

of the poor fund, for each license to sell intoxicating drinks, granted by any such city, incorporated village or town, the sum of fifty dollars for each license granted, and when, by the charter of any such city or incorporated village a license may be granted for less than one year, the said city or incorporated village shall pay into said county treasury a sum at the rate of fifty dollars per year for the time for which such license may be granted.

Times of payment.

SECTION 2. The several cities, incorporated villages and towns of the county of Rock, shall pay into the treasury of said county one-half of the license money mentioned in section one of this act, on or before the first Wednesday of March, and the balance on the first Wednesday of October in each year, for the benefit of the poor fund.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1875.

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## CHAPTER 228.

[Published March 16, 1875.]

AN ACT to amend chapter two hundred and seventy-five (275), of the private and local laws of 1870, entitled, "an act to incorporate the city of Manitowoc."

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

Amended. SECTION 1. Section two (2), of chapter three (3), of chapter two hundred and seventy-five (275), of said act, is hereby amended by striking out the word "police-justice" where it occurs in said section.

Amended. SECTION 2. Section three (3), of chapter three (3), of chapter two hundred and seventy-five (275), of said act, is hereby amended by striking out the word "police-justice" where it occurs in said section, and the word "and" immediately following said word "police-justice."

Amended. SECTION 3. Section six (6), of chapter five (5), of chapter two hundred and seventy-five (275), is hereby amended so as to read as follows: Section 6. A police justice shall be designated and appointed by the

board of aldermen from one of the justices of the peace elected in said city, at their first meeting, or as soon thereafter as practicable, and shall have the power at any time to annul such appointment, and to appoint one of the other justices of the peace of said city a police justice, the police justice to hold his office in some convenient place to be designated by the board of aldermen. The term of office of the police justice shall continue for one year and until his successor is elected and qualified. The police justice shall have and possess all the authority, power and rights of a justice of the peace in every respect whatsoever, and shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases arising within the city, and shall have exclusive jurisdiction in all cases to which the city shall be a party, cognizable before a justice of the peace, and shall have the same power and authority in cases of contempt as a court of record. The justice shall be entitled to receive for his services the same compensation in fees, as is allowed by law to justices of the peace for similar services, and no other; but the city shall not be liable to said police justice for his said fees, except such as accrue in prosecutions for violations of the charter or ordinances of the city, wherein the costs are not and cannot be collected of the offender. In cases of the absence, sickness, or other inability of the police justice, the mayor may, by warrant, authorize any justice of the peace within said city to perform the duties of police justice during such inability, and it shall thereupon be the duty of the mayor to inform the city marshal of such substitution, and make a report thereof to the board of aldermen, and they may confirm or set aside such appointment; but in all cases of complaints, suits or actions, brought or commenced before such justice after his appointment, and before action thereon by the board of aldermen, the same shall not abate by reason of his non-confirmation by the board of aldermen; but such complaints, suits or actions shall proceed to final judgment before such justice, and the justice so appointed shall, for the time being, possess all authority, powers and rights of the police justice. Appeals and writs of certiorari may be taken from the police justice in the manner as from justices of the peace.

Police justice.

Authority of  
police justice.

Compensation.

In case of in-  
ability of police  
justice.Appeals and  
writs.

Amended.

SECTION 4. Section five (5), of chapter five (5), of chapter two hundred and seventy-five (275), of said

City surveyor  
—his duties and  
powers.

Shall keep  
record.

Amended.

Duty of mar-  
shal.

act, is hereby amended so as to read as follows, to-wit: Section 5. The city surveyor shall be a practical surveyor and engineer. The board of aldermen shall prescribe his duties, and fix the fees and compensation for any services performed by him. His term of office shall continue for one year, and until his successor is appointed, unless sooner removed for cause; said surveyor shall keep his office in some convenient place, to be designated by the board of aldermen, and it shall be his duty to execute all the civil engineering and surveying required by said board; said surveyor shall possess the same powers in making surveys and plats within said city that are given by law to county surveyors, and the like validity and effect shall be given to his acts and to all plats and surveys made by him as are or may be given to the acts, plats and surveys of county surveyors. He shall keep a record of all his official acts and doings, and shall record the same in a book to be kept for that purpose. He shall keep on file a copy of all plats of lots and blocks embraced in the city limits, of profiles of streets, alleys and sewers, and of the grade thereof, and of all drafts and plans relating to bridges and harbors, and to any public buildings belonging to the city of Manitowoc, and shall keep a record of the location of bench-marks and permanent corner-stakes, from which subsequent surveys shall be started, all of which such records, files, plats and estimates in this section mentioned shall be the property of the city, open to inspection of parties interested, and shall be delivered over by said surveyor at the expiration of his term of service to his successor in office, or to the board of aldermen. He shall keep a record of all estimates made by him of any work for said city, and when required by the board of aldermen shall file certified copies of all plans, specifications and estimates made by him in office of city clerk.

SECTION 5. Section seven (7), of chapter five (5), of chapter two hundred and seventy-five (275), of said act, is hereby amended so that the fourth and last sentence of said section shall read as follows, to-wit: It shall be his duty with or without process to arrest any and all persons whom he shall find in any public place in said city in a state of intoxication or making a boisterous noise, or engaged in any affray or fight, or any act of lewdness or obscenity, or violating any ordinance of said city, and take said per-

sons before the police justice for trial; and in making such arrests and securing such offenders, the marshal shall command all persons present to assist him therein, and any person so commanded, neglecting or refusing to render such assistance, shall be liable to a fine not exceeding ten dollars.

SECTION 6. Section seven (7), of chapter six (6), of chapter two hundred and seventy-five (275), of said act, is hereby amended by adding the following subdivisions: Amended.

XXXV. To make and 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 rebuilding 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. To prescribe fire limits.

XXXVI. To regulate or prohibit the keeping of any lumber-yard, and the placing and piling or selling of lumber, timber, wood, or other combustible material within the fire limits of said city. To regulate keeping of lumber, etc.

XXXVII. To regulate the measuring and inspecting of lumber, cord and fire-wood, shingles, timber, posts, staves, heading, and all building materials, and to appoint inspectors and prescribe their duties. To regulate measuring of same.

XXXVIII. To make, establish and regulate public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection and maintenance of water works for the supply of water to the inhabitants, and to prevent the unnecessary waste of water. To regulate pumps, etc., and to erect water-works.

XXXIX. To erect lamps and regulate the lighting thereof, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise. To light streets.

XL. To require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight, to cause his weights and measures to be sealed by the city sealer and to be subject to his inspection, and to provide for the punishment of persons using false weights and measures. The standard of such weights and measures shall be conformable to those established by law in this state. To require sealing of weights and measures.

XLI. To prescribe and regulate the manner of mov- To prescribe

manner of moving buildings.

ing buildings through the public streets and to require parties moving the same to give security for damages which may be recovered against said city on account of the obstruction to the street.

To direct and regulate breweries, tanneries etc.

XLII. To direct the location and management of and regulate breweries, tanneries and packing houses; and to direct the location, management and construction of, and regulate, license, restrain, abate or prohibit within the city and the distance of one mile therefrom, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

To establish markets.

XLIII. To establish and regulate public markets, determine their location, 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 observances of such rules and regulations.

To regulate sale of meats.

XLIV. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit, eggs and other provisions in the city; to restrain and punish the forestalling of poultry, fruit and eggs; and to cause the seizure and destruction or other disposition of tainted or unwholesome meat, butter, vegetables, fruit or provisions.

To arrest vagrants, gamblers, etc.

XLV. To authorize the arrest, fine and imprisonment of all persons who not having visible means of support are without employment, idly loitering or rambling about, or staying in groceries, drinking saloons, houses of ill fame or houses of bad repute, gambling houses, railroad depots, or fire engine houses, or who shall be found trespassing in the night time upon the private premises of others, or begging, or placing themselves in the streets or other thoroughfares or public places to beg or receive alms; also keepers, exhibitors, or visitors at any gaming table, gambling house, house of fortune telling, place for cock fighting, or other place of device; and all persons who go about for the purpose of gambling or watch-stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any place where public or private schools are held, either on

week day or Sabbath, or places where religious worship is held.

XLVI. To authorize the taking up, and to provide for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care and growing up in mendicancy, ignorance, idleness and vice.

To provide for destitute children.

XLVII. To regulate and prohibit the use of locomotive engines within the city, and to require railroad cars to be propelled by other power than that of steam; to direct and control the location of railroad tracks, and to require railroad companies to construct and maintain, at their own expense, such bridges, viaducts, tunnels, and to provide such other conveniences at public railroad crossings, as the board of aldermen may deem necessary.

To regulate railroads.

XLVIII. To require all officers of the city to give bond for care and custody of property in their possession belonging to the city, and to report in writing to the board of aldermen at least once in each year, the property in their possession belonging to the city.

To require bonds for care of property.

SECTION 7. Section thirteen (13), of chapter ten (10), of chapter two hundred and seventy-five (275), of said act, is hereby amended so as to read as follows: Section 13. The board of aldermen shall have power to order sewers built, and make all necessary provisions for drainage and sewerage in said city.

Amended.

The contract for building such sewers or drains shall be let to the lowest bidder, and the work shall be done under the superintendence of the city surveyor or other suitable person, and upon plans prepared by said surveyor. The expense of building such drains or sewers as provided for by this section shall be borne by the lots benefitted by such work, and the city clerk, upon estimates submitted to him by the city surveyor, shall immediately after such work is done apportion the cost of the same among the lots benefitted in proportion to the benefit accruing to each, and shall make a full statement in writing, and shall file the same in his office; such statement shall show the whole cost of such drain or sewer, the lots to be benefitted by the building of the same, and the amount assessed on each lot therefor, and the said clerk shall add such amount to the tax assessed upon said lot, and the same shall be collected as other taxes are collected. The mode of proceeding of ordering and contracting for the construction of sew-

Power of board of aldermen in constructing sewers, drains, etc.

- ers and drains, the assessing and collection of the taxes therefor, and the publishing of notices in regard thereto, shall, in all respects, be similar to that prescribed for laying out, grading and improving of streets. Section twelve (12), of chapter six (6), of chapter two hundred and seventy-five (275), of said act is hereby repealed. Nothing herein shall be construed as repealing chapter four hundred and ninety-five (495), of private and local laws of 1870.
- Repealed.**
- Amended.** SECTION 8. Section one (1), of chapter three hundred and fifty-nine (359), of private and local laws of 1871, entitled, "an act to amend chapter two hundred and seventy-five (275), of private and local laws of 1870, entitled, 'an act to incorporate the city of Manitowoc,'" is hereby amended by inserting the words "one police justice" in said section immediately after the words "city marshal," where same first occur in said section.
- Amended.** SECTION 9. Section seven (7), of chapter ten (10), of section three (3), of chapter three hundred and fifty-nine (359), of private and local laws of 1871, entitled, "an act to amend chapter two hundred and seventy-five (275), of the private and local laws of 1870, entitled, 'an act to incorporate the city of Manitowoc,'" is hereby amended by adding the following words: "Whenever the city shall be a party to a contract for any work or improvement which shall require the digging up, use [or] occupancy of any street, alley, highway or public grounds of said city, there shall be inserted in the contract therefor substantial covenants, requiring each contractor during the night-time to put up and maintain such barriers and lights as will effectually prevent the happening of any accident in consequence of such digging up, use or occupancy of said street, alley, highway, or other public grounds for which the city might be liable; and it shall also be provided in such contracts that the party contracting with the city shall be liable for all damages occasioned by the digging up, use or occupancy of the street, alley, highway or public grounds, or which may result therefrom or which may result from the carelessness of such contractor, his agents, employes or workmen.
- Precautions to be taken in certain cases.**
- Repeal of conflicting acts.** SECTION 10. All acts and parts of acts conflicting with any of the provisions of this act are hereby repealed.

SECTION 12. [11.] This act shall be in force from and after its passage and publication.

Approved March 4, 1875.

## CHAPTER 229.

[Published March 17, 1875.]

AN ACT to amend chapter 276, of the private and local laws of 1857, relating to the charter of the village of Depere.

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

SECTION 1. Chapter two hundred and seventy-six (276), of the private and local laws of 1857, is hereby amended by adding after the twenty-second (22d) subdivision of section fifteen (15), of said chapter, a new subdivision to read as follows: Subdivision twenty-third (23d). To require the owners of any lot or grounds in said village, to set out ornamental and shade trees in the street or streets fronting the same, and to protect and preserve them, and in default thereof to cause the same to be done and to levy a special tax upon such lot or grounds to pay the expenses of the same. The said board of trustees shall also have power to determine the lines on which trees shall be set, the places where they shall be set, the kind and size of the trees to be set, and the manner of protecting and preserving the same, and for replanting them when they have died or been so injured as to fail to answer the purpose for which they were set out. When said trees have been set out on the public grounds of the village or in front of property exempt from taxation, the expense of setting and protecting may be paid from the general fund of the village; the said board of trustees shall have full power and authority to do all other needful acts as to themselves seem just and proper to give this section full scope and effect.

Amended.

Lot owners  
required to set  
out shade trees.

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

Approved March 4, 1875.