

[No. 175, A.]

[Published March 18, 1878.]

## CHAPTER 158.

AN ACT to incorporate the city of Two Rivers.

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

## CHAPTER 1.

SECTION 1. From and after the first Tuesday of <sup>Incorporated.</sup> April next, the district of country in the county of Manitowoc, contained within the limits and boundaries hereinafter described, shall be a city by the name of the city of Two Rivers, and the people now inhabiting, and those who shall hereafter inhabit the district of country herein described, shall be a municipal corporation by the name of the city of Two Rivers, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers herein specially granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

SECTION 2. The territory lying in the county of <sup>Boundaries.</sup> Manitowoc, and being all of section one in township nineteen (19) north, of range twenty-four (24) east, all of the south half of section thirty-six (36), in township twenty (20) north, of range twenty-four (24) east, and the west half of the southwest quarter of section thirty-one (31), in township twenty (20) north, of range twenty-five (25) east, shall comprise the territory and limits of the city of Two Rivers.

SECTION 3. The city shall be divided into three <sup>Ward boundaries.</sup> wards, as follows: The First ward shall be all that portion of said city embraced within the limits of said city, lying east of Jefferson street and north of the West river, extending on the present line of said Jefferson street to the north boundary of said city. The second ward shall be all that portion of said city embraced within the limits of said city lying north of said West river and between said West river and the said Jefferson street, extending as aforesaid to the north boundary of said city. The Third ward shall be all that portion of said city embraced within the limits of said city, lying

west and south of said West river, but the common council shall have power to change said lines of division as they may deem convenient and proper.

Corporate  
authority.

SECTION 4. The corporate authority of said city shall be vested in one principal officer styled the mayor; in one board of aldermen, consisting of two members from each ward, who, with the mayor, shall be denominated the common council, and in such other officers as are hereinafter provided for, or may be created under this act.

## CHAPTER II.

### ELECTIONS.

Elections.

SECTION 1. The annual elections for ward and city officers shall be held on the first Tuesday in April of each year, at such place in each ward as the common council shall designate. Ten days' notice shall be given of the time and place of holding such election, and of the officers to be elected, by publication in the official paper. All elections under this charter shall be conducted in the same manner as the general elections for state and county officers, and the qualifications of voters shall be the same as at such general elections. Each ward officer shall be a qualified elector in the ward in which he is elected, and each city officer shall be a qualified elector in the city.

Officers—their  
terms.

SECTION 2. The officers to be elected by the people shall be a mayor, treasurer, assessor, and two aldermen, one of which shall be designated as supervisor, and shall be entitled to represent his ward in the county board of supervisors, one constable and one justice of the peace for each ward. All other necessary officers shall be appointed by the common council. All elective officers, except justices of the peace, shall unless elected to fill a vacancy, hold their respective offices for one year, and until their successors are elected and qualified: *provided, however,* the council shall have power, for due cause, satisfactory to them, to expel any of their own number, and to remove from office any officer or agent of the city, except justices of the peace, due notice and an opportunity for a hearing having been first given to the officer proposed to be removed. Justices of the peace shall hold their offices for two years, and until their successors are elected and qualified. The term of every officer elected under this act shall commence on the second Tuesday in April of the year for which such officer is elected, and the term of

office of all appointed officers shall expire with that of the members of the body appointing them

SECTION 3. Whenever a vacancy shall occur in the office of mayor or justice of the peace, the council may order a new election, and shall give five days notice thereof. Vacancies in other offices shall be filled by the council. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Vacancies—  
how filled.

SECTION 4. In all elections by the people, a plurality of votes shall constitute an election. In case 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 council, at such time and in such manner as they may direct.

Elections—how  
determined.

SECTION 5. Whenever any officer shall cease to possess the qualifications necessary for his election, his office shall be deemed vacant; and any officer who shall neglect or refuse to qualify within ten days from the time he shall be notified of his election shall be deemed to have vacated his said office.

What consti-  
tutes a vacancy.

SECTION 6. Whenever an election shall be held under this charter, the inspectors of election shall forthwith make their returns, stating the number of votes cast for each person, for each and every office, to the city clerk. Within one week after an election, the council shall meet and canvass said returns, and declare the result as it shall appear from the same. The clerk shall thereupon immediately give notice to the persons elected of their election.

Returns to be  
made forthwith

## CHAPTER III.

### OFFICERS AND THEIR POWERS.

SECTION 1. Every person elected or appointed to any office under this act, except justice of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the clerk of the city; and the clerk, marshal, constables, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Two Rivers a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in

Oath of office.

Bond.

said bond, over and above all debts, exemptions or liabilities, and said bond shall contain such penal sum and such conditions as the common council may deem proper. The treasurer, before entering upon his duties, shall, also, execute a bond, with at least two nor more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities or exemptions, and the aggregate of such amounts shall at least exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds from the treasurer or other officer of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace shall qualify in the same manner as in towns, except that their bonds shall be approved by the common council.

Mayor—his powers and duties.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be chief executive officer and head of the police of the city; and in case of a riot or other disturbance he may appoint as many special or temporary constables as he may deem necessary. He shall have the authority to remove the marshal for inefficiency or neglect of duty, and to appoint a marshal in place of the one he may remove, but the term of office of a marshal who may be appointed by the mayor shall not commence until his nomination has been approved by a majority of the common council. The mayor shall have a vote in the council only in case of a tie. When the council shall be engaged in the election of any officer, the mayor shall have a vote the same as an alderman.

President—his powers and duties.

SECTION 3. At the first meeting of the common council after their election in each year, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability for any reason, to discharge the duties of his office, the said president shall exercise

all the powers and discharge all the duties of the mayor. In case both the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled acting mayor, and any acts performed by them shall have the same force and validity as if performed by the mayor. But the president of the council, as acting mayor, shall sign no order, warrant or other proceeding whatever, which the mayor has refused to sign and communicated such refusal to the council.

SECTION 4. The clerk shall keep the corporate seal and all papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced; he shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. Whenever the clerk shall be absent from any meeting, the common council may appoint a clerk *pro tem*. The city clerk shall have power and authority to administer oaths and affirmations, and may appoint a deputy in writing, under his hand, and file such appointment in his office, and such deputy, in case of absence or disability of the clerk, shall act in his place.

SECTION 5. The treasurer shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report; and also of the state of the treasury, which statement shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition thereto the powers and duties already specified, shall

Clerk—his  
powers and  
duties.

Treasurer—his  
powers and  
duties.

have the same powers and duties, and be subject to the same liabilities as treasurers in towns. No person having been city treasurer for two years in succession, shall be eligible to a re-election until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office.

Marshal — his powers and duties.

SECTION 6. The marshal shall possess all the powers of a constable in towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and process to him directed by any justice of the peace, and when necessary, in criminal cases, or for the violation of any ordinance of said city or laws of this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offense against any ordinance of said city or of this state, and forthwith bring such person before competent authority for examination; and for such service, he shall receive such fees as are allowed to constables for like service. He shall do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

Other duties may be required.

SECTION 7. 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 fix the compensation of all officers appointed by them, where the compensation is not fixed by the statute or this charter. The council shall, at least ten days before the annual charter election in each year, fix, by resolution, the salary which shall be paid to the clerk, marshal and assessor for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected, neither shall extra compensation be granted, except by unanimous vote of the council, which vote shall be approved by the mayor.

Official paper.

SECTION 8. The council, at their first meeting after their election, or as soon thereafter as practicable, shall designate a newspaper printed in the county of Manitowoc, in which shall be published all ordinances and

other matters required by this act or the by-laws or ordinances of the city to be published in a newspaper.

SECTION 9. The city printer or printers, immediately after the publication of any notice, ordinance or resolution which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published; and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution, as stated in such affidavit.

Affidavit of publication.

SECTION 10. If any person having been an officer in said city, shall not within ten days after notification and request deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

Penalty for withholding books, etc.

SECTION 11. No alderman shall be a party to, or interested in any job or contract with the city; 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, or either or any one of them.

Aldermen not to be interested in contracts.

SECTION 12. The mayor, or acting mayor, sheriff of Manitowoc county, and each and every alderman, justice of the peace, marshal, constable and watchman, shall be officers of the peace, and may command the peace, and suppress in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of all bystanders, and if need be, of all citizens and military companies; and if any person, bystander or 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 cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings.

Officers of the peace.

SECTION 13. The common council may elect a city surveyor, who shall be a practical surveyor and en-

Surveyor—his duties to be prescribed.

gineer, and 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, shall be the property of the city, and shall be carefully preserved in the office of the surveyor, or filed with city clerk when ordered by the common council, open to the inspection of the parties interested; and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office, to his successor or the common council. The certificate of such surveyor shall have the same force and effect in all courts as the certificate of a county surveyor.

Suits to be brought in corporate name of city.

SECTION 14. All acts to recover any penalty or forfeiture under this charter, or the ordinances, by-laws, police and health regulations, made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and determined by or before any justice of the peace in the city. All fines and penalties collected by any justice, in such cases, shall be paid over to the city treasurer, except those for refusing to work upon the highways, which shall be paid over, on demand, to the street commissioner of the ward in which such labor ought to have been performed. Each justice shall report to the common council, on the first Monday in January, April, July and October, in each year, a statement of all such fines and penalties collected by him, and at the same time pay over the amount thereof to the city treasurer, except as above mentioned.

Resignations.

SECTION 15. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect, and his office shall be deemed vacant, from the time such resignation shall be accepted by the common council.

Officers not to become sureties.

SECTION 16. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made by the city, nor shall any officer required to give bonds as aforesaid enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by this act provided.

## CHAPTER IV.

### THE COMMON COUNCIL—ITS POWERS AND DUTIES.

Common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The mayor and the common council of the



city of Two Rivers do ordain," etc. The common council shall meet at such time and such place as they shall fix upon. A majority of the aldermen shall constitute a quorum. Style of ordinances.

SECTION 2. The common council shall hold stated meetings by notice to each of the members to be served personally or left at their usual places of business or abode. The common council shall determine the rules of its own proceedings and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members, and to enforce its rules, to punish, by fine by a vote of two-thirds of its members, any member for disorderly or contemptuous conduct, and, by a vote of two-thirds of its members, may expel any member for cause. Meetings.  
Rule of proceedings.

SECTION 3. The common council shall have the management and control of the finances and of all the property of the city, and shall likewise, in addition to the powers herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce and health thereof, as it shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, or by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of law: *provided*, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority, by ordinances, resolutions, or by-laws — Control of property, and government of city.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinances or at common law; and to grant licenses, and regulate groceries, taverns, victualing houses, and to all persons vending or dealing in spirituous, vinous or fermented liquors. Shows, etc.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous, fermented Gaming.

or vinous liquors, unless duly licensed by the common council.

Riots, etc.

3d. To prevent any riot, noise, disturbance or disorderly assemblages; to suppress and restrain disorderly houses or groceries and houses of ill fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Nauseous places.

4th. 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 deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter-houses and combustible materials.

5th. To direct the location and management of slaughter houses and markets, and to regulate the storage, sale, keeping and conveying of gunpowder or other combustible materials.

Encumbering of sidewalks.

6th. To prevent the encumbering of the streets, sidewalks, lanes or alleys, with carriages, carts, wagons, sleighs, boxes, lumber, firewood, or any other material or substance whatever.

Fast driving and swimming.

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

Running at large of animals

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

Dogs.

9th. 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 ordinances.

Putrid carcasses, etc.

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

Hacks, drays, etc.

11th. To regulate and license hacks, cabs, drays, carts and the charges of hackmen, cabmen, diaymen and cartmen in the city.

Board of health and cemeteries.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of bills of mortality, and to exempt burial grounds set apart for public use from taxation.

13th. To regulate the assize and weight of bread and to provide for the seizure and forfeiture of bread baked contrary thereto. Bread.

14th. To prevent all persons riding or driving any horses, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to such sidewalks. Sidewalks.

15th. 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. Fireworks.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Drunkards, etc.

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

18th. 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. Public markets.

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

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

21st. To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley, opposite thereto; and to compel such owners or occupants to remove from the lot owned or occupied by them, all such substances as the board of health shall direct, and on their default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owners or occupants. Sidewalk obstructions.

22d. To regulate, control and prevent the landing of persons from boats, vessels, cars or stages wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. Public landing.

23d. To license auctioneers and transient dealers, and to regulate the time, place and manner of holding Auctioneers.

public auctions or vendues, and to require the payment into the city treasury of a certain percentage of amounts received from sales by auctioneers and transient dealers.

Watchmen.

24th. To appoint watchmen and prescribe their duties.

Ordinances—  
how passed.

SECTION 4. All ordinances 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 once a week for three successive weeks in the newspaper selected by the council, printed in Manitowoc county, 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 the said ordinances, shall be recorded, the publication thereof respectively within the said time shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

What consti-  
tutes nuisance.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceeding according to law. Gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Accounts.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner of each ward, marshal, and all other officers and agents of the city, at such time as they may deem proper, also at the end of each year, and before the term 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, accounts, moneys and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of his duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his moneys, books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and

proceedings at law against any officer or agent of said city, who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

## CHAPTER V.

### OPENING OF STREETS, ALLEYS, ETC.

SECTION 1. The common council shall have power <sup>Opening streets etc.</sup> to lay out public squares, grounds, streets and alleys, and to enlarge or extend the same, and to use lands in said city for the purpose of constructing and repairing sewers and drains as follows: Whenever ten or more freeholders residing in any ward shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners reside, for public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening the same, or to use certain lands within the ward for the purpose of constructing or repairing sewers and drains, giving the course and distances, metes and bounds of the lands proposed to be taken, or used as aforesaid, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, the common council shall, if they deem it necessary to take and use such lands for the purpose specified in such petition, cause notice of such application to be given to the owner or owners of such land in case such owner or owners shall reside in the city of Two Rivers, and to the occupant or occupants of such land if any there be, which notice may be served personally or by leaving the same at the place of business or at the residence of such owner or owners, occupant or occupants; or if a portion of such lands shall not be in the actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in a public newspaper printed in the county of Manitowoc, for four successive weeks, at least once in each week.

SECTION 2. Such notice shall state that on a day <sup>Notice of application.</sup> 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 of the county of Manitowoc, for the appointment of six jurors to view said premises, and to determine whether it will be necessary to take

or use the same for the purposes specified in said petition. Should any of the lands proposed to be taken or used belong to the county judge, the application shall be made to the sheriff of the county.

Appointment  
of jurors.

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

Vacancies.

SECTION 4. If any juror, so appointed, shall be disqualified from acting, or shall refuse to act, at any time before the completion of their final award, the judge or sheriff shall appoint others in their place, and a memorandum of such substitution shall be endorsed on the precept.

Shall view  
premises.

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

Report of pro-  
ceedings.

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

Determination  
of damages.

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council shall, if they approve such report, enter an order among their proceedings confirming said report, and directing the same jurors, within one month thereafter, or such further time as may be necessary, to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner

or owners of the property proposed to be taken; and also what premises will be benefited by such taking, and to assess and return within the time limited, such damages and benefits to the common council: *provided, however*, that in case of sewers and drains the said jurors need not view the premises to be benefited or assess the benefits thereon.

SECTION 8. If there should be any building stand- In case of build-  
ings.  
ing in whole or in part upon the lands to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him. And secondly, the value of such building to remove.

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

SECTION 10. If the owner refuse to take the build- Sale of build-  
ings.  
ing at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the city treasurer, for the use of the owner, and shall thereafter be paid over to the owner on his application therefor: *provided*, it shall be necessary to remove such buildings for the proper use of the lands so taken or used.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken and used, and all such other premises as shall, in their judgment, be benefited thereby: *provided, however*, that in case of sewers or drains, the said jurors

need not examine the lands benefited. After bearing such testimony as may be offered, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessments, and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken or used, and the injury arising to them, respectively, in consequence of the taking or using 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 improvement. In the estimate of damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owner of such lands) as estimated by them as aforesaid, less the proceeds of the sale thereof, or, if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Shall strike balance.

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

In case of incumbrance.

SECTION 13. If the lands or buildings belong to different persons, or be subject to lease, judgment, mortgage or other incumbrance, or if there be any estate in it less than an estate in fee to such person or interest respectively, the injury done shall be awarded to the person entitled thereto by the jurors, less the benefits resulting to such interests respectively from the proposed improvement.

To apportion and assess damages.

SECTION 14. Having ascertained the damages and expenses of the proposed improvement as aforesaid, the jurors shall thereupon apportion and assess the same, together with the costs of the proceedings upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the proposed improvement, as nearly as may be, and shall describe the real estate upon which their assessment may be made, and state the amount assessed upon each separate tract: *provided, however*, that when the lands are used only for the purpose of a sewer or drain, the damages shall not be assessed upon the lands benefited, but shall be paid by the city, as provided by law.



The award of the said jurors shall be signed by them and returned, together with the testimony taken, to the common council, within the time limited in their order of appointment, and shall be final, unless appealed from in the manner hereinafter provided.

SECTION 15. The land required to be taken or used for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the parties interested shall be paid or tendered to them or their agents, or in case said parties or agents cannot be found, or are unknown, deposited to their credit in some safe place of deposit, to be determined by the common council; and then, and not before, such lands may be taken or used and appropriated for the purpose required, and the lands shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out, except in cases where the lands are only used for the purposes of sewers and drains, and then in that case the said city shall have the power to go upon said premises at any and all times for the purpose of examining and repairing said sewers and drains.

Before land is appropriated damages must be paid or tendered.

SECTION 16. When the whole of any lot or tract of land, or other premises under lease or other contract or incumbrance, shall be taken or used by virtue of this act, all the covenants, contracts or liabilities relating to the same, or any part thereof, shall, after the expiration of the time for appeal, as herein provided, respectively, cease and be absolutely discharged.

Contracts to cease.

SECTION 17. When only part of the lot or tract of land, or other premises so under lease or other contract or incumbrance, shall be taken or used for the purpose aforesaid, such covenants, contracts or incumbrance, shall be absolutely discharged, as to the part thereof so taken or used, but shall remain valid as to the residue thereof; and the rents, liens and payments due from or on account of the same, shall be so appropriated that the part thereof justly and equitably payable for such residue, and no more, shall be paid or recoverable for, or in respect to the same.

When only part is taken.

SECTION 18. The damages assessed on each separate lot or tract shall be paid or tendered, or deposited as herein required, within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case, as to any lot or tract on which they are so unpaid, shall be void, the benefits so assessed from the expira-

When proceedings void.

tion of the time for appeal, shall become a lien upon the premises upon which they are assessed, and shall be collected therefrom as a special assessment in the same manner as other special assessments for city improvements are collected. The amounts so collected shall be held by the city as a special fund for the payment of the damages aforesaid, and shall be paid out for that purpose and no other.

Guardian to be appointed.

SECTION 19. When any known owner of lands or tenements, affected by any proceedings under this act, shall be an infant, or labor under disability, the judge of the circuit court of Manitowoc county, or the county judge, may, upon the application of the common council, or of such party by his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian, in the same manner as if he were the party interested.

Jurors to qualify.

SECTION 20. The jurors mentioned in this act shall, before entering on the discharge of their duties, severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken or used, and that they will faithfully and impartially discharge the trust reposed in them. If any juror shall neglect or refuse to serve after the return of the precept above mentioned, the county judge shall have power to appoint new jurors in place of those who shall so neglect or refuse to serve.

Appeal may be taken.

SECTION 21. The city council or any party interested may, within twenty days, from the return of the jurors to the common council, of the benefits and damages so assessed, appeal to the circuit court of Manitowoc county from the decision of said jurors so far as it affects the interests of said appellants. Notice of such appeal shall be filed by the appellant, with the clerk of said court, within twenty days above mentioned, and the issue on such appeal shall be made up and tried in said court in such manner as said court shall direct.

When damages are increased.

SECTION 22. In case the total amount of damages and costs awarded by the jurors, and which formed the basis of their assessment, shall be increased by any proceeding subsequent to the return of said assessment to the common council and founded thereon, such additional sum shall, as soon as such proceedings are finally determined, be assessed by the city clerk under the direction of the mayor and common council, upon the land upon which the first assessment was made, in the same proportion as such first assessment, and shall be collected in the same manner.

SECTION 23. Whenever any streets, alleys or public grounds shall be laid out or extended, or sewers or drains constructed, under the provisions above, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk. Survey to be made.

SECTION 24. No street or alley, or part thereof, shall be vacated except upon the petition of the owners of three-fourths of the front upon such street or alley, in the block in or along which such street or alley runs; but the boundaries of streets may be changed upon petition to the council by the parties interested. When to be vacated.

SECTION 25. The foregoing provisions shall not apply to unplatted lands. Roads or streets may be laid out by the common council through unplatted lands in the same manner as roads are laid out by supervisors in towns. Not to apply.

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

## CHAPTER VI.

### CITY IMPROVEMENTS.

SECTION 1. The city council shall have power to order and contract for the making, grading, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters, sewers, drains and sidewalks, in the manner hereinafter mentioned, and direct and control the persons employed therein. Repairing of streets, etc.

SECTION 2. The cost and expense of surveying streets, alleys, sidewalks, drains and sewers, and of estimating work thereon in the execution of any public improvement shall be charged to and payable by the city. The cost and expense of opening, grading, graveling, planking, paving or repairing streets and alleys and constructing or repairing sidewalks, shall be chargeable to and payable by the lots fronting on such street or alley, so that each lot or parcel of land shall pay for the work done between the front of such lot or tract of land and the center of such street or alley. Sewers and drains may be ordered by the council, and all costs and expenses, as well as the damages which shall be sustained by owners of lands through which the same shall pass shall be charged to and payable by the city. Improvements—how paid for.

Notice of determination to be given.

**SECTION 3.** Whenever the council shall determine to make any public improvement, as authorized by sections one and two of this chapter, they shall fix the time wherein such work shall be done, and shall give notice by advertisement published once a week for three successive weeks in a newspaper printed in Manitowoc county, to the owners or occupants of the lots or parcels of land fronting on any street, alley or sidewalk ordered to be improved, requiring them to do the work mentioned in such notice within the time fixed by the council for the doing of the same, to be therein specified. If said work shall not be done within said time, the street commissioner of the ward in which said work is required to be done, shall immediately proceed to contract for doing the same at the expense of the lots upon which such work is chargeable; the contract to be let to the lowest bidder, printed notices having been given of the time and place of such letting at least ten days in three public places in the ward in which said work is to be done, and a copy of such notice shall be published in a newspaper printed in Manitowoc county. The letting of the contract shall take place at the office of the city clerk, and the street commissioners shall give notice to the aldermen of the wards in which such work is to be done, to be present at the letting of the contract. Proposals for grading shall be sealed, and shall state the amount per yard for excavation or filling, and the award of the contract shall be made to the lowest responsible bidder. Before proceeding to execute any contract obtained under this chapter, the street commissioner shall cause such surveyor as the council may employ to make an estimate of the amount of work to be performed in front of each lot, which estimate shall be filed in the office of the city clerk.

When city to let contract.

In case of extraordinary cutting and filling.

**SECTION 4.** Whenever the general interests of the city requires a deep cutting or extraordinary filling in any street, and the owners of the lots or lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the council in writing, that the expense of such excavation or filling will exceed the proportion that should be justly and equitably charged upon the property assessed therefor, the council shall require the marshal to summon five freeholders, not residents of the ward, nor owners of nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises, and if, in

their opinion, the costs of such work shall exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and to what lots and parts of land on the streets so improved will be benefited by such deep cutting or filling, or the construction of such sewer or drain; and how much or what portion shall be chargeable to them, and to make a report thereof as soon as practicable, in writing, to the council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same in the same manner as herein provided in case such owners shall not do such work, and the remainder shall be assessed upon the lots benefited by such improvements, in proportion to their respective benefit, as determined by said jury; the sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment, in the same manner as other special assessments for city improvements are collected: *provided*, that should said jury find that said petitioners were not entitled to any division of the expense as assessed upon their lots or parcels of land, then the expense of proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same on the filing of the petition: *provided, also*, that the petition of no owner feeling himself aggrieved, shall be received, unless the same shall be presented within twenty days after the publication of the notice requiring the same to be done: *and, provided, further*, that when it shall appear to the council that any such lands belong to non-residents, infants, or persons laboring under legal disability, who shall not be represented by any agent or guardian, or not be benefited by the making of streets in front of such lots or lands, to the amount of the costs and expenses thereof, it shall then be the duty of said council to cause to be summoned a jury as herein provided.

SECTION 5. The common council shall give notice **Stagnant water** to all owners or occupants of lots, which may be deemed injurious to health by reason of stagnant water remaining thereon, in the official paper for two weeks, to abate such nuisance by draining or filling such lot within a reasonable time, therein to be specified, and if such nuisance shall not be abated or removed within the time so specified, the common council shall cause

the same to be abated and removed at the expense of the property upon which the same may exist.

Certificates  
shall issue.

SECTION 6. After the completion and performance of any contract entered into by the street commissioners, for work chargeable to lots or lands by virtue of this act, they shall give the contractor or contractors a certificate under their hand, stating therein the amount of work done by such contractor and the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon: and if the amount thereof shall not be paid before the time of making out the annual tax roll, the same may be filed with the city clerk, and shall be assessed upon the said lots or parcels of land respectively, and collected therefrom for the use and benefit of the holder of such certificate, as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given, as herein provided, no informality or error in the proceedings shall vitiate such assessment. When the tax shall have been paid to the city treasurer, he shall pay over the amount on order of the council, to the persons entitled to receive it. But if the tax on such lot shall not be paid while the roll is in the hands of the city treasurer, it shall be returned to the county treasurer as delinquent, and shall be received by such treasurer in part payment of the county tax. Then the city shall issue a city order to the amount assessed against the lot in favor of the contractor, on his petition to the council so to do. But in no event where work is ordered to be done at the expense of any lot or parcel of land, shall either the city or county be held responsible for or on account thereof, or of any proceeding for the collection of the pay therefor.

Appeal.

SECTION 7. In all cases where work is ordered to be done by the owner of any lot, under the provisions of this chapter, such owner may make his appeal, as hereinbefore provided, at any time within twenty days after the publication of the notice required to be given, and while such appeal is pending, no such order shall be executed.

Street commis-  
sioners—pow-  
ers and duties  
of.

SECTION 8. The common council shall appoint one street commissioner in each ward, whose general powers and duties shall be the same as those of overseers of highways in towns, except as otherwise herein provided. It shall also be the duty of the street commis-

sioner, whenever, in his opinion, any portion of a sidewalk shall be out of repair or in a dangerous condition, to serve a written notice upon the owner or occupant adjacent to which such defective sidewalk shall be, if a resident of said city, to immediately repair the same, and if said owner or occupant fail to repair the same forthwith, then and in that case, the same may be repaired by the street commissioner at the expense of the lot adjoining said defective sidewalk: *provided, however,* that the expense to be charged to any lot for any such repairs shall in no case exceed the sum of five dollars, unless such repairs shall be according to the provisions of section three of this chapter; service of such written notice at the residence of the owner or occupant of such lot, upon a member of his family of suitable age and discretion, or with the agent of the owner, shall be deemed service upon such owner or occupant; and in case the owner of such lot is not a resident of said city, or his residence is unknown, and such owner has no agent in said city known to the street commissioner, then and in that case, it shall be the duty of the street commissioner to forthwith repair the same, without notice to the owner of the adjoining lot, at the expense of such lot, as hereinbefore provided. The street commissioner shall also have the same powers and duties in relation to removing obstructions from any of the streets in said city as town boards of supervisors have in removing obstructions from highways.

SECTION 9. Every street commissioner hereafter appointed by the common council shall, before entering on the duties of his office, give a bond to the city of Two Rivers, with one or more sufficient sureties, to be approved by the council, in the penal sum of not less than five hundred dollars, conditioned to render an account to the common council whenever required by law or the ordinances of said city, or by vote of said council, to safely keep and account for, and deliver over when lawfully required, all property of said city that may come into his hands; to use, disburse and pay over as required by law or the ordinances of said city, all moneys that may come into his possession as such officer, and to faithfully discharge the duties of said office. Bond required.

SECTION 10. Every street commissioner shall hold his office for the term of one year from the first Tuesday in April of the year in which he is appointed, and shall, on or before the first Monday in November, ren- Term of office.

**Report.**

der an account under oath to the common council, showing the amount of money collected by him as such commissioner, and from whom it was collected, and showing the amount of money that has been expended, specifying the work for which it was expended, and also showing the amount of labor and by whom performed, in payment of highway taxes, and when the same was performed. Such an account shall be rendered as often as the common council shall require.

**Poll tax.**

SECTION 11. It shall be the duty of every male inhabitant in the city, being over the age of twenty-one years, excepting persons over fifty years of age, idiots, lunatics, paupers and active members of the fire department, to pay each year, when demanded by the proper street commissioner, a poll tax of one dollar. Said tax may be paid to the street commissioner, or be commuted for in labor as now provided by law; and in default of paying the same either in money or labor, when demanded by the proper officer, he shall forfeit and pay a penalty of three dollars. Each street commissioner shall, within sixteen days after being notified of his appointment, deliver to the city clerk a list subscribed by him of the names of all the inhabitants of his ward who are liable to pay taxes on the highways, and the clerk shall lay the same before the common council at its next meeting. The common council may correct and perfect said list, and shall thereupon assess a poll tax of one dollar upon each person named in said list, for street and highway purposes. The residue of the highway tax to an amount not less than one or more than five mills on the dollar shall be assessed by the common council on the valuation of the real and personal property in said city, and the common council shall set opposite to the name of each person and corporation, and to each description of taxable property, the amount of tax charged to each respectively. Warrants for the collection of such tax shall be made out by the clerk, under the seal of the city, in the same general manner that warrants for the collection of city taxes are now made out, and said taxes shall be placed in the annual assessment roll of the city, and collected, in all respects, as other taxes are collected. Said taxes, when collected, shall be held by the city treasurer, and paid out as directed by the common council. Said moneys shall be expended, under direction of the council, on such streets, in such places, and under the supervision of such persons as the council may designate. No person, how-



ever, shall be entitled to any compensation from the city treasury for services rendered thus. Whenever any person shall neglect or refuse to pay his poll tax, the street commissioner may commence suit for the penalty incurred by the party refusing to pay the tax, in the name of the city, as provided by law in other cases. All the laws relating to the assessment and collection of highway and poll taxes in towns, when not inconsistent with the provisions of this act, shall be in force in said city the same as though they were a part of this charter.

SECTION 12. Each street commissioner shall be entitled to receive ten per cent. of the amount collected by him as poll tax, to be retained out of the moneys collected by him, and no other compensation shall be allowed. The city shall not be liable for any services ordered to be performed by said street commissioners, unless provision is made for paying therefor at the time such services are ordered. Fees.

SECTION 13. The common council of the city of Two Rivers shall have power to require the owner of any lot or grounds in said city to set out ornamental or shade trees, in the street or streets in front of the same, and to protect and preserve them, and in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expense of the same. They shall also have the power to determine the lines on which the trees shall be set, the places where they shall be set, the kind and size of the trees to be set, and the manner of protecting them, and for replanting them when they have died or been so injured as to fail to answer the purpose for which they were set out. Said council shall also have full power and authority to do all other needful acts as to them may seem just and proper to give this section full scope and effect. Shade trees.

## CHAPTER VII.

### FINANCES AND TAXATION.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner, and all orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city. All orders shall Funds—how disbursed.

be payable to the person in whose favor they may be drawn, or to the bearer thereof.

Appropriation  
of money.

SECTION 2. No debt shall be contracted against the city, or order be drawn on the city treasurer, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by yeas and nays upon the journal of the council; and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act, and for the payment of indebtedness now existing; nor shall the amount to be raised in any one year for the general city purposes, other than state, county or school taxes, and interest on the bonded indebtedness of said city, as authorized by law, exceed two per centum of the valuation in the tax roll for such year.

Tax limited.

Moneys to con-  
stitute general  
fund.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses shall be paid into the city treasury, and become a part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of three-fourths of all the aldermen elect.

Subject to taxa-  
tion.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers and perform the same duties as are or may hereafter 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.

Assessor — how  
governed.

SECTION 5. The assessor elected by virtue of this act shall, in all things pertaining to his office, so far as practicable, be governed by the same laws as assessors in towns.

Regarded as a  
town.

SECTION 6. The county board of supervisors shall have the right to regard the city of Two Rivers as a town, in equalizing the assessment rolls of the several towns in Manitowoc county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

SECTION 7. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law in relation to towns or town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

Ward boundaries not to be regarded.

SECTION 8. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council since the making out of the last annual tax list in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein, which statement shall be called "the tax list of the city of Two Rivers." and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Clerk to make tax-list.

SECTION 9. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in this state, that every act or thing required by law to be done, relating to assessing or levying of taxes, from the election of officers to the completion of the tax list inclusive, has been done regularly, correctly and as required by law.

Evidence.

SECTION 10. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the first day of December of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

Warrant to treasurer.

SECTION 11. The city treasurer, upon the receipt of such duplicate copy of the tax-list shall proceed to collect the same in like manner, and shall have like pow-

Collection of taxes.

**Fees.** ers, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive two per cent. fees upon all taxes paid to him before the first day of January, and four per cent. fees upon all taxes collected after that time, to be added to the amount of taxes and collected with the same, and one per cent. upon all other moneys paid into the treasury, which shall be in full for all services performed by said treasurer under this act or the ordinances of the city.

**Annual delinquent return.**

SECTION 12. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Manitowoc county, a list of all lands, lots, and personal property upon which taxes have not been paid, and shall also settle with and pay all moneys properly payable to said county treasurer, in like manner as now is, or may hereafter be required of town treasurers; and all the provisions of sections eighty-one and eighty-seven inclusive, of chapter eighteen of the revised statutes, as modified by acts amendatory thereof, shall extend to and may be enforced to collect any delinquent personal property tax of whatever year now due to said city.

**Sale of lands.**

SECTION 13. The county treasurer shall sell all delinquent lands and lots returned from the city of Two Rivers, at the same time and in the same manner as other delinquent lands are sold in the county.

**Subject to special taxes.**

SECTION 14. All real estate exempt from taxation by the laws of this state, shall be subject to all special taxes for the building of sidewalks, and improvements of streets in front of the same.

**Lands not subject to special taxes.**

SECTION 15. All lands lying within the city limits not divided and laid out into lots, or lots or blocks, and all out-lots, not subdivided and numbered by such subdivisions, which may be used, occupied, reserved or held for agricultural purposes, shall be assessed as farming land, and shall not be subject to any special taxes for sidewalks or sewers.

**Only directory.**

SECTION 16. All the directions hereby given, except in section eight (8) of this chapter, for the assessing of lands and the levying, collection and return of taxes and assessments, and the sale thereof, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

SECTION 17. In addition to the amount herein limited for taxes for general city purposes, special taxes may be levied for the purchase of fire engines, cemetery grounds, public squares, gas purposes, and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the common council and afterwards submitted to a vote of the people and approved by them. Whenever the council shall recommend such a tax, they shall specify the amount to be raised and the object thereof, and cause notice thereof and of the time and place of voting thereon, to be published in the same manner as in case of the annual city election. Special tax may be levied.

SECTION 18. The city treasurer shall receive nothing but the lawful currency of the United States for taxes, licenses, or other dues of the city, and is prohibited from receiving county, city, school or other orders in payment of city dues. Lawful money.

SECTION 19. It shall be the duty of the council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall have power to negotiate temporary loans at the legal rate of interest, for the supplying of all funds to meet any deficiency in the treasury. Prompt payment.

SECTION 20. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council. Thereupon the council shall direct its finance committee to examine the accounts of the treasurer, and if all funds in his hands have been paid out, then the council shall take such action as will enable the city to preserve its credit. Credit to be preserved.

SECTION 21. Out of the taxes collected by the city treasurer, the state tax shall first be paid; then all school taxes, then county taxes, then judgments, then all special taxes, in the order in which they were levied; then taxes for bridge purposes, then taxes for fire purposes, then taxes for streets and other public improvements. Delinquent returns shall be received by the county treasurer in payment of county taxes in the manner prescribed by the general laws of the state. Taxes—order of disbursement.

SECTION 22. The common council shall meet on Monday evening, two weeks previous to the holding of the charter election, for the purpose of disposing of its unfinished business, and shall not thereafter, during their term of office, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of their terms. May anticipate salaries only.

**Investment of surplus funds.**

**SECTION 23.** The council shall have power to direct that all surplus funds belonging to the city, not needed for immediate use, may be invested as the council may direct, or borrowed for the temporary use of the other funds of the city, and all interests and profits arising from such investment shall belong to the city, and shall be accounted for in the same manner that other funds are accounted for.

## CHAPTER VIII

### FIRE DEPARTMENT.

**Fire limits.**

**SECTION 1.** The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden building or buildings, or other materials that shall not be considered fire-proof shall be erected, repaired or moved and to direct that all and any buildings, within the limits prescribed, shall be made and constructed of fire-proof materials, and to prohibit the removal of buildings into such fire limits, or the removal of any building or buildings, situated or located within said fire limits, to or on any other lot or lots within such fire limits, and to prohibit the repairing of wooden buildings within the fire limits when the same shall have been damaged to the extent of fifty per cent. of value thereof, and to prescribe the manner of ascertaining such damages.

**Chimneys, etc.**

**SECTION 2.** The common council shall have power to regulate the building, construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in or 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 times as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactories

**Fire protection.**

dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel bystanders 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 enforce the provisions of this chapter and the ordinances under it by suitable penalties.

SECTION 3. The common council shall have power Fire companies to authorize the formation of fire engine, hook and ladder and hose companies, provide for the due and proper regulation of the same, and to disband any such companies at any time, and prohibit their meetings as such when disbanded, which companies shall be officered and governed by their own by-laws, provided such by-laws be not inconsistent with the laws of this state, or with the ordinances and regulations of the city, and shall be formed only by voluntary enlistment. Every Exemptions. active member of any company in said city shall be exempt from serving on juries and from poll tax and military duty, except in case of war, invasion or insurrection, and whenever a member of a fire, hook and ladder, bucket and hose company, shall have served therein for ten years, he shall be entitled to a discharge signed by the mayor, and shall thereafter be exempt as aforesaid.

SECTION 4. The common council shall have power Tax for fire purposes. to raise a tax each year, not exceeding five mills on the dollar of the taxable property within said city, for fire purposes, the same to be assessed and collected in the same manner as the general tax of said city; and the moneys arising therefrom shall be expended under the direction of the common council of said city for fire purposes.

## CHAPTER IX.

### SUPPORT OF THE POOR.

SECTION 1. The laws of the state for the relief and support of the poor in towns, shall apply to said city, and the common council shall appoint one or more of their number to act as overseers of the poor of the city, who shall perform all the duties of overseers of the poor in towns. State laws to apply.

## CHAPTER X.

### BOUNDARY OF SCHOOL DISTRICT.

SECTION 1. The district of country herein described as within the limits of the city of Two Rivers, or which may hereafter be embraced within the limits of Two Rivers, shall form and constitute one district for school School district boundary.

purposes. Said district shall cease to be joint with the town of Two Rivers, or any part thereof, and shall be known as district number one of the city of Two Rivers.

Repealed.

SECTION 2. All acts or parts of acts, and any provision of an order, or determination of the county board of supervisors of Manitowoc county, in setting off the village of Two Rivers from the town of Two Rivers, so far as they conflict with this act, are hereby repealed.

## CHAPTER XI

### PUBLIC SCHOOLS.

School commis-  
sioners.

SECTION 1. There shall be elected by the common council of the city of Two Rivers, at its first meeting after the first day of July of each year, from each ward in said city, one school commissioner for said city, who shall be residents of the wards for which they are elected; the persons so elected shall hold their offices for the term of one year, and until their successors are elected and qualified, and the common council may make appointments of school commissioners to fill vacancies which may occur from any cause.

Board of educa-  
tion.

SECTION 2. The school commissioners elected under the provisions of section one of this chapter, shall form the "board of education of the city of Two Rivers," 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.

President of  
board — his  
powers and  
duties.

SECTION 3. The board of education shall, at the first regular meeting in July of 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 teachers' and janitors' wages, and all other incidental and necessary expenses of said board of education, and in all suits brought by or against the school district, he shall appear in behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board: *provided*, that on all questions requiring appropriations of money or the adoption of the new text-books, the vote shall be taken by ayes and noes, and on any other questions 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*.

SECTION 4. The board of education shall have at least one regular meeting in each month, at such time and place as may be directed 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 such 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 such meeting. Monthly meetings.

SECTION 5. The duties of the board of education shall be as follows: Duties of board

1st. 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 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 will enter into a written contract, which contract shall be signed by such teacher and by the said 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 copy delivered to such teacher. Employment of teachers.

2d. To arrange and determine terms and vacations in all public schools, to establish uniformity in the school system, and to require and secure uniformity in text-books, and to adopt or reject text-books, at will. Text-books, terms, etc.

3d. 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 said city. Rules and regulations.

4th. To make contracts for all fuel, stationery, and articles of furniture required for the use of 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, etc.; 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. Incidentals.

Annual report.

5th. The said board shall annually, on or before the first day of November in each year, submit a statement to the mayor and 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 have 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 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 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. The said board of education shall have power to allow the children of persons not residents of said city, to attend in either of the schools therein, under the care and control of said board, upon such terms as said board shall by resolution prescribe, fixing the tuition which shall be paid therefor; all moneys so received for tuition shall become a part of the school fund of said city.

Non-resident children.

Repairs—how made—and construction of schoolhouses.

SECTION 6. 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 to enter into contracts for making such repairs or for the erection of such buildings, 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: *provided*, that no such tax shall be levied for the purchase of sites or new school buildings, until such question shall have been submitted to the legal voters of the city for their approval at a general or special election called according to law.

SECTION 7. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasury, payable out of the school fund, for teachers' and janitors' wages, and all other expenditures authorized by this act. Orders—how drawn.

SECTION 8. 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 made in which any member of said board shall have such interest, shall be absolutely void. Who shall have no interest in contract.

SECTION 9. The city clerk shall, in addition to his other duties, act as secretary of the board of education. City clerk to act as secretary.

## CHAPTER XII

### ACTION TO RECOVER PENALTIES, ETC.

SECTION 1. All actions brought to recover any penalty of 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 ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. Suits to be brought in corporate name of city.

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 criminal cases before justices of the peace, under the general statutes of the state for the time being. First process—summons.

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

COUNTY OF MANITOWOC — *City of Two Rivers* — ss.

The state of Wisconsin to the sheriff or any constable of said county, or to the marshal of the city of Two Rivers:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, justice of the peace in and for said city, at my office in said city, on the — day of —, A. D. 18—, at — o'clock in the — noon, to answer the city of Two Rivers in a plea of debt to the damage of said city, two hundred dollars or under.

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

C. D. Justice of the Peace.

Summons —  
how returned.

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 this 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 Two Rivers against A. B. — In justice court, before C. D., justice of the peace.

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 Two Rivers, to recover of the defendant the sum of — dollars debt. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the cost of this action.

Form of complaint.

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

The city of Two Rivers against A. B.

In Justice Court, before C. D., Justice of the Peace.  
County of Manitowoc — ss.

—, being duly sworn, complains on oath to C. D., justice of the peace in and for the city of Two

Rivers, in said county, that A. B., on the — day of —, eighteen —, 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 Two Rivers therefor.

Sworn and subscribed before me this — day of —, eighteen hundred and —.

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, 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 form:

County of Manitowoc, City of Two Rivers — ss. Specifications sufficient.  
The state of Wisconsin, to the sheriff or any constable of said county, and to the marshal or any policeman of the city of Two Rivers, greeting: Form of warrant.

Whereas, — — has this day complained to me, in writing, on oath, that A. B., on the — day of —, eighteen —, 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 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 Two Rivers on the complaint aforesaid.

C. D., Justice of the Peace.

Upon the return of the warrant, the justice shall 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, her 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 Manitowoc county. The complaint made as aforesaid shall be the only complaint required, and the plea of not guilty shall put in issue all subject matter embraced in the action. Justice to at once proceed, or may adjourn and require bail.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and pub- Evidence.

lished in a newspaper or in pamphlet or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

Shall attend  
without tender  
of fees.

SECTION 8. Witnesses and jurors shall attend before the 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.

Trial by jury.

SECTION 9. In city prosecutions, both plaintiff and defendant shall enjoy the right of trial by jury as in civil actions in justices courts, and the findings of the court shall be, guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture present-ed 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 cases of tort; in case the action was commenced by summons, and 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, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

Execution shall  
issue.

Form of execu-  
tion.

County of Manitowoc, City of Two Rivers — ss.  
The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal or policemen of the said city, and to the keeper of the common jail of said county, greeting:

Whereas, the said city of Two Rivers, on the — day of —, 18—, recovered a judgment before the un-designated, justice of the peace in and for 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 the said —, excepting such as the law exempts, and make sale thereof according to law to the amount of said sums, together with your fees, twenty-five cents

for this writ; and the same return to me within thirty days, and for want of such goods and chattels whereon to levy, to take the body of the said —, and him convey and deliver to the keeper of the common jail in Manitowoc 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 costs 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 the levy and sale and return of writ. Form of commitment.

SECTION 10. In any case the defendant may appeal from such judgment to the circuit court of the county of Manitowoc: *provided*, that such defendant within twenty-four hours, enter into a recognizance, with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said 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 proceedings and a copy of the entries in 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. Defendant may appeal.

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, and 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 or by either party. To stand for trial by jury.

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 ordinance, 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. Penalty—how enforced.

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. Not incompetent.

Village ordinances to apply.

SECTION 14. All ordinances and regulations now in force in the village of Two Rivers, 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.

Actions vested in city.

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

Process—how served.

SECTION 16. When any suit or action shall be commenced against said city, the service thereof shall be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of said mayor or clerk so served, forthwith to inform the common council thereof, or to take such demand or proceeding as by the ordinance or resolution of said council may be in such cases provided.

Disposition of penalties.

SECTION 17. 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.

## CHAPTER XIII.

### THE HARBOR.

Docks and wharfs.

SECTION 1. The common council of said city shall have power, by ordinance, to establish dock and wharf lines upon the banks of the rivers in said city; whenever the same are not established, to restrain and prevent encroachments upon said rivers and obstructions thereto, and to construct, alter and maintain, or cause to be constructed, altered or maintained, at the expense of the city, docks or wharfs along the banks of said rivers, where the same are not by law required to be constructed and maintained at the expense of the owners of the lots bounded on said river.

River banks.

SECTION 2. The common council shall have power to dock and require the docking of the rivers within the limits of said city, and to protect and require the protecting of the banks of any stream or creek emptying in said rivers, so as to prevent the washing away of such banks, and to prevent sand and other obstructions from washing into said rivers, and may, by ordinance, require the docking of the banks of said rivers, and the repairing of any docks, and the filling of any lots abutting thereon, and the protecting of the banks of any creek, gutter or water-course emptying into said rivers,



by the owner or owners of the pieces or parcels of land, lots or docks adjoining or abutting on said rivers, gutter or water-course, in such manner and within such reasonable time as the common council shall prescribe. And if any owner or owners of such lots, lot, piece or parcel of land so adjoining or abutting, shall neglect or refuse to build or repair such docks or other protection, or to comply with any of the requirements of such ordinance, the common council may let such docking, repairing, filling or protecting, by contract, to the lowest responsible bidder for the same; and when it shall be completed according to such contract, the whole expense of such work shall be charged and levied against and collected from each particular lot or parcel of land in front of or along which such work has been done, and a certificate shall be issued to such contractor, as provided in section six, chapter six of this act.

SECTION 3. Said city council shall have power to <sup>Dredging.</sup> provide by ordinance for dredging East and West rivers, and to require of the owners of lots or lands abutting on said rivers to dredge the same opposite such lots to the width of twenty (20) feet, in such manner and to such depth, and within such time as the council may direct; and the earth excavated from the bed of said rivers may be deposited upon such lot or lots or be otherwise disposed of. And if the owner or owners of such lot or lots shall refuse or neglect, within the time specified by said council, to do such dredging, the common council may let such dredging by contract to the lowest responsible bidder for the same; but the common council may, at the same time, cause the rivers to be dredged to the same depth in front of streets and other places in said rivers where such dredging shall be chargeable against the city, contiguous to the points required to be dredged by such ordinance within the limits prescribed in such ordinance. And when the dredging in front of such lots shall be completed according to such contract, and accepted by the council, the expense of such dredging shall be charged and levied against the particular lots of land in front of which such dredging has been done, and the mayor and city clerk shall issue a certificate to such contractor as provided in section six of chapter six of this act, for the contract price of the work, which certificate shall from time to time be a lien upon said lot or lots the same as other special assessments, and shall be collected in the same manner as the taxes assessed on real es-

tate are collected; but no part of the expenses of any such dredging shall be paid by the city.

Harbor-master.

SECTION 4. The common council shall annually appoint a harbor master on whom may be conferred the duties of bridge-tender. The duties and compensation of such harbor master and bridge-tender shall be prescribed by the common council by ordinance. His term of office shall be one year, and until his successor is appointed and qualified; but he shall be subject to removal, at any time, by the common council.

Approved March 12, 1878.

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[No. 272, A.]

[Published March 21, 1878.]

## CHAPTER 159.

AN ACT to revise the charter of the city of Chippewa Falls.

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

### CHAPTER I.

Incorporated.

SECTION 1. All that district of country in the county of Chippewa, hereinafter described, shall be and remain a city by the name of Chippewa Falls, and the people who now, or who may hereafter, inhabit said district, shall be a municipal corporation by the name of the city of Chippewa Falls, and shall have the general powers possessed by municipal corporations at common law, and also the powers hereinafter specially 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 with, in all courts of law and equity, and shall have a common seal, and may change and alter the same, at pleasure.

### CHAPTER II.

Boundaries.

SECTION 1. The south half of section number thirty-one (31), and the southwest quarter of section thirty-two (32), in township number twenty-nine (29) north, of range number eight (8) west; also the east one-half of section number one (1) and lots one (1) and two (2), in section twelve (12), in township number twenty-eight (28), range number nine (9); all of section number six (6), except lot number one (1) therein; also lot