bridges except the first, shall contain draws sufficient for the passage of vessels.

SEC. 12. It shall be the duty of the common council to ^{Tax for bridges.} levy a tax upon the taxable property in the first and third wards of said city to defray the expenses of the first construction of the bridge at the foot of Cherry Street, and it shall be the duty of the street commissioners of the second ward to cause all necessary grading to be done in order to make such bridge connect with the main land on the west side of the river, and to render the road thereto passable.

SEC. 13. The general laws for the preservation of bridges, and the punishment by such laws provided for the wilful and malicious injuries done thereto, are hereby extended to, and shall include all of said bridges, and shall apply to ^{Laws to protect bridges.} any wilful or malicious damage which may be done to either of them by any person or persons whatever; and the common council may, from time to time, make such by-laws or ordinances as they may deem necessary, for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage being done to any of said bridges by any vessel or water craft, or by the master or any person in command thereof, such vessel or water craft may be proceeded against under the law to provide for the collection of demands against boats and vessels.

SEC. 14. When any suit or action shall be commenced ^{How suit bro't} against said city, the service thereof may be made by leaving a copy of the process, by the proper officer, with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such

other proceedings as by the ordinances or resolutions of said council may be in such case provided.

Property exempt: Sec. 15. The following property, now, or at any time hereafter, belonging to said city, or either of the wards thereof, shall be exempt from levy and sale, under or by virtue of any execution: engine houses, hook and ladder houses, together with the grounds and lots on which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hose, or any other fire apparatus used by any company created or authorized by the common council of said city; school and market houses, and the furniture thereof, and furniture of common council and office rooms: *Provided*, That nothing herein contained shall exempt any of the aforesaid real or personal property from levy and sale, by virtue of any execution issued on judgments rendered in favor of any person or persons who may have furnished or sold any such fire apparatus to, or on the credit of said city. Nor shall any real or personal property of any inhabitants of said city, or of any individual or corporation be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation, or contract of said city.

Proviso.

To appoint commissioners. Sec. 16. The common council shall, at its first meeting, appoint five commissioners, one from each ward, who, with the assistance of the city surveyor, or such other assistant surveyors as the council may appoint, shall cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, side walks, public grounds, wharves, and blocks, and shall cause to be established such permanent land marks as they may deem necessary, and to cause an accurate plot or plots thereof to be made and certified to by the said surveyor and commissioners, which shall be filed in the office of the city surveyor, and a copy thereof shall be recorded in the office of the register of deeds of Milwaukee county.

Survey to be prima facie evidence. Sec. 17. The survey and land marks so made and established, shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, side walks, public grounds, wharves, and blocks, in all cases in which they shall be drawn into controversy in all courts of this state.

To establish grade. Sec. 18. As soon as practicable after the completion of such survey, the common council shall cause to be established, under the direction of the city surveyor, the grade of all streets, side walks, and alleys in said city, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Milwaukee county; and should the grade so established be

at any time hereafter altered, all damages, costs, and charges arising therefrom, shall be paid by the city to the owner of any lot or parcel of land or tenement, which may be affected or injured in consequence of the alteration of such grade.

SEC. 19. The common council shall appoint one or more commissioners, whose duty it shall be to report to the common council, within a reasonable time, a draft of all ordinances, by-laws, rules, regulations, and forms, that may be necessary to carry this act fully into effect, and more fully to define the powers and duties, and fix the compensation of the several officers created or authorized by this act. The said ordinances, by-laws, &c., when they shall have been adopted by the common council, shall be published in a convenient form, together with this act, and the same, when so published, shall be admitted as evidence in any court within this state, of the passage and publication of such ordinances, without any further publication in the official paper.

Commissioners
to draft ordinances.
&c.

SEC. 20. The market house and the lands appertaining thereto, in the first ward, shall be the property of said ward, and the aldermen of said ward, or a majority of them, shall have the right to lease, manage, and control the same, and shall have all authority in relation to said market house, which they now may have by virtue of any law of this state. The common council, with the consent of a majority of said aldermen, may pass ordinances applicable to the first ward alone, to control and regulate markets, and the selling of meats and other provisions, and to confine the same to such limits as they may deem proper.

Market house in
first ward.

SEC. 21. 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.

City may purchase
real estate.

SEC. 22. Real estate exempted from taxation by the laws of the state shall be subject to special taxes as other real estate, under this act.

Subject to special
tax

SEC. 23. No general law of this state, contravening the provisions of this act shall be considered as repealing, amending, or modifying the same, unless such purpose be expressly set forth in such law.

SEC. 24. On the petition of a majority of the inhabitants liable to pay poll tax, of any district in any ward, and consisting of contiguous territory bounded by ward lines, or the centre of streets or alleys, the street commissioners of such ward may constitute such district a road

Road districts.

district; and appoint any person named in such petition, or if no person be named, then any proper person, road master for such district, and the person so appointed shall have all the powers of overseers of roads as provided in the title VI of the revised statutes, and shall report to the street commissioners when required: *Provided, however,* That no road master shall receive more than one dollar for each day he is actually employed in the business of his office, and he shall receive such compensation out of the moneys collected on such poll tax; and that in no case shall any moneys be drawn either from the ward or city funds for the compensation of road masters, or for any work performed by them or under their supervision.

Proviso.

May borrow money.

SEC. 25. The common council may borrow, on the faith of the city, a sum not exceeding four thousand dollars, for the purpose of completing and furnishing the public schools within the city, for a term not exceeding ten years, and at an interest not exceeding ten per cent., and may issue the bonds of the city therefor, and shall provide for the payment of the interest thereon. Should said sum not be sufficient to complete and furnish said schools, it shall be the duty of the aldermen of the several wards, to complete and furnish the same out of the funds of their respective wards.

REPEALING CLAUSE.

Acts repealed.

SEC. 26. An act to incorporate the city of Milwaukee, approved 31st January, 1846; an act relating to bridges in the city of Milwaukee, approved 2d February, 1846; an act relating to certain streets in the city of Milwaukee, approved 2d February, 1846; an act to amend an act entitled an act to incorporate the city of Milwaukee, approved 4th of February, 1847; an act to authorize the levy of a special tax in the third ward, approved 11th march, 1848; an act to authorize a special tax in the fifth ward, approved 11th March, 1848; an act additional to an act to incorporate the city of Milwaukee, approved 10th August, 1848; an act amendatory to an act entitled an act to authorize the levy of a special tax in the fifth ward of the city of Milwaukee, approved 19th August, 1848; an act additional to an act to incorporate the city of Milwaukee, approved 19th August, 1848; an act to amend an act entitled an act to incorporate the city of Milwaukee, and acts amendatory thereto, approved 12th March, 1849; an act in relation to the collection and return of taxes, &c., for the year 1849, approved 24th Jan-

uary, 1850; an act to authorize the construction of a wharf in the city of Milwaukee, approved 4th February, 1850; an act to provide for the election of certain officers in the city of Milwaukee, approved 8th February, 1850; an act giving criminal jurisdiction to justices of the peace in the fifth ward, approved 9th February, 1850; an act to authorize the levy of a special tax in the third ward of the city of Milwaukee, approved 9th February 1850; an act to authorize the construction of wharves in the city of Milwaukee, approved 6th March, 1851; an act to authorize the aldermen of the third ward to pave certain streets in said ward, approved 13th March, 1851; an act supplementary and amendatory to an act entitled an act to incorporate the city of Milwaukee, and acts amendatory thereto, approved 15th March, 1851; an act to incorporate the city of Milwaukee, approved 15th March, 1851; and an act in relation to streets, alleys, and sewers in the city of Milwaukee, approved 15th March 1851, are hereby repealed; but the repeal of said acts and parts of acts shall not in any manner affect, injure or invalidate any contracts, acts, suits, claims, or demands, that may have been entered into, performed, commenced, or that may exist under or by virtue, or in pursuance of the said acts or any of them, but the same shall exist and be enforced and carried out as fully and effectually to all intents and purposes as if this act had not been passed. And all ordinances, resolutions, regulations, rules, by-laws, and orders of the common council of said city, or parts thereof, not repealed, suspended, or made void by this act, shall continue and remain of the same force and effect (*and*) [as] if this act had not been passed, until altered, amended, repealed or suspended by the common council in pursuance of this act.

Sec. 27. This act shall take effect from and after its passage; and not more than six days' notice shall be required of the first election to be held under this act, any thing contained in the same to the contrary notwithstanding. ^{When to take effect.}

C. LATHAM SHOLES,

Speaker pro tem. of the Assembly.

E. B. DEAN, JR.

President pro tem. of the Senate.

Approved, February 20, 1852.

LEONARD J. FARWELL.

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