

## CHAPTER 262.

[ *Published March 16, 1875* ]

AN ACT to revise, consolidate and amend an act to incorporate the city of Green Bay, and the several acts amendatory thereof.

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

## CHAPTER I.

## CITY OF GREEN BAY—ITS CORPORATE POWERS.

Corporate powers.

SECTION 1. All that district of country in the county of Brown, hereinafter described, shall be a city by the name of Green Bay, and the people now inhabiting, and those who shall inhabit said district, shall be a municipal corporation by the name of the city of Green Bay, and shall have the general powers possessed by municipal corporations at common law, and, in addition thereto, shall have and possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, 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.

## CITY BOUNDARIES.

City boundaries.

SECTION 2. All the territory within Brown county described as follows, to-wit: commencing at the mouth of East River, at the northwest corner of private claim number two, on the east side of Fox River, and running thence south, sixty-four degrees east, along the north line of said private claim number two, to the north-east corner thereof; thence south, twenty-six degrees west, along the east line of said claim, to the middle of said East River; thence up and along the middle of said East River to a point therein midway between the north and south line of private claim number nine; thence north, sixty-four degrees west, along the center line of said claim to the east side of Webster street; thence south, eighteen degrees west, twenty-six chains and sixty links, to the south line of private claim number eleven;

thence south, twenty-six degrees west, twelve chains to the south line of private claim number twelve; thence north, sixty-four degrees west, eighty feet; thence north, twenty-six degrees east, twelve chains; thence north, eighteen degrees east, twenty-six chains and sixty links, to the middle of private claim number nine; thence north, sixty-four degrees west, along the middle of said claim to the center line of Fox river; thence down and along the center line of the channel of Fox River to the mouth of East river to the place of beginning, shall be included in, and constitute the limits of the city of Green Bay.

## WARD BOUNDARIES.

SECTION 3. All that part of said city lying south of a line commencing in the center of the channel of the Fox River and running thence south sixty-four (64) degrees east, through the center of the tier of blocks commencing with block number four, upon the recorded plat of Astor, of record in the register's office of the county of Brown, to the eastern boundary line of said city in East River, shall be and constitute the first ward. All that part of said city bounded south by the first ward, as above described, west by the center line of the channel of Fox River; north by a line commencing in the center of the channel of said river, and running thence south, sixty-four (64) degrees east, along the northern boundary line of lots number nine, thirty, forty-seven, sixty-eight and eighty-three, as the same are laid down on the plat of Navarino, of record in the register's office of said county of Brown, to the west line of Jefferson street, thence in a northeasterly direction to the northwest corner of lot numbered five hundred and thirty-two on said last mentioned plat, thence south, sixty-four (64) degrees east, to the western boundary lines of Eleventh street, in said city, thence in a northeasterly direction to a point on the eastern boundary line of said Eleventh street, in the center of St. Clair street, at its junction with said Eleventh street, thence easterly along the center of said St. Clair street to the eastern terminus thereof, and thence south sixty-four (64) degrees east to the eastern boundary of said city, and east by the boundary line of said city, shall be and constitute the second ward. And all the remaining parts of said city lots not included in the first and second

wards, as above described, shall be and constitute the third ward.

## CHAPTER II.

### ELECTIVE OFFICERS.

**City officers.** SECTION 1. The elective officers of said city shall be a mayor, three aldermen from each ward, a city treasurer, a chief of police, city clerk, city attorney, assessor and four justices of the peace for the city at large, one of said justices shall be elected as, and called police justice. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council.

**Tenure of office.** SECTION 2. 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. Said justices of the peace shall hold their respective offices for two years and until their successors are elected and qualified; *provided*, that the treasurer and assessor shall each be freeholders of said city, and no person who may have held the office of city treasurer shall be eligible to such office for the next succeeding term thereafter.

### ANNUAL ELECTIONS.

**Elections.** SECTION 3. The annual elections for ward and city officers shall be held on the first Tuesday of April 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 sundown, and ten days' previous notice shall be given by the common council in the official paper of said city of the time and place of holding such elections, and of the city and ward officers to be elected.

### QUALIFIED ELECTORS.

**Electors.** SECTION 4. All persons entitled to vote for county and state officers, and who shall have resided in the city for four months previous to the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer entitled to be elected under this law, and to hold any office hereby created; *provided, however*, that no person shall either by election or appointment hold any city office

unless such person is an actual resident of said city and a legal voter thereof.

ELECTION BY BALLOT—TIE VOTE.

SECTION 5. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. The votes for all elective officers shall be on one ballot, and shall be deposited in one ballot-box. 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 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.

Tie vote.

INSPECTORS AND MANNER OF CONDUCTING ELECTIONS.

SECTION 6. The election in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of elections in their respective wards, and shall take the usual oath or affirmation as prescribed by the general laws of this state to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths; and in case of the absence of any or all of the aldermen of the ward at the time for the opening of the polls, the voters present shall select some person or persons, to act in their places as inspectors of election. 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.

Manner of conducting elections.

CHALLENGE OF VOTERS, OATHS, PENALTY FOR ILLEGAL VOTING. INSPECTORS TO KEEP LIST.

SECTION 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 person, 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 intentions to become a citizen, conformable to the laws of the United States on the subject of naturalization); that you have

Oath of elector.

Penalty for taking oath falsely and for illegal voting.

Duty of inspectors and clerk, and punishment for violation.

resided within the state of Wisconsin one year (within this city four months, and within this ward ten days next preceding this election); 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 said person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, upon indictment or information, 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 in the one in which he resides, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding one hundred dollars, nor 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 if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every such inspector and clerk shall be liable to indictment on information, 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 or informations shall be tried in the circuit court of the county of Brown.

#### CANVASS AND RETURN OF VOTES.

Canvass and return of votes.

SECTION 8. When an election shall be closed, and the number of votes for candidate or person voted for shall be counted and ascertained, the said inspectors shall make a 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 return to the city clerk within three days after any election. The common council shall, on the fourth day after such election, meet and canvass said returns, and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

## EXPULSION AND REMOVALS.

SECTION 9. The common council shall have power, <sup>Expulsions and removals.</sup> for due cause, to expel any of their own number, and to remove, for cause, from office any officer or agent under the city government, due notice being first given to the officer complained of. The mayor shall have power to suspend any police officer or watchman appointed by the council, when complained of, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being.

## VACANCIES—WHEN OFFICE DEEMED VACANT.

SECTION 10. Any officer removing from the city, or any ward officer removing from the ward for which he is 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 provided. <sup>Vacancies.</sup>

## VACANCIES—HOW FILLED.

SECTION 11. Whenever a vacancy shall occur in the office of mayor, city clerk, city attorney, alderman, or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council 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 any vacancy, shall hold his office and discharge the duties thereof for the unexpired term, and with the same right, and subject to the same liabilities as the person whose office he may be elected or appointed to fill. <sup>Vacancies—how filled.</sup>

## SPECIAL ELECTIONS.

SECTION 12. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward, in the same manner, and the returns thereof shall be made in the same form and manuer as general or annual elections, and within such time as may be prescribed by ordinance. <sup>Special elections.</sup>

## ELECTIONS AND CLASSIFICATION OF ALDERMEN.

Aldermen and supervisors.

SECTION 13. There shall be elected at the first election under this act, one alderman for each ward, who shall hold his office for one year; and thereafter at the next annual election, two aldermen in each ward who shall hold office for one year; and thereafter and at the annual election of 1877, three aldermen for each ward, each year. There shall each year also be elected a supervisor for each ward, to represent the city in the county board of supervisors, who shall hold his office one year.

## TERMS OF OFFICE OF PRESENT OFFICERS.

Terms of office.

SECTION 14. All the city and ward officers now in office shall hold their respective offices until their successors shall be elected or appointed under this act; and the term of every officer elected under this act shall commence on the second Tuesday of April 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.

Present officers to conduct first election.

SECTION 15. All the 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 act.

New elections.

SECTION 16. 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 days notice of the time and place of holding the election, first being given.

## FIRST ELECTION.

First election.

SECTION 17. The first election of officers under this act shall be held on the first Tuesday of April, 1875.

## CHAPTER III.

## OFFICERS' POWERS AND DUTIES—OATH AND BOND.

Officers to take oath and file bonds.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before entering upon the

duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer taking the same, with the clerk of the city. The treasurer, clerk, chief of police and such other officers as the common council may direct, shall each, before entering upon the duties of his office, execute to the city of Green Bay a bond with two or more sureties, the aggregate amount of whose property within the state, above all their respective debts, liabilities and exemptions, as shown by their several and respective affidavits attached to or endorsed on such bond, shall be at least double the sum named as penalty in such bond. Said bonds shall contain such penal sum, and such conditions as the common council may deem proper, and shall be subject to the approval of said council. The council may, from time to time, require new additional bonds and remove from office any officer neglecting or refusing to give the same. All official bonds executed to the city of Green Bay, except that of the city clerk, shall be filed with and safely preserved by the city clerk in his office, unless the common council shall otherwise direct. The bonds of all officers who may be charged with the collection or safe keeping, or with the disposition or disbursement of any of the funds of said city, or may have any control over such funds at any time, and such other bonds as the common council may direct, shall be duly witnessed and acknowledged, and recorded in the office of the register of deeds of the county of Brown. Transcripts from the record of such bonds in the office of the register of deeds duly certified by such register, shall be evidence of the due execution and contents of the bonds so recorded, in case of loss of the originals. The bond of the city clerk shall be filed with the city treasurer.

Bonds—with whom filed, etc.

#### MAYOR—HIS DUTIES.

SECTION 2. The mayor shall preside over the meetings of the common council, but shall have a vote only in case of a tie. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all 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 chief executive officer and head of the police

Duties of mayor.

of the city, and when in his judgment occasion requires, he may appoint as many special or temporary policemen as he may deem necessary.

PRESIDENT—HIS DUTIES.

Duties of president.

SECTION 3. The common council shall, after their first meeting for organization each year after the annual election, choose by ballot from their number, a president, who, in the absence of the mayor, shall preside over the meetings of the common council, and in case of absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor for the time being, except the signing of city bonds. In case of the absence of both mayor and the president at any meeting of the council, the council may choose from their number a president *pro tem.*, who, for the time being, shall discharge all the duties of mayor. The president or president *pro tem.*, while presiding over the council, or performing the duties of mayor, shall be styled acting-mayor, and their acts, except the signing of city bonds, shall have the same force and validity as if done by the mayor.

President pro tem.

CITY CLERK—HIS DUTIES, ETC.

Duties of city clerk.

SECTION 4. The city clerk shall hold his office for one year, and until his successor is elected and qualified. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a full record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of any and all books, papers, instruments or documents duly filed and kept in his office, and of the endorsements thereon, and transcripts from the records of the proceedings of the common council, duly certified by him, under the corporate seal of the city, shall be evidence in all courts, in like manner as the originals. 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, and of the fund on which the same is drawn, in books provided for that purpose. He shall also keep, in such manner as the council may direct, an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection,

and all sums of money paid into the treasury. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns. All chattel mortgages so filed, and the renewals thereof, shall be as valid and legal as if the same had been filed in any town. The clerk shall have power and authority to administer oaths and affirmations. Whenever the clerk shall be absent from any cause, the council may appoint a clerk pro tem., who, for the time being, shall be vested with the powers and duties of the clerk. The clerk shall receive an annual salary to be fixed by the council, payable quarterly.

#### CITY ATTORNEY AND DUTIES.

SECTION 5. The city attorney shall conduct all the law business of the corporation. He shall, when required, furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the council or any of its committees. He shall keep a docket of all cases to which the city may be a party, in any court of record, in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city, and shall at all times be open to the inspection of the mayor or any committee of the common council. It shall also be the duty of the city attorney to draft all general ordinances, all bonds, contracts, leases, conveyances and other instruments of writing that may be required by the business of the city. And to perform said other duties as may be prescribed by the charter and ordinances. He shall receive an annual salary to be fixed by the council, payable quarterly.

Duties of city attorney.

#### STREET SUPERINTENDENT—HIS DUTIES, ETC.

SECTION 6. The common council shall also at their first meeting for organization each year after the annual election, choose by ballot a street superintendent. The street superintendent shall see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, bridges, alleys, public grounds, reservoirs, gutters, sewers and waters of the rivers in said city are duly observed and kept, and to control the persons employed therein. He shall have the general supervision over all work let by con-

Duties of street superintendent

tract for the making, grading, paving, graveling, planking, repairing and cleaning of streets, bridges, alleys, public grounds, reservoirs and gutters, unless the common council shall otherwise direct. He shall receive such compensation as the council may determine.

#### CITY SURVEYOR—HIS DUTIES.

Duties of city  
surveyor.

SECTION 7. The common council may also at their first meeting for organization after the annual election, or as soon thereafter as convenient, elect 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.

#### JUSTICES OF THE PEACE—JURISDICTION, ETC.

Justices of  
the peace.

SECTION 8. The justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner, as provided by the general laws of this state, except that the official bonds or agreements shall be approved by a majority of the common council. The police justice shall also have exclusive jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said city council.

#### ASSESSOR—HIS DUTIES.

Duties of as-  
sessor.

SECTION 9. The assessor shall assess all the taxable property of the city of Green Bay, as required by law, without regard to wards, and shall complete and return his assessment-roll in the manner hereinafter provided, and receive such compensation as the council may determine.

#### TREASURER—HIS DUTIES.

Duties of treas-  
urer.

SECTION 10. The treasurer of said city shall perform

such duties and exercise such powers as may be required of him by the ordinances of said city and the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, and of each fund separately, together with an account of all disbursements, in suitable books to be provided for that purpose, and in such manner as the common council shall direct. At the first regular meeting of the common council in each month he shall make a report embracing a statement in detail of the receipts and disbursements in his office since the last preceding monthly report, an account of the general fund and of each fund which he is required to keep distinct and separate from other funds in the city treasury; and also the total receipts and disbursements during the same time, and the condition of each of said funds at the date of the report. Such reports, when made, shall be published with the proceedings of the common council. He shall disburse none of the money belonging to any of the funds of the city except by an order thereon duly issued by direction of the common council, which order shall be signed by the mayor and countersigned by the clerk, and when paid shall be canceled by the treasurer. The treasurer shall be a collector of taxes, and for his services receive the same compensation, except as hereinafter provided, [and] be governed by the same laws and be subject to the same liabilities as treasurers of towns.

#### TREASURER—ANNUAL REPORT.

SECTION 11. On the first day of April in each year the treasurer shall file in the office of the city clerk a statement showing in detail the monthly receipts and disbursements of the preceding year, an account of each separate fund, and the condition of such funds at the date of the report. Report  
treasurer. of

#### CHIEF OF POLICE—HIS DUTIES.

SECTION 12. The chief of police shall attend all meetings of the common council, and shall perform such duties as shall be prescribed by the council for the preservation of the public peace, and collection of license moneys and fines, and shall receive such compensation as the council may determine. He shall possess all the powers of constables of towns, Duties of chief  
of police.

and be subject to the same liabilities. He shall execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city, or law of the state, may pursue and serve the same in any part of the state. He shall suppress all riots, disturbances and breaches of the peace, and abate all nuisances therein. He shall apprehend all persons in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time bring such persons before competent authority for examination; and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved by the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties.

OTHER DUTIES MAY BE REQUIRED OF OFFICERS.

Authority of  
council over  
officers.

SECTION 13. 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, when the same shall not be fixed by law. Such compensation shall be fixed by resolution or ordinance at the time the office is created, or as soon as practicable after the commencement of the municipal year, and shall not be increased or diminished during the term of such officer. The common council shall also have power to dismiss any officer appointed by said council under the provisions of this section, at any time when in the judgment of said council the services of such officer are no longer needed.

Compensation.

Official pa-  
pers

SECTION 14. The common council at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances, notices and other proceedings and matters required by this act, or the by-laws or ordinances of the common council, to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders.

SECTION 15. The city printer or printers immedi-

ately after the publication of any notice or ordinance, or resolution, or by-law, 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 by-law or resolution, and the clerk shall file and keep the same in his office.

Proof of publication.

SECTION 16. If any person having been an officer in the city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city not less than one hundred dollars, nor more than five hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers, property and effects in the manner prescribed by the laws of this state.

Penalty for failure to deliver books, etc. to successor.

SECTION 17. The mayor, acting mayor, sheriff of Brown county, and each and every alderman, justice of the peace, chief of police, under sheriff and deputy sheriff of Brown county, constables, policemen and watchmen, 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 riot or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

Peace officers—their duties.

## CHAPTER IV.

### THE COMMON COUNCIL—ITS SPECIAL POWERS.

SECTION 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 Green Bay do ordain," etc.

Common council.

## MEETINGS.

Meeting of council and general rules therefor. SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday of April, and thereafter stated meetings at such time and places as they shall appoint, and the mayor may call special meetings by notice of at least twenty-four hours, to each of the members, to be served personally or left at his usual place of abode, which notice shall specify the object of the meeting and the business to be transacted, and no other business shall come before such meeting. The common council shall determine the rules for their own government and proceedings, provided such rules are consistent with the provisions of this act. A majority of the aldermen elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn. Their sessions shall be open and public; their proceedings shall be recorded in full, and all their papers and records, and all election returns, shall be deposited with the clerk of the common council, and the same may be examined at any time in the presence of the clerk. The vote of the common council shall, in all cases, be taken by ayes and noes, and every vote shall be entered at length upon the journal. The common council shall be the judge of the election and qualification of its own members, and may punish its members or other persons present, by fine, for disorderly behavior, may compel the attendance of its members upon its sessions, and may employ the chief of police and police of said city for that purpose; and may fine or expel any member for neglecting his duty as such member, as [or] for unnecessary absence from the sessions of the board.

## POWERS OF COUNCIL.

Council to have control of finances. SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all other property in the city; and shall, likewise, in addition to all other powers 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, resolutions 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,

General powers of council.

commerce and health thereof, and for carrying into effect the powers vested in said common council, and to declare and impose penalties and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws, and regulations, 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 ordinance, resolution or by-law:

(1.) To regulate groceries, taverns, victualing houses, saloons, gardens and all other places within said city where spirituous, vinous or fermented liquors are sold or given away, and to license, regulate and restrain tavern keepers, groceries, keepers of saloons, victualing houses or other houses or places for the dealing in, selling or giving away spirituous, vinous or fermented liquors, and to regulate the amount to be paid for such licenses, and to restrain or prohibit any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by authority of the common council; *provided*, that the amount charged for such license shall in no case be less than fifty dollars, nor more than three hundred dollars per annum. Such licenses shall not be granted for a longer term than one year, and shall run from the 1st day of May; *provided, however*, when any such license is applied for after that date, the same may be granted to expire on the first day of May, next following, on the applicant paying pro rata therefor.

To regulate places where liquors are sold.

Proviso.

(2.) To license, tax, regulate, suppress or prohibit billiard tables, nine or ten pin alleys, bowling saloons and ball alleys.

Billiard tables, etc.

(3.) To license, tax, regulate, suppress, and prohibit all exhibitions of common showmen, shows of any and every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances and all other exhibitions and amusements.

Shows.

(4.) To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting.

Gambling.

(5.) To prevent any riot, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to

Riots, noise, etc.

authorize the destruction of all instruments used for the purpose of gaming.

Unwholesome places.

(6.) To compel the owner or occupant of any grocery, cellar, tallow chandler's 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 necessary for the health, comfort and convenience of the inhabitants of said city.

Breweries, tanneries, etc.

(7.) 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 limits and the distance of two miles therefrom, distilleries, slaughter houses, 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.

Streets, alleys, etc.

(8.) To prevent the encumbering of streets, sidewalks, lanes or alleys, with railroad cars, locomotives, engine or engines, carriages, carts, wagons, sleighs, boxes, lumber, pine, wood, or any other materials or substances whatever.

Horse racing.

(9.) To prevent horse-racing and immoderate riding or driving in the streets, and to authorize any person to stop persons immoderately riding or driving as aforesaid; to prohibit and punish the abuse of animals, and to compel persons to fasten their horses, oxen, or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public ground.

Gunpowder.

(10.) To license, regulate and restrain the keeping, conveying, vending and storage of gunpowder, and other combustible and dangerous material.

Bathing.

(11.) To regulate and determine the times and places of bathing and swimming in the rivers, harbor and other waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

Cattle, horses, etc.

(12.) To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the costs of the proceedings; and also to impose penalties on the owners of any such ani-

mals for a violation of any ordinances in relation thereto.

(13.) 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. Dogs.

(14.) 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, putrid or unsound beef, pork, fish, hides, skins, or substance of any kind, and on his default to authorize the removal thereof by some competent officer at the expense of such person or persons. Unwholesome substances.

(15.) 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, and to prevent unnecessary waste of water. Pounds, pumps water-works, etc.

(16.) To erect lamps, and regulate the lighting thereof; and to provide for lighting streets, public grounds and public buildings with gas or otherwise. Lamps.

(17.) To regulate, license and suppress omnibus drivers, hackmen, coachmen, cabmen, cartmen, draymen and all others who may pursue like occupations in this city and to prescribe their compensation. Omnibuses, hacks, etc.

(18.) To restrain and regulate runners and solicitors for boats, vessels, cars, railroads, stages, public houses or other establishments. Runners.

(19.) To establish and regulate boards of health, and define their powers and duties. Health.

(20.) To provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of morality, and exempt burial grounds, set apart for public use, from taxation. Hospitals and cemeteries.

(21.) To erect or establish one or more pest-houses, hospitals and dispensaries, and control and regulate the same. Post-houses.

(22.) 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, and also to make regulations to prevent the introduction of contagious diseases into the city, or their spread therein, and to make quarantine laws or regulations, and enforce the same within the city and not exceeding two miles beyond the city limits. Contagious diseases.

- Nuisances.** (23.) To abate and remove all nuisances under the ordinances, the laws of the state, or at common law, and punish the authors thereof by penalties, fine and imprisonment; and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of its jurisdiction to abate and remove nuisances in the streets, or any other part of the city, or within its jurisdiction, by indictment, information or otherwise.
- Markets.** (24.) 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.
- Bread.** (25.) To regulate the size, weight, quality and sale of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.
- Sidewalks.** (26.) To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.
- Fireworks.** (27.) To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or any property therein or annoying to any citizen thereof.
- Vagrants.** (28.) To restrain and punish vagrants, mendicants street beggars and prostitutes, and to restrain drunkenness 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.
- Butchers.** (29.) To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, eggs and other provisions, in the city, and to cause the seizure and destruction of tainted or unwholesome meat, butter, vegetables, fruit or provisions.
- Hay, fuel, lime, etc.** (30.) To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same, and to appoint a fish inspector, and regulate by ordinance his duties and fees, and to regulate the measuring and inspection of lumber, shingles, timber, posts, staves and headings, and all building material, and to appoint an inspector.

- (31.) To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupants 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. Rubbish.
- (32.) To regulate the construction of piers and wharves extending into Fox and East Rivers within the limits of the city. Piers and wharves.
- (33.) To establish wharf and dock lines upon the banks of Fox and East Rivers within said city, and to restrain and prevent encroachment upon said rivers, and obstructions thereto; and to construct, alter and maintain, or cause to be constructed, altered and maintained, at the expense of the city or either ward, wharves at the foot of the streets along the bank of said rivers. Wharf and dock lines.
- (34.) To appoint watchmen and policemen, and to establish and regulate the police of the city, and prescribe their duties. Police.
- (35.) To regulate the times, places and manner of holding public auctions and vendues. Auctions.
- (36.) To tax, license and regulate auctioneers, distillers, brewers, and pawn-brokers, and to tax, license, regulate and restrain hawkers and peddlers, and keepers or proprietors of gift book stores, gift concerts and other gift enterprises. Peddlers, etc.
- (37.) To protect monuments in the city, and to direct and regulate the planting and preservation of ornamental trees in the streets and public grounds. Trees and monuments.
- (38.) To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. Weights and measures.
- (39.) To provide for and regulate the construction of gutters or sewers within said city. Gutters and sewers.
- (40.) To control, regulate, repair, amend, and clear the streets and alleys, bridges, and side and cross-walks, and lay out, open, widen, straighten, alter and vacate streets and alleys, and establish and alter the grade thereof, and alter or change the name thereof, and prevent the encumbering of the streets and alleys in any manner, and protect the same from any encroachment or injury; or to regulate the manner of using the streets and pavements in said
- Streets, bridges and sidewalks.

city, and protect the same from injury by vehicles used thereon.

**Jurisdiction of police justice.** (41.) The police justice elected under this act shall have exclusive jurisdiction as justice of the peace, for two years or until his successor is appointed or elected, in all actions for the recovery of any penalty or fine under all laws of said city, and all ordinances, by-laws or police regulations thereof. Should any vacancy occur, or the police justice be unable for any cause to perform the duties of that office, the common council shall appoint one of the other justices to hold such office until the disability is removed or the vacancy filled by a new election.

**Police court.** (42.) The police justice shall hold a police court in said city at such place as the common council shall designate and provide.

**Streets, alleys, etc.** (43.) To control and regulate the streets, alleys and public grounds in said city, and to remove and abate any obstructions and encroachments therein.

**Lumber.** (44.) To regulate or prohibit the keeping of any lumber yard, and the placing, piling or selling of lumber, timber, wood or other combustible material within the limits of said city.

**Steam engines.** (45.) To provide for the inspection and regulation of stationary steam engines and boilers.

**Fines.** (46.) To impose fines for all violations, within the limits of said city, of the general laws of this state, when, in their judgment, it is necessary for the peace and good order, or for the health of said city.

**Rivers and harbors.** (47.) To preserve the rivers and harbors; to prevent any use of the same or any act in relation thereto inconsistent with or detrimental to the public health, or calculated to render the waters of the same or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein of any earth, dead animals, ashes or other substance, or logs or floating matter; to prevent and remove all obstructions therein, and punish the authors thereof.

**Vagrants.** (48.) To authorize the arrest, fine and imprisonment as vagrants, of all persons, who, not having visible means to maintain themselves, and without employment, idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill fame or houses of bad repute, gambling 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 thorough-

fare or public place to beg or receive alms; also keepers, exhibitors or visitors at any gaming-table, gambling-house, or other place of device; and all persons who go about for the purpose of gaming, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any concert, theatre, or other public entertainment, or place where public or private schools are held, either week day or Sunday, or places where religious worship is held.

(49.) To regulate or prohibit the carrying or wearing by any person under his clothes or concealed Concealed weapons. about his person, of any pistol, sling-shot, or knuckles, bowie-knife, dirk-knife, or dirk or dagger, or any other dangerous or deadly weapon; and to provide for the confiscation or sale of such weapon.

(50.) To make, ordain, amend and repeal all such Ordinances, by-laws, etc. ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.

SECTION 4. All laws, ordinances, regulations and Manner of passing ordinances, by-laws etc. 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 paper or papers of said city once 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 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, and in all courts and places shall be deemed and taken as sufficient evidence of the time and manner of such publication; such record of such law, ordinance, regulation or by-law, and the proof of such record certified by the clerk, under the seal of the city, or any printed books containing the same, purporting to have been published under the sanction of the mayor and council, shall be prima facie evidence of the due passage and publication of such law, ordinance, regulation or by-law. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which may create a debt

or liability against said city, or a charge upon any fund thereof, shall be adopted without a vote in its favor of a majority of all the aldermen entitled to seats in the common council.

When ordinance shall take effect.

SECTION 5. No ordinance or resolution requiring the signature of the mayor shall take effect until seven days after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

Mayor may veto acts of council.

SECTION 6. The mayor shall have power to veto any ordinance, act or resolution passed by the common council by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council on any day after the passage of the same and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and the clerk shall thereupon call a special meeting of the council in the manner provided by section two of this chapter to consider said veto and objections; and in case the council shall not, within one week after receipt of such objection, or such filing with the clerk, re-enact such ordinance, or pass such resolution by the vote of two-thirds of the aldermen elect, the same shall be null and void. If the mayor shall not return any ordinance, act or resolution so presented to him, within seven days after the passage thereof, it shall take effect in the same manner as if he signed it.

When vote may not be reconsidered.

SECTION 7. No vote of the common council shall be reconsidered or rescinded at a special meeting unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

Ordinances, etc., to be referred to committees.

SECTION 8. All ordinances, petitions and communications to the common council, and all accounts and resolutions appropriating money or creating any charge against any of the funds of said city, shall be referred to appropriate committees, and shall only be acted on by the common council at a subsequent meeting not held on the same day, on the report of the committee to which the same were referred. Action upon any report of a committee made to the common council, shall be deferred to the next regular meeting of the same, by request of one-third of the aldermen present.

Powers of council not to bar suits.

SECTION 9. 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 gun-powder are deposited, stored or kept at any one time, gambling houses or houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without license required therefor within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

SECTION 10. The council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, superintendent of streets, 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 time for which the officers of said city are elected or appointed shall have expired, and the common council shall require each and every such officer and agent to exhibit his books, funds and money, 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 his said duties, in pursuance of this section, or shall neglect or refuse to render his account or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

Council to examine and adjust accounts of officers.

Officers to exhibit books, vouchers, etc.

## CHAPTER V.

### OPENING OF STREETS AND ALLEYS AND TAKING PROPERTY FOR OTHER PUBLIC PURPOSES.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, as follows: Any ten or more freeholders residing in the ward, may by petition represent to the common council that it is necessary to take certain lands within the ward where such petitioners reside, for public use for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening of the same, setting forth in such petition the courses and distances, metes

Opening of streets, alleys, etc.,—mode of procedure.

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. Every person signing such petition shall write after his signature thereto a brief description of his real estate which makes him a freeholder, and the place of his residence in the city. Persons in actual possession of real estate under a valid contract for its purchase from the owner thereof shall be deemed to be freeholders within the meaning and for the purpose of this section. Before such petition shall be acted upon by the common council, the petitioners shall cause to be executed and delivered to the city clerk a bond in the penal sum of five hundred dollars (\$500), with sureties to be approved by the council, conditioned that they will prosecute their application to effect, and pay all costs which the city may sustain in consequence of such application.

Petitioners to give bond.

Petition to be filed with council and notice given to occupants of land to be taken.

SECTION 2. Such petition shall be filed with the common council who 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 said lands shall not be in actual occupation of any person, then the common council shall cause such notice describing, as near as may be, the premises proposed to be taken, to be published in the official paper or papers four weeks successively, at least once in each week. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge or a court commissioner for the county of Brown, for the appointment of twelve jurors to view said premises, and determine whether it will be necessary to take the same for the purposes specified in said petition.

Jury to view premises.

SECTION 3. Upon presentation of such application, and upon the proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in said precept, and to make returns under

their hands to the common council, whether in their judgment, it is necessary to take said premises for the purposes specified in such application, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

SECTION 4. The chief of police shall serve the precept immediately on the jurors therein named, reading the same to every one of them that can be found; and immediately after such service he shall return the said precept to the judge or court commissioner who issued the same, together with his doings thereon.

Precept to be served on jurors.

SECTION 5. If any of the jurors so appointed cannot be found or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others, in their places, and a memorandum of such substitution shall be endorsed on the precept.

When jurors disqualified.

SECTION 6. The said judge or court commissioner or any justice of the peace shall thereupon administer an oath to said jurors, 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 trust reposed in them.

Jurors to take oath.

SECTION 7. The said jurors shall, at such times as they may agree upon, 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 the witnesses. After viewing the premises in question, 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 public use, which said report, testimony and precept shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report, and directing the same jurors, within twenty days thereafter, or such future time as shall be necessary, to again view the premises for the pur-

Jurors to hear testimony and make report.

pose of ascertaining and determining the amount of the damages to be paid to the owner or owners of said property to be taken, and also what lands or premises will be benefitted by such taking, and to make report of their assessment of such damages and benefits to the common council. After the jurors shall have made their report as to the necessity of taking of any lands or premises 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 in ascertaining the amount of damages and benefits as above; and all the jurors, before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer, that they are freeholders of said city and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Aldermen to view premises and report to whom cost shall be assessed.

SECTION 8. Whenever it shall have been determined by the report of the jury that it is necessary to take certain lands for public use for the purpose of laying out public squares, grounds, streets or alleys, or of enlarging or widening the same, and such report, or any part thereof, shall have been confirmed by the common council, the said council shall direct the aldermen of the ward in which lands so to be taken are situated, to view the premises and to determine whether the whole cost thereof should be chargeable as benefits to the lots and lands subject to special assessment therefor, or whether any and what portion of such cost should be chargeable to and paid by the city, and if said aldermen shall determine that any proportion of such cost should be paid by the city, they shall so report in writing to the common council, stating in their report what proportion should be so paid, and thereupon the common council shall have power by resolution duly passed by two-thirds of the aldermen elected, to order the proportion of such cost so reported by the aldermen, or any greater or less proportion thereof to be chargeable to and payable by said city, which shall accordingly be done; and thereafter the lots or lands benefitted shall not be assessed for more than the remaining proportion of such cost.

Jurors to appraise value of land to be taken.

SECTION 9. The jurors directed to ascertain the damages and benefits as provided by section seven, shall, within the time limited by the common council,

view and examine the premises proposed to be taken, and all such other premises as will in their judgment be injured or benefitted thereby, and after hearing such testimony as they may obtain, or as may be offered by any party interested, which testimony shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise the value of the real estate so proposed to be taken, and the injury arising to the owners thereof, 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 improvements; said jury shall report their proceedings to the common council.

SECTION 10. If the damage to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the jury 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 collected of them or payable to them.

To ascertain difference to be paid to or received by owner.

SECTION 11. Upon the report of the jury as provided by section nine of this chapter and the confirmation of such report by the common council, the same shall be referred to the mayor, assessor and city clerk, as a board of assessment and equalization, who shall thereupon, within the time to be limited by the council, apportion and assess the damages as ascertained by said jury, and the expenses of the proposed improvement, or such proportion thereof as shall have been determined to be chargeable to the lots and lands benefitted in accordance with the provisions of section eight of this chapter, upon the real estate deemed benefitted by said jury, 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.

Board of assessment to apportion and assess damages.

SECTION 12. When the said board of assessment shall have completed said apportionment and assessment of said damages and expenses, and before the same shall be reported to the common council, it shall give public notice of not less than one week in the official paper of the city, that such assessment has been made, and that the same will be open for review

Notice of assessments to be given.

and correction by said board at the chamber of the common council, for not less than ten days after the first publication of such notice, during certain hours, and not less than two hours of each day, and that all persons will be heard by the said board in objection to such assessments, and generally in matter of such review and correction. It shall be sufficient to state in such notice in brief, what such assessment has been made for, and in what locality.

Objections to assessments to be heard by board.

SECTION 13. During the time specified in the notice mentioned in the last preceding section, it shall be the duty of the board to hear all persons interested in the property assessed, or otherwise personally interested in such assessment, in making objections to any part of such assessment, and to hear all evidence which may be produced in support of such objections; and the board shall thereupon have power to review, modify and correct such assessments in such manner as they shall deem just, at any time during such review and for three days thereafter; and thereupon it shall be the duty of the said board to make report of such assessment in writing, signed by them, together with the testimony taken, to the common council within the time limited by said council. Should the time originally limited for making such report prove insufficient, the common council may, in their discretion, from time to time enlarge or extend the same.

Assessment to be laid before council.

SECTION 14. The assessment so reported shall be laid before the common council when in session, and the fact of its presentation shall be entered upon the journal and mentioned in the published proceedings of such session, with a statement in brief for what purpose and in what locality such assessment has been made; but the common council shall not have the power to act finally upon such report until at least one week from the date of the session at which it was so presented. At or after the expiration of such period of one week last mentioned, the common council may, in their discretion, revise and correct the assessment, and shall confirm the same as corrected by them or without correction, or refer it back to said board for revision and correction. If said assessment shall be so referred back, the said board shall proceed to review, correct and report the same in like manner and upon like notice as herein required in relation to the first assessment; and all parties interested shall have the like rights, and the said board and the common council respectively shall per-

May be referred back.

form like duties and have like powers in relation to any such subsequent assessment as are hereby given in relation to the first.

SECTION 15. Any person or persons owning or having any interest in any property affected by such assessment, may, within twenty days after the confirmation of such assessment by the common council, appeal therefrom to the circuit court of Brown county, by filing with the city clerk his notice of appeal, setting forth therein his interest in the premises and the grounds of his appeal, together with a bond to the city of Green Bay, in the penal sum of five hundred dollars, conditioned for the payment of all costs that shall be adjudged against him on account of such appeal; which bond shall be signed by at least two sufficient sureties, each of whom shall make affidavit, endorsed upon such bond, that he is worth five hundred dollars over and above all his debts, in property not exempt from execution. In case of any appeal under the provisions of this section, the city clerk shall send to the clerk of said circuit court a certified copy of the assessment of damages and benefits made and reported by said board as confirmed by the common council, and of all the proceedings of the common council in relation thereto. The appeal shall be tried as ordinary issues of fact are tried in said circuit court; the form of the issue shall be subject to the direction of the court; and the court shall permit any person or persons interested in such damages or benefits to become parties to such appeal upon their petition, setting forth the nature and extent of such interest. If on such trial the benefits assessed by said board shall be diminished, or the damages so assessed shall be increased, then, and in either case, the appellant shall recover costs on such appeal, otherwise the city shall recover costs. When the jury shall by their verdict award damages to the owner of any lot or part of a lot, and judgment shall have been rendered upon such verdict, the said city shall pay the amount of such judgment, and the cost, if any, recovered therewith, or make provision for the payment thereof within one year after the same shall have been rendered; *provided*, that in case of an appeal from such judgment to the supreme court, the time of the pendency of such appeal shall not form any part of such year.

Owners of property may appeal to circuit court—mode of procedure.

SECTION 16. An appeal to the circuit court, as provided in and by the foregoing section, shall be the

Appeal to be only remedy.

only remedy for damages sustained by the acts or proceedings of the said city or its officers, in the matter of [which] such assessment relates; and no action at law or in equity shall be had or maintained for or on account of such acts and proceedings.

When city may take possession of property.

Damages to be paid or rendered.

; Proviso.

When building is upon land to be taken.

SECTION 17. Only when the damages awarded to the owner by the report of the said board, as confirmed by the common council, for any property condemned by said city for public use, shall have been paid or tendered to such owner or his agent, or when sufficient money for that purpose shall be provided in the hands of the city treasurer, and ready to be paid over to such owner, and ten days' notice thereof shall have been given by the common council in the official papers, can the city enter upon and appropriate such property to the use for which the same was condemned; and the same shall thereafter be subject to all the laws and ordinances of the city to the same extent as streets, alleys and public grounds heretofore opened or laid out. The damages assessed by the said board or awarded by the verdict of the jury and judgment rendered thereon, in case of appeal, shall be paid or tendered, or provided in the hands of the city treasurer, and ready to be paid over to the person or persons entitled thereto, and notice thereof given in the official papers as herein provided within six months after the rendering of such judgment, or after the confirmation of such assessment by the common council, in case no appeal shall have been taken; and if not so paid or tendered, or provided in the hands of the city treasurer, all the proceedings in any such case shall be void; *provided*, that such period of six months shall be exclusive of the time any such judgment may be pending in the supreme court on appeal. The benefits assessed and reported by the board from the confirmation of such report by the common council, shall be and remain a lien upon the premises so determined by said board to be benefited by the taking and appropriation of lands to the public use as proposed.

SECTION 18. If there should be any building 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 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.

SECTION 19. 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 parties interested shall be given by publication in the official paper or papers of said city 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 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. He shall have such time for this purpose as the common council may allow.

Notice of determination of jurors to be given.

Parties interested to appear

SECTION 20. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election 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.

When owner shall refuse to move building.

SECTION 21. If the lands or buildings 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 or benefits done to such persons or interests respectively, shall be awarded them by the jurors.

When lands belong to different persons.

SECTION 22. When the whole of any lot or tract of land, or other premises, under lease or other contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged. 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 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 proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for or in respect to the same.

Contracts, leases, etc., to be void.

When owner of land is an infant.

SECTION 23. 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 Brown 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.

Survey of streets to be made.

SECTION 24. Whenever any public grounds, 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 clerk.

Acts of council in laying out street confirmed.

SECTION 25. All the proceedings of the common council heretofore had in laying out streets and alleys are hereby confirmed; and all the streets and alleys heretofore laid out and opened by the common council, except such as have been legally vacated, are hereby declared public highways.

Provisions of this chapter not to be invalidated by informality.

SECTION 26. All the foregoing directions given in this chapter shall be deemed directory, and no irregularity or informality in any of the proceedings under the provisions of this chapter not affecting substantial justice shall in any way affect the validity of the proceedings.

Power of council to vacate streets, etc.

SECTION 27. The common council shall have power and are hereby authorized to vacate in whole or in part such highways, streets, alleys and public walks within the corporate limits of the city, as in their opinion the public interest may require to be vacated, or such as in their opinion are of no public utility; *provided, however,* the necessity of vacating any such highways, streets, alleys or public walk or any part thereof shall first be established by a verdict or report of a jury in a like manner as is provided for laying out public squares, grounds and streets in this chapter.

Lands subdivided into lots and blocks shall be platted so that streets and alleys shall correspond with those already platted, and plat submitted to council for approval.

SECTION 28. In all cases when land in the city shall hereafter be subdivided into lots and blocks, or when streets, alleys or public grounds shall be donated or granted to the public, the owner or owners thereof shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city adjacent to the lot or tract so platted, and shall submit such maps or plats thereof to the common council for approval; and if such

map or plat shall be approved by the common council it shall be lawful for the party or parties making such map or plat to record the same and the evidence of such approval, in the manner prescribed by the laws of the state concerning town plats. But except such plat shall be approved by resolution adopted by said common council, a copy of which duly certified by the city clerk, and affixed to said map or plat, it shall not be lawful for the register of deeds of Brown county to receive such map or plat for record, or to record the same, and the same shall have no validity. All persons neglecting or refusing to comply with the requirements of this section shall forfeit and pay a sum not less than fifty dollars nor more than five hundred dollars; and the register of deeds who shall record such map or plat without such copy of the resolution of the common council approving the same, attached thereto as aforesaid, shall forfeit and pay a sum not less than ten dollars nor more than one hundred dollars. All forfeitures and liabilities which may be incurred and arise under and by virtue of this section shall be prosecuted for and recovered in the name of the city of Green Bay, and paid into the city treasury for the use and benefit of the city.

Penalty for violation.

## CHAPTER VI.

### CITY IMPROVEMENTS AND SPECIAL ASSESSMENTS.

SECTION 1. Sidewalks shall be constructed, reconstructed and repaired upon the proper established grade, of such width, in such manner, of such material, and in such time as the common council, by ordinance, resolution or order shall direct, by and at the expense of the owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If such side walks shall not be constructed in the manner and within the time prescribed, the common council may cause the same to be done at the expense of the lot or lots adjoining such sidewalk; but no sidewalk shall be ordered to be constructed unless upon petition of a majority of the resident owners of lots or lands adjacent to such sidewalk, and a two-thirds vote of the aldermen elect. The contract for the construction of any such sidewalk shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city for at least two weeks, of the time, place and manner of receipt.

Construction of sidewalks.

Contract to be let to lowest bidder.

ing such bids; *provided*, that no such contract shall be let until thirty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk, by publication of the same at least two weeks in the official paper of the city.

Expense charge  
able to lot own-  
ers.

Work to be  
done only upon  
petition.

Expense charge  
able to city.

Gutters and  
sewers may be  
ordered by  
council.

Estimate of  
expense of im-  
provement to  
be made and  
proportion as-  
sessed to each  
lot.

Notice to be  
given to lot  
owners.

SECTION 2. Opening, grading, working, graveling, planking or paving streets and alleys, to the center thereof, shall be chargeable to and payable by the lots fronting on such street or alley; but no street or alley shall be opened, graded, graveled, planked or paved unless upon the petition of a majority of the resident property holders interested therein, and by a two-thirds vote of the aldermen elect. The cost and expense of surveying streets, alleys, sewers or gutters and of cleaning out gutters or sewers, and of estimating work thereon in the execution of any public improvement, shall be chargeable to and payable by the city. Gutters or sewers may be ordered by the common council, and built at the expense of the lots or parts of lots benefitted thereby, and fronting upon or abutting to the street along which said gutter shall be constructed; *provided*, that in all cases where improvements or work of any kind are charged by virtue of this section upon lots benefitted, all such improvements across streets, alleys and public grounds shall be made and paid for out of the general fund of the city.

SECTION 3. Whenever the common council shall determine to make any public improvement as authorized by this chapter, they 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 sidewalks, of the number of cubic yards to be filled in or excavated in front of each lot; and such estimate shall be filed with the city clerk for the inspection of all parties interested. The common council shall give notice by advertisement for ten days in the official paper of the city, to the owners or occupants of the lots or parcels of land fronting on any street, alley, or sidewalk ordered to be opened, graded, graveled, planked, paved, or sewer to be constructed, requiring them to do the work mentioned in such notice within reasonable time therein to be specified, and not less than thirty days, and if the said work shall not be done within such time, the council shall enter into contract for the do-

ing thereof. Such contract shall be let to the lowest bidder.

SECTION 4. The common council shall give notice to all owners or occupants of lots, which may be deemed injurious to health by reason of stagnant water remaining thereon or other cause. if residents, personally, if non-residents, in the official paper of the city for ten days, to abate such nuisance by draining or filling such lots within a reasonable time therein to be specified; and if such nuisance shall not be abated or removed within the time specified, the council shall cause the same to be abated or removed at the expense of the property upon which the same may exist.

Lots to be drained upon notice given being

SECTION 5. All work provided in this chapter shall be done under the supervision of the superintendent of streets, unless the common council shall otherwise direct, and shall be approved in writing by the mayor, street superintendent and city surveyor before it shall be accepted by the council. The street superintendent is authorized and empowered, and it shall be a part of his duties, to contract with the lowest bidder for all material which the city may use in carrying out the provisions of this chapter.

Work to be done under supervision of street superintendent and approved by mayor and other officers.

Street superintendent to contract for material.

SECTION 6. Whenever any work has been done under contract, as provided in this act, and the work shall have been approved in writing by the mayor, street commissioner and city surveyor, and accepted by the common council, such contractor shall be entitled to a certificate therefor, which shall be signed by the mayor, street superintendent and city surveyor, and countersigned by the city clerk, and shall state 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; said certificate may be transferred by indorsement therein; and if the amount thereof is not paid before the time of making out the annual assessment roll, such certificate may be filed with the city clerk, and the common council shall order the amount thereof to be assessed upon the said lots of land respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected under this act. If notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment; *provided*, that in no event when

When certificate of work done shall be given.

When amount not paid to be levied against lot.

Proviso.

work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for, or on account thereof, as for any proceedings for the collection or the pay therefor.

Cleansing and repair of sidewalks and alleys.

SECTION 7. The common council may require by such general regulations as they may choose to adopt, the owners or occupants of lots to cleanse and repair the sidewalks, streets and alleys. If such owners or occupants shall fail to comply with such regulations, after receiving reasonable notice from the street superintendent, the superintendent may employ any person or persons to do such work, and pay therefor in certificates, as provided by section six of this chapter.

## CHAPTER VII.

### PUBLIC SCHOOLS.

School commissioners—terms and how elected.

SECTION 1. The mayor and council of the city of Green Bay shall, at their first regular meeting after this charter shall go into effect, elect as school commissioner one person from each ward of said city who shall hold his office for two years from the first Monday of July, 1875, and annually thereafter the said mayor and council shall at their first regular meeting in May elect one school commissioner from each ward who shall hold his office for two years, and each alternate year after 1875, one school commissioner from the city at large who shall hold his office for two years. The terms of office of school commissioners elected under this act shall commence on the first Monday of July of the year in which they were elected; *provided*, that all members of the school board now in office shall hold their respective offices for the full term for which they were elected, and until their successors are elected and qualified.

Proviso.

Board of education.

SECTION 2. The school commissioners elected under the provisions of this chapter shall form the "board of education of the city of Green Bay," and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the mayor and council to supply by appointment any vacancy which may occur from time to time in the number of said school commissioners, by resignation or otherwise.

City superintendent of schools.

SECTION 3. The school commissioners shall at their first regular meeting in each year, or within fifteen days thereafter, elect some suitable person having

the necessary qualifications, as city superintendent of schools, whose term of office shall commence on the first Monday of July of the year in which he is elected, and who shall hold his office for one year and until his successor shall be elected and qualified, unless sooner removed by a two-thirds vote of the council, or by a two-thirds vote of all the members elect of the board of education, for misconduct or other sufficient cause.

SECTION 4. The board of education shall, at its first regular meeting in each year, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order, subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teacher's and janitor's wages and all other incidental and necessary expenses of said board of education. He shall declare all votes taken on questions coming before the board; *provided*, that on all questions requiring appropriation of money or the adoption of new text-books, the vote shall be taken by ayes and noes, and on any other question the ayes and noes shall be called when any member shall request it; *provided further*, that in the absence of the president, the board shall elect a president *pro tempore*.

President of board of education—his duties.

Proviso.

SECTION 5. The board of education shall have at least one regular meeting in each month at such time and place as may be designated by them, and they may have special meetings at such other times as they may deem necessary, or when called together by the president; but no special meeting shall be legal unless each member of the board shall have first been served with notice in writing of the time and place of said meeting.

Meetings of board of education.

SECTION 6. The city superintendent of schools shall receive an annual salary of not less than two hundred and fifty dollars, to be paid quarter-yearly, the amount of which shall be determined from year to year by the board of education, which salary shall be payable out of the school fund.

Salary of city superintendent

SECTION 7. The duties of the board of education shall be as follows:

Duties of board of education.

1st. To elect at their regular meeting in July, a city superintendent of schools; but if such election shall not then be had the said superintendent shall be elected at some regular meeting thereof thereafter.

To elect city superintendent

To decide as to number of teachers, grade of school, salaries, etc.

2d. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and the amount of salary to be paid to each, and to hire and make contracts with the teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by the board of education, or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the clerk, and the other delivered to such teacher.

To arrange and adopt terms and text books.

3d. To arrange and determine terms and vacations in all public schools; to establish uniformity in the school system, and to require and secure uniformity of text-books, and to adopt or reject text-books at will.

To establish rules.

4th. To establish rules and regulations for the schools, not in conflict with the constitution or laws of this state; but the mayor and council may, in their discretion, do away with, annul or abrogate any such rule or regulation by a two-thirds vote of the whole number of aldermen of the city.

To make contracts.

5th. To make contracts for all fuel, stationery and articles of furniture required for the schools; to make all necessary repairs on school houses, not exceeding one hundred dollars in value for any one school house; to make contracts for all incidentals required for carrying on the school-houses, such as lighting fires, sweeping school-rooms, et cetera, and such contracts, when executed, shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by the president of the board of education, and countersigned by the clerk of said board.

To audit claims, and submit annual statement of expenses.

6th. To audit all claims and demands payable out of the school fund. The said board shall annually, on or before the first day of November in each year, submit a statement to the mayor and common council, showing the amount of teachers' wages that have accrued and become due during the year, and the amounts of all other indebtedness, accruing on contract or otherwise, that has been made by order of the board; and for that purpose they shall cause entries to be made in a book or books, to be provided by the city, of all contracts made with the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said board at the

time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board; and they shall, at the same time, submit for the consideration of the common council a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages, and other items separately and specifically. Nothing in this section contained shall prevent the mayor and council from taking into consideration the amount to be received from the state from the income of the school fund, and the amount to be received from the county school tax during the ensuing year.

To make estimates of expenses.

SECTION 8. Whenever repairs to a larger amount than one hundred dollars shall, in the opinion of the board, be required for any one school-house, they shall cause a statement to be made, showing the repairs required and an estimate of the cost thereof, to be laid before the mayor and council, and whenever in their opinion another school-house or school-houses shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a two-thirds vote of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased, or building or buildings be erected; and it shall be the duty of said board in the name of said city to enter into contract for making such repairs, or for the erection of such building, or for the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

When repairs to larger amount than \$100 to be made.

When additional school house is needed

SECTION 9. It shall be the duty of the president and secretary of the board of education to draw orders on the treasury, payable out of the school fund, for teachers' and janitors' wages, and all other expenditures authorized by this act.

How orders to be drawn.

SECTION 10. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so

No member of board to be interested in contract.

made in which any member of said board shall have such interest, shall be absolutely void.

Duties of superintendent.

SECTION 11. The duties of the city superintendent shall be as follows:

To examine teachers.

1st. To examine all the applicants for teachers' licenses in the branches taught in the public schools of said city, and, if approved, give them certificates authorizing them to teach in the city.

To annul certificates.

2d. To annul a teacher's certificate for cause; *provided*, that such teacher shall have the right of appeal to the board of education.

To visit schools

3d. To visit each school department of said city at least once in each week.

To report text books.

4th. To report for the consideration of the board of education such text books as he may think advisable and proper for the use of the schools, and to report such alterations therein, from time to time, as he may think most beneficial for the schools in said city.

To report condition of schools.

5th. To report to the board of education at each regular meeting relative to the condition of the schools under his supervision, and particularly as to the average attendance at each school since the previous regular meeting; to make such recommendations as shall in his judgment conduce to their welfare, and to perform such other duties as may be required of him by the board.

To report number of children.

6th. He shall, between the first and tenth days of September, in each year, make a statement of the number of children, male and female, designated separately, over the age of four and under the age of twenty years, residing in the city on the last day of August previous to the day of such report; and shall, on or before the tenth day of October in each year, make and transmit to the county superintendent a report containing the facts set forth in section 43 of the general laws, a copy of which report he shall present to the board of education at their first meeting thereafter.

To report to county superintendent.

7th. He shall attend at the meetings of the board of education and act as secretary thereof, and there make any suggestions he may think advisable relative to the government of the schools in said city.

To act as secretary of board of education.

## CHAPTER VIII.

### FIRE DEPARTMENT.

Power of council to prescribe

SECTION 1. The common council, for the purpose of

guarding against the calamities of fire, shall have the power 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 every building 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, where 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 damages, and to prescribe penalties for the violation of any resolution or ordinance passed under this section.

fire limits and regulate erection and repair of buildings.

SECTION 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; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures, dangerous in causing or promoting fire; 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 roof, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel 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, and to provide penalties for the violation of any resolution or ordinance passed under this section.

To make regulations for prevention and extinguishment of fires.

SECTION 3. The common council shall have full power to purchase fire engines, hose, and all other necessary 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

Purchase of fire-engines, hose, etc., and organization of fire companies.

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 said company hereby authorized to be formed, shall be exempt from highway work and poll tax, and from serving on juries and from military duty, except in case of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years in either of such companies, shall be forever thereafter exempt from poll tax, and military and jury duty, except as in cases before mentioned.

Exemptions  
of firemen.

Meetings of  
fire companies,  
and election of  
officers.

SECTION 4. There shall be a meeting of the members of said companies on the third Monday of April 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 one assistant engineer, and one treasurer, and the common council shall thereupon confirm or reject said nominations; and the persons so appointed shall perform such duties as the common council shall prescribe. In case the common council should reject such nominees, the said members shall, at a meeting held a week after such rejection, nominate other persons to hold such offices, which nominations shall also be subject to the approval of said council.

Fire wardens  
—powers and  
duties.

SECTION. 5. The mayor shall appoint two fire wardens for each ward; subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, store, barn or inclosure for the purpose of inspecting the same.

One-half of  
fines and pen-  
alties to be paid  
to fire-depart-  
ment.

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

Penalty for  
refusal to obey  
officers at fires.

SECTION 7. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, the mayor or chief of police at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the chief of police, constable or 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 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 arrest or aid in arresting any person so refusing shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

SECTION 8. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. 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 Green Bay, and are hereby vested with all the power and authority which now is, or may hereafter be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Such company may from time to time adopt such by-laws as they may deem necessary, not inconsistent with the laws of this state or the ordinance of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall, in case of riot, or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be for the peace and good order of the same.

Sack company  
—to act as special police.

To take charge  
of property.

SECTION 9. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as shall be required, and with sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer, and countersigned by the clerk of said department.

Treasurer of  
fire department  
—shall give  
bond.

SECTION 10. There shall be elected by members of such company aforesaid, annually, at their annual meetings, a clerk or secretary, who shall, on or before

Secretary to  
furnish list of  
members.

the first Monday of May in each year, return to the city clerk a list containing the name of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

City clerk to keep record of members of fire companies.

SECTION 11. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries, as above prescribed; and no person shall be exempt from jury duty, unless the name is entered on such list. In case any member shall, for any cause, cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors for the county of Brown, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meeting for the said board, and said board shall not place the names of any such persons on the jury list for the ensuing year.

## CHAPTER IX.

### AUDITING ACTS, [ACCOUNTS] ETC.

Power of council to audit accounts.

SECTION 1. The common council shall have power to audit, adjust and allow all claims and demands of every nature against the city, except such claims or demands as are payable out of the school fund.

No action to be commenced until after claim has been presented to council.

SECTION 2. No action shall hereafter be maintained by any person against the city of Green Bay, upon any claim or demand mentioned in the preceding section, other than a city bond or order, unless such person shall first have presented such claim or demand to the common council of said city. The determination of the common council disallowing in whole or in part any such claim or demand, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such claim or demand, unless an appeal shall be taken from the decision and determination of such common council, as hereinafter provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; *provided, however,* that when the common council shall refuse or

Appeal may be taken.

neglect to act upon any such claim or demand duly presented to them, this chapter shall not be so construed as to prevent the institution and maintenance of an action by said claimant against said city.

SECTION 3. When the claim or demand of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit or county court for the county of Brown, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety, to be approved by said clerk, a county judge, or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

Notice of appeal to be given to city clerk 30 days, and bond executed.

SECTION 4. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the city attorney, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with their decision thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the circuit or county court for the county of Brown, and such appeal shall be entered, tried and determined in the same manner as actions originally brought in said courts, and costs shall therein be awarded in like manner. *Provided, however,* that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appellant shall pay the cost which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

Duties of city clerk and city attorney in cases of appeal.

Appellant to pay costs in certain cases.

SECTION 5. No claim or demand whatever shall be allowed by the common council, unless the same is verified by the owner thereof, or some person in his behalf.

All claims to be verified.

## CHAPTER X.

## FINANCE AND TAXATION.

City funds to be under control of council—how drawn.

City orders receivable for taxes.

Proviso.

Levy of taxes for city purposes.

Restriction of power of council in issuing bonds, etc.

Special bridge tax.

SECTION 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. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city, which shall be collected in money or in orders drawn upon such funds respectively. *Provided*, that the amounts or proceeds of all orders which shall be received in payment of taxes, shall be credited to the several and respective funds on account of which such orders were issued. All orders shall be payable to the order of the person in whose favor they may be drawn, and shall be transferable by endorsement.

SECTION 2. The common council shall levy annually, to defray the current expenses of said city, a sum not exceeding fifteen mills upon the dollar of the total assessed valuation of all taxable property in said city, and for all other purposes, except for schools and bridges; and the payment of principal and interest of outstanding bonds, debts, and obligations of said city a sum not exceeding five mills upon a dollar of the said valuation.

SECTION 3. The common council shall not have power to issue any bonds or other evidences of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue, in any one year, orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act; *provided*, that whenever it shall be necessary to rebuild or repair bridges, a special tax may be levied for such purpose, not exceeding five thousand dollars in any one year. Said taxes, when so levied, shall be collected at the same time as other city taxes are collected.

SECTION 4. Special taxes may also be levied by the

city council at any regular meeting for the purpose of paying the interest or principal of any outstanding bonds now due or hereafter to become due, issued by the borough or city of Green Bay, or which may hereafter be issued by said city by authority of law; *provided, however,* no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on such bonds at the time such tax shall be collectable by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes. Said taxes, when so levied, shall be collectable at the same time as other city taxes are collected.

Special tax for payment of interest and bonds.

Proviso.

SECTION 5. The common council of said city, by a two-thirds vote of all the aldermen elect, and not otherwise, shall have power to appropriate a sum not exceeding five hundred dollars to any public purpose they may deem proper.

Appropriations for public purposes.

SECTION 6. When the common council shall think best they may select some bank, banks or banking associations within the city, with which all funds in the treasury of the city, or which shall be thereafter collected or received by the treasurer, shall be deposited; *provided, however,* that such bank, banks or banking association, so selected, shall, before receiving such funds, give security to an amount fixed by said council, and in the same manner as is now required of the treasurer of said city, conditioned upon the safe keeping and proper distribution of such funds, which security shall be approved by the common council.

City funds may be deposited in bank.

SECTION 7. The city treasurer shall daily deposit with the bank, banks or banking associations so selected, all moneys collected or received by him during the day, it or they giving proper vouchers therefor. From the times of so depositing such funds the said treasurer shall be relieved from all liability to the city arising from the failure of the bank, banks, or banking associations safely to keep said funds. Such funds shall be drawn out only by the check of the said treasurer, countersigned by the city clerk.

Duty of city treasurer to deposit funds in bank.

SECTION 8. The common council may before or after so selecting a depository or depositories, contract with such bank, banks or banking association, that it or they shall pay to the city such interest upon said funds so to be deposited, as they may mutually agree upon. The council may at any time direct all

Interest may be received on city funds deposited.

sums so deposited to be paid into the city treasury, or to such other bank or banks as they may select under the law.

Property subject to taxation.

SECTION 9. All property in said city, real, personal or mixed, except such as may be exempt by the laws of this state, shall be subject to taxation for all purposes authorized by law, and the same shall be assessed in the manner hereinafter provided; and the assessor 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.

Powers of city assessor.

Proviso.

Exempt property subject to special taxes.

SECTION 10. Real estate exempt from taxation by the laws of this state, shall be subject to special taxes as other real estate under this act.

Taxes and assessments to be lien upon property.

SECTION 11. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the 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 date 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 said lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

Assessment roll to be completed and returned by first Monday in July.

SECTION 12. The assessor shall complete and return his assessment roll to the board of equalization of said city on or before the first Monday in July in each year. During the last week of the month of June, in each year, the assessor shall attend at the chambers of the common council for the purpose of hearing the complaints of persons who may feel themselves aggrieved by such assessment, and shall make alterations and such amendments thereto as justice and equity may require.

Complaints to be heard.

When property has been omitted in assessment roll of previous years.

SECTION 13. If it shall appear to the assessor 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, he shall in addition to the assessment for that year, assess the lot or tract so omitted, for such year or

years in which it shall have been so omitted, at 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 in the year when the same was omitted. And the common council shall, in addition to the taxes for the current year, levy such taxes upon such lot or tract as the same would have been chargeable with had not the same been so omitted, and such taxes shall be collected as other taxes or assessments are 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 affecting the equity or justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be re-levied in such manner as they shall by ordinance direct; *provided*, that if the defect was in the assessment, the same shall be again assessed at such time as the common council may direct, and the said tax or assessment so reassessed or re-levied 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.

Taxes set aside to be re-levied.

Proviso.

SECTION 14. The mayor, city clerk, city treasurer and assessor shall constitute a board of equalization, and shall meet at the chamber of the common council, on the first Monday of July, in each year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing, correcting and equalizing the assessment rolls of the several wards in the city. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof. The board may supply omissions in said roll, and for the purpose of equalizing the same, may alter and add to, take from and otherwise revise and correct the same; *provided, however*, the board shall not have the power to increase the amount of said roll, except by adding the value of such real property as may have been omitted by the assessor.

Board of equalization—powers and duties of.

SECTION 15 After the corrections and revisions of the assessment roll by the board of equalization, the same shall be filed with the city clerk, who shall record all changes made therein by said board, the common council shall thereupon by resolution, levy

Assessment roll to be filed with city clerk after being revised.

such sum or sums of money not exceeding the authorized percentage as may be sufficient for the several purposes for which taxes are herein authorized to be levied, particularly specifying the purposes for which the same are levied.

City clerk to carry out amounts on roll

SECTION 16. The city clerk on receiving the corrected assessment roll, and a certificate of the amount of state, county and school tax, apportioned to said city, shall calculate and carry out the total amount of such taxes, together with all the city and other local taxes, setting down opposite to the several sums set down, as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

Clerk to deliver duplicate copy of roll to treasurer with warrant.

SECTION 17. Upon the completion of said roll the clerk shall make a duplicate copy thereof and deliver the same to the city treasurer, on or before the second Monday in December in each year. To the roll so delivered shall be annexed a warrant under the hand of the clerk and the corporate seal of the city, which warrant shall be substantially in the following form:

Form of warrant.

The state of Wisconsin—

To the city treasurer of the city of Green Bay, in the county of Brown:

You are hereby commanded to collect from each of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names and to the several parcels of land therein described; and in case any person or corporation, upon whom any personal property tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and out of the money so to be collected, after deducting your fees, you are first to pay the treasurer of said county on or before the last Monday of January next the sum of \_\_\_\_\_ for state taxes, and the further sum of \_\_\_\_\_ for county taxes, and the balance of said money you are required to retain, and pay out according to law; and in case said taxes and assessments shall not be paid before the fourth Monday of March next, you are required to proceed and sell the several lots or parcels of lands, or those parts thereof upon which said taxes

or assessments shall remain unpaid as provided by law, and to make due return of the warrant to the common council of said city on or before the first Tuesday of July next.

SECTION 18. The said assessment roll and warrant thereto attached, shall be prima facie evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Assessment roll to be prima facie evidence.

SECTION 19. After the assessment roll is completed and placed in the hands of the city treasurer for collection, it shall not be lawful for the common council to remit, annul, or cancel any tax charged against any real or personal property, except in the following specified cases:

Council may alter completed roll.

1st. When a clerical error has been made in descriptions or transfer of the property from the original assessment lists or books to the tax-roll or in the extension of the tax.

In cases of errors.

2d. When improvements by the erection of buildings have been assessed on lots or lands when none had been made at the time fixed by law for making the assessments.

When improvements made prior to date of assessment have been assessed.

3d. When the tax is manifestly illegal and void by reason of the exemptions of the property from taxation by law.

When property is exempt.

SECTION 20. On receipt of the tax-roll and warrant the treasurer shall give two weeks public notice in the official paper that such tax-roll (describing for what purpose such taxes are levied), has been delivered to him for collection, and all taxes must be paid to him at his office within thirty days from the date of said notice. If the taxes on personal property are not paid within said time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale by posting up not less than three written notices in as many public places in said city.

Treasurer to give notice of collection of taxes.

Delinquent personal property taxes to be levied by distress.

SECTION 21. Each and every lot or lots or any other piece of land, upon which the taxes, interest and charges shall not be paid by the fourth Monday of March next, after the levying and assessing of the same, shall be subject to sale as hereinafter provided.

Delinquent lots and lands subject to sale.

SECTION 22. The city treasurer shall immediately after the said fourth Monday in March, make out a notice stating that the tracts and parcels of land specified in said tax-roll, upon which the taxes shall not

Treasurer to advertise lands for sale.

have been paid by that day, will be sold by him at public auction at the office of said treasurer, in said city, on the first Tuesday of July next thereafter, and the next succeeding days, for the taxes, interest and charges thereon. The said treasurer shall cause said notice to be published in a newspaper printed in said city, once in each week for four successive weeks prior to said first Tuesday in July, and also at least four weeks prior to that day post up copies thereof in three public places in said city.

Treasurer to sell delinquent lands at public auction.

SECTION 23. On the day and at the place designated in the treasurer's notice he shall commence, by public auction, the sale, and continue from day to day until 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, by whom and for what sum the same was redeemed, and the time and to whom the same was conveyed if not redeemed. 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.

To give purchaser certificate of sale.

Record of lots sold to be kept.

Lots or lands may be redeemed from sale within three years.

SECTION 24. Any lot or tract of land heretofore sold under the former charter of said city, and the acts amendatory thereof, or which shall be sold for taxes under this act, or any portion thereof, may be redeemed within three years from the day of sale, and 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 a year after such disability shall be removed.

SECTION 25. Any tract or lot of land sold in pursuance of former charter of said city, and the acts amendatory thereof, or of this act, or any part thereof, which shall not be redeemed within three years from the date of sale, shall be conveyed by the treasurer to the purchaser or his assignees, as herein provided.

Lots and lands not redeemed within three years to be conveyed to purchaser.

SECTION 26. The assignee of any tax certificate by endorsement thereon, of any premises sold for taxes by virtue of the former charter by said city, and the acts amendatory thereof, or 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 of certificate to be entitled to deed

SECTION 27. 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 its 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 act, the city treasurer shall have the power to sell the same at public sale; and in case the city becomes the purchaser of any real estate at any tax sale, the city 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.

When no bids made property to be struck off to city.

Treasurer may sell certificates held by city.

SECTION 28. All deeds purporting on their face to be executed on account of sale for taxes or assessments, under the previous charter of said city, and the acts amendatory thereto, or 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 deed so far as they affect the validity of the title conveyed by such deed.

Tax deeds to be evidence of validity of tax.

SECTION 29. The city treasurer shall receive all moneys that may be legally tendered him for the redemption of land sold for taxes. He shall execute to the person so redeeming, a certificate specifying therein the name of the purchaser of the land redeemed, and the amount of the redemption money

Treasurer to receive money for redemption of land and issue certificate of redemption.

paid, and shall also enter on the sale list kept by him, the name of the person redeeming, the sum paid therefor by him, and the time when paid. Said certificate shall be evidence of such redemption and he shall keep an account thereof, and pay the same over on demand to the person entitled to receive the same. He shall cancel all certificates so redeemed and preserve the same in his office. He shall deliver over to his successor all redemption moneys in his hands, with a statement of the amounts so received.

Fees of treasurer for collection of taxes.

SECTION 30. The treasurer shall be entitled to receive and collect as fees for collection of taxes, one per cent. upon all taxes collected by or paid to him between the second Monday of January and the second Monday of February in each year, two per cent. upon all taxes on assessments collected by or paid to him between the second Monday of February and the second Monday of March in each year; three per cent. upon all taxes or assessments collected by or paid to him between the second Monday of March and the second Monday of April in each year; four per cent. upon all taxes or assessments collected by or paid to him between the second Monday of April and the second Monday of May in each year; and five per cent. upon all taxes or assessments collected by or paid to him after the said second Monday of May, and in each case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; for each certificate by him issued on sales of lands for payment of taxes on assessments, ten cents (to be added to the amount of 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. The city treasurer shall collect the fees hereinbefore described, and shall keep in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer, from any source whatever, and when the amount thereof shall reach the sum of one thousand dollars, which sum is hereby intended to be the compensation of said treasurer, all sums re-

Compensation of treasurer.

ceived by him over and above that amount, shall be paid by him into the general funds of said city; and such book shall be open at all reasonable times to the inspection of any person; and the city treasurer shall, when required, make report to the common council, duly certified on oath, of all fees or other moneys received by him as treasurer, and he shall receive no other or further compensation for his services as treasurer than as hereinbefore provided, except that the common council shall provide him with all necessary books, blanks and stationery, requisite to the discharge of his duties; *provided*, that the common council may, at their last regular meeting in March, fix the salary of the treasurer to be elected at the next ensuing election, at a sum less than one thousand dollars, but in no case shall they increase said salary during the term.

Proviso.

SECTION 31. The treasurer shall, on or before the last Monday of January, in each year, pay to the county treasurer the state tax assessed upon lots and tracts of land and personal property in said city.

When state tax to be paid.

SECTION 32. All directions hereby given for the assessing of lands and the levying and collecting of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

No error or informality to invalidate tax.

SECTION 33. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land, or to set aside or to set up or interpose any objections to the title derived by virtue of any deed executed in consequence of the non-payment of such taxes and of the sale of premises therefor, unless such person shall first pay or tender to the proper party or deposit for his use with the city treasurer, the amount of all state, county and city taxes that may remain unpaid upon each lot or tract, together with the interest and charges thereon.

Proceedings to set aside assessment.

SECTION 34. All the general laws of this state, which now or may hereafter be in force, relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided. The city treasurer shall proceed to enforce the collection of all taxes and assessments in the manner provided by law for the collection of tax-

General state laws to be in force.

es by town treasurers, except as herein otherwise provided.

Collection of taxes of 1874.

SECTION 35. Nothing herein contained shall effect or change the time or manner of collecting the taxes or assessments of the year 1874.

## CHAPTER XI.

### DISQUALIFICATION AND IMPEACHMENTS.

When member may not vote.

SECTION 1. No member of the common council shall vote upon any question, matter or resolution in which he may be directly or indirectly interested.

No alderman to be interested in contract.

SECTION 2. 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.

Removal from office and punishment for bribery.

SECTION 3. If any member of the common council or other officer or agent of the city government, shall, directly or indirectly, accept or agree to accept or receive any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange, draft, order or certificate, or any security for the payment of money, or goods, or chattels, or any deed of writing containing a conveyance of land, or conveying or transferring an interest in real estate, or any valuable contract in force, or any other property, or reward whatever, in consideration that such member of the common council, or the officer, or agent will vote affirmatively or negatively, or that he will not vote, or that he will use his interest and influence on any question, ordinance, resolution, contract or other matter, or proceeding pending before the common council, or on which such officer or agent may be called upon to decide or act in any particular manner, such member of the common council, officer or agent shall be removed from office and his office declared vacant by the common council; and both he and the person or persons offering or paying such consideration, directly or indirectly, shall be deemed guilty of felony, and on conviction thereof shall be punished by imprisonment in the state prison for not more than three years nor less than one year, or by fine not exceeding three thousand dollars nor less

than three hundred dollars, or by both fine and imprisonment at the discretion of the court.

SECTION 4. Whenever any charges of official misconduct shall be preferred against any member of the common council, or any officer of the city, the council shall proceed to investigate such charges, and may compel the attendance of witnesses and examine the same under oath.

Charges of official misconduct to be investigated.

SECTION 5. Subpœnas may be issued for the purpose of procuring the attendance of witnesses before them. Each subpœna shall state when and where the witness is required to appear and testify, and may require such attendance forthwith or on a future day named, and the production of books, records, documents and papers therein to be designated; all such subpœnas shall be signed by the city clerk of said city, and shall be issued under the seal of said city, and may be served in the same manner, and shall have the same force and effect as subpœnas issued out of the circuit court. Any wilful or corrupt false swearing by any witness or person giving testimony before the council on making deposition to any material fact relating to the matter under investigation before the council, shall be deemed guilty of perjury, and shall be punished as such in the manner provided by law. The provisions of law in respect to the attachment of witnesses subpœned before justices of the peace and compelling the attendance of such witnesses to appear and testify before them, are hereby applied to the case of witnesses subpœned before the common council, and the council may exercise the powers of arrest, fine and imprisonment for contempt vested in the court in such cases. Writs of attachment and commitment for contempt shall be signed by the mayor and city clerk, and sealed with the corporate seal of the city.

Subpœnas—how issued.

False swearing.

Attachment of witnesses.

## CHAPTER XII.

### ACTIONS TO RECOVER PENALTIES, ETC.

SECTION 1. 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 chapter and section of this act, or the section of the or-

Actions to be brought in name of city.

dinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Process in prosecutions.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act, or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant as in cases of tort before justices of the peace, under general statutes of the state for the time being.

Form of summons.

SECTION 3. When the action is commenced by summons such summons may be substantially in the following form:

County of Brown—City of Green Bay—ss.

The state of Wisconsin, to the sheriff [or] any constable of said county, or to the chief of police of the county of Green Bay:

You are hereby commanded to summons A. B., if he shall be found within your county, to appear before the undersigned, one of the justices of the peace in and for said city, at his office in said city, on the — day of — 18—, at — o'clock in the — noon, to answer to the city of Green Bay to the damage of said city, two hundred dollars or under.

Given under my hand, at the said city, this — day of —, 18—. C. D. Justice of the Peace.

Manner of returning summons and conducting action.

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of the state for the commencement of actions before justices of the peace by summons; and all proceedings in the action except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons and triable before justices of the peace.

Form of complaint.

SECTION 5. When the action is commenced by summons, the complaint may be substantially in the following form:

The city of Green Bay against A. B.—In justice court, before C. D., justice.

The plaintiff complains against the defendant, for that the defendant, on the — day of —, 18—, at the said city, did violate (section — of chapter — of this act, or section — of an ordinance or by-law, or regulation of said city, describing it by its title), which said — is now in force. By reason of such violation an action hath accrued to the city of Green Bay, to recover of the defendant the sum

of — dollars. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

SECTION 6. In all cases where oath is made for a warrant, the complaint shall be made on oath, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form: Form of complaint.

The city of Green Bay against A. B.—In justice's court, before C. D., justice.

County of Brown, ss.

—, being duly sworn, complains on oath to C. D., one of the justices of the peace in and for the city of Green Bay, in said county, that A. B., on the — day of —, 18—, at said city, did violate (section —, of chapter —, of this act, or section — of an ordinance or by-law, or regulation of said city, describing it by its title), which said — is now in force, as this complainant verily believes; and prays that said A. B. may be arrested and held to answer to said city of Green Bay therefor.

Sworn and subscribed this — day of —, 18—, before me.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated, or particular part thereof in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following terms: Sufficient to give number and section of act.

County of Brown, City of Green Bay—ss.

The State of Wisconsin:

To the sheriff [or] any constable of said county, and to the chief of police of the city of Green Bay, greeting: Form of warrant.

Whereas, — has this day complained to me in writing, on oath, that A. B. on the — of —, 18—, at said city, did violate (section —, of chapter —, of this act, or section — of an ordinance or by-law, or regulation of said city, describing it by its title), which said — is now in full force, as the complainant believes; therefore you are commanded to arrest the body of said A. B., and bring

him before me forthwith to answer to the city of Green Bay on the complaint aforesaid.

C. D., Justice of the Peace.

In case of adjournment defendant to give security for his appearance.

Upon the return of the warrant, the justice may proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned the defendant, if required by the court so to do, shall recognize with security to be approved by the court, for his or their appearance in such sum as the court shall direct, or, in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Brown county. The complaint as aforesaid shall be the only complaint required, and the answer of not guilty shall put in issue all subject matter embraced in the action.

Printed copies of ordinances, etc., to be received in evidence.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in pamphlet or book form, purporting to be published by authority of the common council, or certified by the clerk of said city to have been so published, shall be prima facie evidence of its passage and publication and shall be received in evidence on the trial of all cases cognizable before any court in this state.

Witnesses and jurors to attend without advance payment.

SECTION 8. Witnesses and jurors shall attend before a justice of the peace, in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment.

Findings of court.

SECTION 9. In city prosecutions the findings of the court or jury shall be either guilty or not guilty. If guilty the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution, as in other cases of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned for non-payment, which in no case shall exceed six months, and also insert such time in the execution or commit-

Justice to issue execution or commitment and enter sentence upon docket.

ment. Such execution may be in the following form:  
County of Brown, City of Green Bay—ss.

Form of execution.

The state of Wisconsin, to the sheriff or any constable of said county, or to the chief of police of the said city, and to the keeper of the common jail of said county, greeting:

Whereas, the said city of Green Bay, on the — day of —, 18—, recovered a judgment before the undersigned, one of the justices of the peace, in and for the said city, against —, for the sum of — dollars together with — dollars and — cents, costs of suit, for the violation of (section —, of chapter —, of this act, or section —, of an ordinance or by-law or regulation of said city, describing it by its title) you are hereby commanded to levy distress of the goods and chattels of said —, excepting such as the law exempts, and make sale thereof according to law, to the amount of said sums, together with your fees, and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of said —, and him convey and deliver to the keeper of the common jail in Brown county; and said keeper is hereby commanded to receive and keep in custody in said jail, the said —, for the term of — unless the said judgment, together with all the cost and fees are sooner paid, or he be discharged by due course of law.

Given under my hand, this — day of — 18—,  
C. D., Justice of the Peace.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to levy and sale and return of writ.

Form of commitment.

SECTION 10. Any defendant, feeling aggrieved by the judgment of a justice of the peace in any action commenced under the provisions of this act, by summons or warrant, may appeal from such judgment to the circuit or county court of the county of Brown; *provided*, such defendant within twenty-four hours after the entry of such judgment enters into a recognizance with one or more sufficient sureties, to be approved by such justice, conditioned to appear before the court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the

Right of defendant to appeal.

Justice to file proceedings, etc., with clerk of court.

proceedings and a copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment, as in other cases before justices of the peace.

Appeal to be tried by jury.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to either party.

No notice of trial required.

In case judgment of justice is confirmed.

SECTION 12. If the judgment of the justice shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinances, resolution, by-law, or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

Competency of judge, jurors, etc.

SECTION 13. No person shall be an incompetent judge, justice, juror or witness 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.

Present ordinances to remain in force.

SECTION 14. All ordinances and regulations now in force in the city of Green Bay, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council after this act shall take effect.

Previous actions vested in corporation hereby created.

SECTION 15. All actions, rights and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Preservation of bridges.

SECTION 16. The general laws for the preservation of bridges and the punishment provided by such laws for wilful and malicious injuries done thereto are hereby extended to and shall include all of the bridges erected or owned by said city over the Fox and East rivers, and shall apply to any wilful or malicious damage which may be done to either of them by any person or persons whatever; and the common council of said city 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 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 by the said city under the law to provide for the collection of demands against boats and vessels which does now or may hereafter exist.

Vessel doing damage to bridges to be proceeded against.

SECTION 17. When any suit or action shall be commenced against said city, the services thereof may be made by leaving a copy of the summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk, so served, forthwith to inform the city attorney thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such cases provided.

How actions to be commenced.

SECTION 18. All penalties and forfeitures recovered and collected under and by virtue of this act shall be paid into the city treasury for the use and benefit of said city, except as provided in chapter eight of this act.

Penalties, etc., to be paid to city treasurer.

SECTION 19. All fire engines, hose, hose-carts, hook and ladders, and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose, hose-carts, hook and ladders and other apparatus and implements, shall be exempt from attachment or execution issued in any action, or on any judgment wherein the city shall be a party.

Fire apparatus exempt from execution.

SECTION 20. No real or personal property of any inhabitant of said city, or of any individual or corporation shall be levied on or sold by virtue of attachment or execution issued to collect or satisfy any contract debt or obligation of said city or any judgment against said city.

Private property exempt from execution against city.

## CHAPTER XIII.

### MISCELLANEOUS.

SECTION 1. All contracts for work ordered by the common council shall be let to the lowest bidder who shall have complied with the requirements hereinafter set forth. All bids or proposals shall be sealed and directed to the common council, and shall be accompanied with a bond to the city of Green Bay, in the penal sum of one-third the city's estimate of the cost of the work, which bond shall be signed by the bidder, and by two or more responsible sureties, who shall each make affidavit that he is worth the penal sum of such bond, over and above all his debts, lia-

Contracts for public work—how and with whom to be made.

bilities and exemptions, such bond and sureties to be approved by the common council previous to the opening of the accompanying bids or proposals, and shall be conditional that such bidder will execute and perform the work for the price mentioned in his proposal, and according to the plans and specifications on file, in case the contract shall be awarded to him, and in case of default on his part to execute a contract, with satisfactory sureties, and to perform the work specified, said bond may be prosecuted in the name of the city, and judgment recovered thereon for the full amount of the penalty thereof as liquidated damages, in any court having jurisdiction of the action.

Contractor to give security.

SECTION 2. No contract shall be entered into by the city unless the same shall be executed by two or more sureties for the contractors, guaranteeing to the satisfaction and approval of the proper authorities the performance of such contract by the contractors, each of which sureties shall make an affidavit endorsed on or attached to such contract, that he is worth the estimated amount of money to be paid on such contract, over and above all his debts, liabilities and exemptions. Whenever the lowest bid for any work to be let by said city shall appear to the said council to be unreasonably high, the said council is authorized to reject all bids therefor, and to re-let the work anew.

Council may reject unreasonable bids.

Precautions to be taken to prevent accidents in repairing streets.

SECTION 3. Whenever the city shall let any work or improvement which shall require the digging up, use or occupancy of any street, alley, highway [or] public ground within said city, there shall be inserted in the contract therefor substantial covenants requiring such contractors during the night time, and during all times when work thereon is suspended, to put up and to 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 also such other covenants and conditions as experience has proved or may prove necessary to save the city harmless from damages; and it shall also be provided in such contracts that the party contracting with the city shall be liable to said city 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 agent, employes or workmen.

SECTION 4. Whenever any work or improvement shall be let by contract to any person or persons, firm or corporation, covenants shall be inserted in such contract, binding such person or persons firm or corporation, and the sureties to save and indemnify and keep harmless, the said city against all liabilities, judgments, costs and expenses which may in anywise come against said city in consequence of the granting of such contract, or which may in anywise result from the carelessness or neglect of such person or persons, firm or corporation, or his or its agents, employes or workmen in any respect whatever.

Contractors to secure the city against judgments, costs, etc.

SECTION 5. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

Appropriation of money.

SECTION 6. No penalty or judgment recovered in favor of the city, shall be remitted or discharged except by a two-thirds vote of the aldermen elect.

Penalties and judgments recovered by city.

SECTION 7. The common council may at any time cause a new and accurate survey to be made of the line and boundaries of all the streets, alleys, sidewalks, public grounds, wharves, and blocks, and may cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made, and certified to by the surveyor, which shall be filed in the office of the city clerk.

Council may cause new survey of streets, etc.

SECTION 8. The surveys and landmarks so made and established, shall be prima facie evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

Surveys and landmarks to be evidence of boundaries.

SECTION 9. The common council may, at such time as they may deem proper, establish the grades of all the streets, alleys, and sidewalks in said city, or any or either of them, and shall cause accurate profiles thereof to be made, which shall be filed in the office of the city clerk; and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom shall be paid by the city to the owners of lots or parcels of land, or tenements which may be affected or injured in consequence of the alteration of such grade.

Council may establish grades of streets, etc.

Damages to be paid by city.

SECTION 10. The said city may have, purchase or hold real and personal estate sufficient for the con-

City may hold property.

venience of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by said city, shall be exempt from taxation.

Leases and deeds to be executed in name of city.

SECTION 11. When the city of Green Bay deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Green Bay, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Transfer of real estate by city.

SECTION 12. The mayor of said city is hereby authorized, when the common council shall so direct, and shall by ordinance or resolution describe the real estate and interest to be conveyed, to execute a deed or lease of such real estate or interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as is provided for the execution of deeds and conveyances.

Copy of ordinance or resolution to be recorded with deed.

SECTION 13. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with the said deed or lease; and such copy so attached, and the record thereof, shall in all courts of this state be prima facie evidence of the authority of the mayor to make and execute such deed or lease.

When elections not held at prescribed time, to be held at subsequent date.

SECTION 14. 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 abolishing said corporation, but such election or organization may be had at any subsequent day by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said 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 said act may be done and performed.

Act of officers not done at proper time, to be done subsequently.

Act not repealed by general law.

SECTION 15. No general law of this state contravening the provisions of this act, shall be considered as repealing, annulling, or modifying the same, unless such purposes be expressly set forth in such law as an amendment to this charter.

SECTION 16. All bridges belonging to the city of Green Bay shall be under the jurisdiction of the corporate authorities thereof. Bridges under jurisdiction of city.

SECTION 17. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinances of the city of Green Bay by reason of him or her being implicated in any such offense, but the testimony of such witnesses shall in no case be used against such witnesses. Qualification of witnesses.

SECTION 18. Chapter sixty-four (64), of the laws of 1874, and all other acts or parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed; but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contract, act or suits, claims, penalty 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 in force and carried out, and be completed as fully and effectually, to all intents and purposes, as if this act had not been passed. Conflicting acts repealed.

SECTION 19. This act is hereby declared a public act, and shall be liberally construed in all courts of this state. Repeal not to affect actions pending.

SECTION 20. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

## CHAPTER 263.

[Published March 13, 1875]

AN ACT to amend chapter 38, of the general laws of 1872, entitled, "an act to amend chapter 170, of the general laws of 1867, entitled, an act to facilitate the recovery of judgments."

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

SECTION 1. Section one of chapter thirty-eight (38) of the general laws of 1872, is hereby so amended so to read as follows: 'Section 1. Section 1 of chapter one hundred and seventy (170) of the general laws of 1867, is hereby so amended as to read as follows: Amended.