

ment, to include the amount due from such town in his apportionment of the state taxes to the town, but it shall be carried out in a separate column, and the town clerk of said town shall charge such amount on his tax roll, and the tax shall be collected by the town treasurer and paid with the state tax to the county treasurer, who shall pay it over to the state treasurer with the state taxes.

SECTION 6. The provisions of section two hundred and sixty-four (264) of the revised statutes shall apply to any officer required to do any duty in relation to the levy and collection of such tax, and the provisions of section nine hundred and forty-four (944) of said statutes shall also apply to said town, so far as applicable or necessary to be applied. Levy and collection of tax.

SECTION 7. When said purchase shall have been consummated, and said certificate of indebtedness duly executed, received and accepted by said commissioners, they are hereby required to surrender said bonds to said town, first cancelling the same; said certificate of indebtedness shall be in such form as said commissioners shall prescribe. Surrender of bonds.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1879.

[No. 69, S.]

[Published March 17, 1879.]

CHAPTER 186.

AN ACT to revise and amend the charter of the city of Manitowoc.

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

SECTION 1. Chapters three, four, five, six, seven, eight, nine and eleven of chapter two hundred and seventy-five of private and local laws of 1870, entitled an act to incorporate the city of Manitowoc, are hereby amended and re-enacted so as to read as follows: Amended and re-enacted.

CHAPTER III.

OFFICERS; THEIR ELECTION AND APPOINTMENT.

SECTION 1. The officers of said city shall be a mayor, three aldermen from each ward, a city treasurer, city clerk, city attorney, city assessor, city surveyor, officers.

city marshal, one justice of the peace, and one constable for each ward; one or more city physicians; a bridge tender for each draw bridge; a harbor master; a sealer of weights and measures; a chief engineer of the fire department; one or more policemen, and such other officers as the board of aldermen may deem necessary to appoint.

Elective officers.

SECTION 2. The mayor, city treasurer, aldermen, justices of the peace and constables shall be elected by the people at the annual municipal election for city and ward officers. All other officers shall be appointed by the board of aldermen, at the first regular meeting thereof after the first Tuesday in April in each year or as soon thereafter as may be.

Terms of office.

SECTION 3. The justices of the peace shall hold their offices for two years, and until their successors are elected and qualified; and all other officers either elected or appointed, shall hold their office for one year and until their successors are elected and qualified, subject to removal as in this act made and provided.

Vacancies.

SECTION 4. When any vacancy in the office of the mayor or any justice of the peace shall occur, the same shall be filled by a special election for the unexpired term. Vacancies in any other city office shall be filled by appointment, by the board of aldermen.

Bonds.

SECTION 5. The city treasurer, justices of the peace, and such other officers as the board of aldermen may direct, shall before entering upon the discharge of the duties of their respective offices, execute and deliver to the city of Manitowoc a bond running to said city in such penal sum as the board of aldermen may direct, with two or more sureties, conditioned for the faithful discharge of the duties of their respective offices, and with such other conditions as the board of aldermen may prescribe. The board of aldermen may at any time require new and additional bonds. All bonds must be filed in the office of the city clerk within ten days after the officer executing the same shall be notified of his election. All official bonds must be approved by the board of aldermen, and when so approved shall be recorded by the city clerk in a book to be kept for that purpose. Such clerk shall annex to each record a certificate that the record is a true copy of the original and such record shall be prima facie evidence of the contents of such bond, and in the absence of the original may be used as evidence in all courts of this state.

In case of neglect to file bond.

SECTION 6. Any city officer neglecting or refusing so to execute and file the bond or bonds required in

the preceding section, within the time therein mentioned, shall be deemed to have refused said office, and the same shall be filled by appointment or election, as in other cases of vacancy; and in case the board of aldermen shall not approve of any official bond so executed, the officer so executing the same shall furnish a new and satisfactory bond within ten days after notice of such disapproval, and in case of failure, he shall be deemed to have refused his office, and the same shall be filled as in cases of vacancy.

SECTION 7. No city officer shall be accepted as surety upon any bond, note or other obligation made to said city. No city officer shall in any way be interested in any contract to which the city is a party. Any such contract shall be void, and the city shall incur no liability thereon.

Officers not to be interested in contracts.

SECTION 8. Every person elected or appointed to any office shall, before he enters upon the discharge of the duties thereof, take and subscribe the oath of office, and file the same with the city clerk, within ten days after notification of his election or appointment. In case of failure to file such oath within the time limited, the office shall be deemed vacant.

Oath of office.

SECTION 9. Every officer who may be elected or appointed by the board of aldermen to any office, may be removed from such office by a vote of two-thirds of all the aldermen elected. But no such officer shall be removed except for good cause, nor unless furnished with the charges and an opportunity given him to be heard in his defense, and the board of aldermen shall have power to compel the attendance of witnesses and the production of papers when necessary for the purpose of such trial, and shall proceed within ten days to hear and determine the case upon the merits thereof; and if such officer neglects to appear and answer to such charges, or if such charges are sustained, then the board of aldermen may declare such office vacant. Any officer may be suspended until the disposition of the charges so preferred.

Removal for cause.

SECTION 10. The city clerk, city treasurer, city attorney, city marshal, policemen, harbor master, city physicians, bridge tenders, engineers of fire companies, shall be paid a salary to be fixed annually. The board of aldermen shall meet on the fourth Monday of March in each year and fix the salaries to be paid for the ensuing year to the above named officials, and to any other official created by said board. The board shall, at said meeting, fix the per diem to be paid to the assessor and street commissioners.

Salaries.

Eligibility to hold office.

SECTION 11. No person shall be eligible to hold any office above mentioned in this act, unless he shall be at the time a resident elector of the city, nor shall any person be eligible to any ward office unless he shall be at the time a resident elector of the ward in which such office exists.

CHAPTER IV.

ELECTIONS.

Elections.]

SECTION 1. The annual election for city and ward officers shall be held on the first Tuesday in April in each year at such places as the board of aldermen shall designate; the polls at such election shall be kept open in each ward from nine o'clock in the forenoon until five o'clock in the afternoon of the same day. Ten days notice of the time and place of holding annual and special elections shall be given by publication, in at least two newspapers published in said city, and by posting three written or printed notices in three public places in each ward of said city. Such notices shall specify the officers to be elected, and in case of special election, shall state the object of such election.

Mode and determination of elections.

SECTION 2. All elections shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the board of aldermen, at such time and in such manner as the board of aldermen shall direct. All votes for elective officers shall be upon one ballot, and shall be deposited in one ballot box.

Qualification of electors.]

SECTION 3. Electors shall possess the same qualifications of electors at a general election. Any person voting at any annual or special election not being a qualified elector shall be subject to the same penalties prescribed by the general laws of this state for illegal voting. The right to challenge a voter and the proceedings thereupon shall be as in said general laws prescribed.

Canvass of votes.

SECTION 4. Within one week after each and every annual municipal election held under this act, the board of aldermen shall meet and canvass said returns, and declare the result as it appears from the returns, and the city clerk shall, within three days thereafter, give notice to each person elected of his election: *provided*, that in case a quorum shall not be present at such meeting it shall be adjourned from day to day until a quorum shall be present.

SECTION 5. Special elections may be called at any time by said board, upon due notice given. Special elections shall be conducted in the same manner, upon like notice, and subject to the same penalties as annual elections.

Special elections.]

SECTION 6. All elections under this act shall be held and conducted, when not herein otherwise provided, in the same manner and under the same penalties as provided for by the laws of this state for the election of town and county officers.

How elections to be conducted.

CHAPTER V.

OFFICERS: THEIR POWERS AND DUTIES.

SECTION 1. The mayor, when present, shall preside at all meetings of the board of aldermen, and shall sign all contracts, agreements, licenses and permits granted by said board. He shall take care that the laws of the state, and the ordinances of the city are observed and enforced; and that all of the officers of the city discharge their respective duties. He shall, from time to time, give the board of aldermen such information and recommend such measurers as he may deem advantageous to the city. He shall be the chief executive officer, the head of the fire department and of the police of the city. He shall appoint all policemen, and may, in case of a riot or other disturbance, appoint as many special policemen as may be necessary. He shall have and possess the veto power as hereinafter prescribed. Should he refuse to approve any law, ordinance, rule, regulation, claim or resolution, appropriating money, creating a debt or liability, he shall communicate his objections in writing to the board of aldermen, within five days after such law, ordinance, rule, regulation or resolution is submitted to him for his approval; but if upon the receipt of such veto message, two-thirds of all the aldermen elect should vote for the passage of such ordinance, rule, regulation, claim or resolution, the same shall be considered legally passed, notwithstanding the objections of the mayor.

Mayor; his powers and duties.]

SECTION 2. The board of aldermen at its first meeting after organization in each year, shall choose by ballot from its number a president, and in the absence of the mayor the said president shall preside at the meetings of said board, and during the absence or inability of the mayor from any cause, to discharge the duties of his office, the president shall exercise all

Board of aldermen; its meetings and proceedings.]

of the power and discharge all of the duties of mayor. The president while presiding at meetings of the board of aldermen, or performing the duties of mayor, shall be styled acting mayor, and acts performed by him in such capacity, shall have the same force and validity as if performed by the mayor. But the president of the board of aldermen, as acting mayor, shall sign no warrant, order or other proceeding whatever, which the mayor has refused to sign and communicated such refusal to the board of aldermen.

Clerk; his powers and duties.

SECTION 3. The city clerk shall have the care and custody of the corporate seal, and all papers and records of the city. He shall attend all meetings of the board of aldermen, and keep a full record of its proceedings. He shall record all ordinances and bonds in a book to be kept for that purpose. He shall keep a record of all licenses granted, which record shall be open to the inspection of the public at all times. He shall carefully preserve all receipts filed with him of payment of money for licences, except as otherwise herein provided; he shall have and possess the powers and authority, and perform such duties as clerks of cities and villages are required to perform under the general laws of this state. He shall keep a record of all orders drawn on the city treasurer, in a book provided for that purpose, and shall also keep an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection, and all sums of money paid into the treasury. Ten days preceding every annual election he shall make and cause to be published, in the official papers in the city, a statement showing the name of every person who shall have had an account allowed and paid by said city, a brief statement of the nature of the demand also, giving the aggregate amount allowed each person, the expense of city printing and of each department of the city; amount paid out of poor fund, and the expense of each fire company. Said statement shall also show amount of moneys paid into city treasury during the year, and shall embrace all accounts from the date of the like statement made by his predecessor to date. In case of the absence of the clerk, the board of aldermen may elect a clerk pro tem.

Treasurer; his powers and duties.

SECTION 4. The city treasurer shall perform all the duties required of him, collect all city, county and state taxes, and pay over the moneys in his hands, according to law. He shall keep a detailed account of moneys received and disbursed by him in such a man-

ner as the board of aldermen shall direct. His books shall, at all reasonable times, be open to the inspection of any voter of the city. He shall report to the board of aldermen as often as required; and ten days preceding every annual election, he shall make out and file in the city clerk's office a full and minute report of all moneys received and disbursed by him; of all tax certificates, vouchers and other effects of pecuniary value in his possession, and of all other transactions relating to his office, necessary to show the actual financial condition of the treasury, which report shall embrace all the requisite transactions of his office from the date of the like report of his predecessor, to the date of the report required to be made out by him. He shall receive no fees or per diem or other compensation for his services, except the salary fixed by the board of aldermen prior to his election. Except as it is herein otherwise provided, he shall have and possess the power and authority and perform such duties as treasurers of cities and villages are required to perform under the general laws of the state of Wisconsin.

SECTION 5. The city attorney shall conduct all the law business of the city and of all the departments thereof, and all other law business in which the city shall be interested, when so ordered by the board of aldermen. He shall when requested, furnish written opinions on subjects submitted to him by the mayor or by the board of aldermen or any of its committees, or by any other department of the municipal government. He shall keep a docket of all the cases in which the city may be a party in any court of record, in which shall be briefly entered all steps taken in such cases, and said docket shall at all times be open to the inspection of any city officer. It shall be also his duty to draft all ordinances, contracts, deeds, bonds, leases and such other instruments in writing as may be required by the business of the city; to examine and inspect tax and assessment rolls, and all proceedings in reference to the levying and collection of taxes and assessments, and to perform such other duties as may be prescribed by the charter and ordinances of the city.

Attorney; his duties.

SECTION 6. The city assessor shall assess all of the taxable property of the city. He shall as far as the same are applicable, be governed by such laws as assessors in the several towns of this state. He shall be paid a per diem for his services, which shall not exceed three dollars per day.

Assessor; his duties.

SECTION 7. The city surveyor shall be a practical

Surveyor; his duties.

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

Marshal to be
chief of police.

SECTION 8. The city marshal shall be *ex officio* chief of police. He shall attend all meetings of the board of aldermen and shall perform such duties as are herein prescribed, and such other duties as may be required of him, by any ordinance, by law, rule or regulation of said city for the preservation of the peace, the health of the city, and for the collection of fines and license money. He shall in no case collect license money, but he shall see that all parties required by law of the state, the charter or any ordinance of the city, to procure license, obtain the same of the proper authorities before opening any exhibition or doing any business requiring such license. He shall possess the powers of a constable at common law or by the laws of this state, and shall receive like fees and be subject to the same liabilities, but shall not serve any process outside of the city except when necessary in criminal

cases for the violation of any ordinance of said city or law of this state; when the offense was committed within the limits of said city, he may pursue and arrest parties in any part of the state of Wisconsin. He shall repair to all fires, riots and tumultuous assemblies, take charge of the police present, and use every exertion to protect property, disperse mobs and cause to be arrested all persons engaged in, disturbing the peace; to apprehend any person in the act of committing any offense against any ordinance of the city or laws of this state, and, within reasonable time, bring such person before competent authority for examination.

SECTION 9. Any officer making an arrest under the provisions of this act may, if necessary, commit the person arrested to the jail of Manitowoc county, without process, and the sheriff of said county shall safely keep said person so arrested, and deliver him up to the officer making the arrest on demand and without process. Any person so arrested and committed shall be taken before a justice of the peace within twenty-four hours, Sundays excepted, after such arrest. The justice before whom any prisoner is brought for examination or trial, may, for good cause shown, adjourn the examination or trial a reasonable time, and may require the prisoner to give bail to the city of Manitowoc for his appearance at such adjourned day, and in default of bail may commit said prisoner to jail to await his trial.

Disposal of persons under arrest.

SECTION 10. The mayor, aldermen, justices of the peace, city marshal, policemen and constables shall be officers of the peace, and suppress in a summary manner all riotous and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and, if need be, all citizens. If any person refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of twenty-five dollars; and in cases where the civil power shall be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings. It shall be lawful for the mayor, any aldermen, the city marshal, every policeman (or person acting as such) or constable of the city, to arrest forthwith any person who shall be drunk, disorderly, riotous, or doing any act which, by this act, shall be construed to be a misdemeanor, or by warrant arrest any person whom they or any of them shall find committing any violation of the laws or any ordinance of said city, and to take such person before a justice of the peace for trial or to commit to the county jail.

Peace officers; their powers and duties.

**Of arrest and
commitment.**

SECTION 11. All persons arrested or committed under the provisions of this act shall be committed to the common jail of Manitowoc county, and it shall be the duty of the sheriff to safely keep all such prisoners until they are discharged by due course of law. No person arrested and committed without process shall be discharged by him until twenty-four hours after commitment, and in case a party is committed on Saturday he shall not be discharged until noon on the following Monday. The sheriff may, when in his judgment justice requires it, take any prisoner, committed without process before some justice of the peace of said city and have the party admitted to bail for his appearance at the time of the trial. But no prisoner shall be discharged unless the officer arresting him and the city attorney are notified, and an opportunity given to be present.

**Sheriff to make
report.**

SECTION 12. The sheriff of Manitowoc county shall report quarterly to the board of aldermen all prisoners in his custody for the quarter preceding, for the keeping of whom said city is liable.

**Employment
and custody of
prisoners.**

SECTION 13. Any prisoner committed to the county jail of Manitowoc county for violating any of the ordinances of the said city, may be employed at hard labor on any public work outside of said jail, and within the limits of said city. The keeper or custodian of said jail shall, on demand of the mayor, deliver any and all of said prisoners to the mayor or other officer, for the purposes aforesaid, and shall receive and securely confine said prisoners when returned to him, by direction of the mayor. The mayor may, by order, direct at what labor said prisoners shall be employed, and direct as to time and manner of employment, and he may cause them to be secured in such a manner as, in his judgment, will prevent their escape.

**Duties of police-
men.**

SECTION 14. It shall be the duty generally of all policemen appointed by the board of aldermen to faithfully perform such duties as shall be prescribed by the ordinances, by-laws and resolutions of the board of aldermen, for the preservation of the public peace and health of the city, and they shall have all the common law and statutory powers of constables, except for the service of civil process. They shall perform the duties of night watchmen for the city if required, and shall faithfully abide by all ordinances prescribing the manner and extent of their duties, and the time in which such duties shall be performed.

Justices of

SECTION 15. The justices of of the peace elected

under this act shall have the same jurisdiction and perform all the duties of justices of the peace, as prescribed by the general laws of this state. They shall also have jurisdiction to have and try all offenses for the violation of any ordinance, rule regulation or by-law of said. But the city shall in no case be liable for costs except for actions brought under the direction of the mayor or marshal. On the first Monday of each month, each justice of the peace of said city shall file in the office of the city clerk a report, under oath, of all actions determined before him in the month preceding in which the city became liable to pay costs. A failure to make such report shall release the liability of the city to pay. At the same time they shall report all fines collected for the month preceding, and pay the same to the city treasurer and take his receipt therefor.

peace; jurisdiction and power.

SECTION 16. The marshal and policemen shall be fire wardens of the city. They shall examine as to the construction and condition of all chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and fire apparatus, used in and about any buildings, and shall have power to prevent the improper construction of any thereof, and may cause them to be placed or removed in a safe and secure condition. They shall prevent the depositing or keeping of ashes or any combustible material in any place except such as is perfectly safe. They shall also be the attending officers at all election polls at all general and special elections.

Fire wardens.

SECTION 17. The board of aldermen shall have power from time to time to require other and further duties to be performed by any officer, whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed. Such compensation shall be fixed by resolution at the time the office is created, for the remaining part of the year; thereafter the salary shall be fixed at the time and in the manner herein prescribed for fixing salaries of other officials.

Further powers.

SECTION 18. The board of aldermen at its first meeting, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published, all ordinances and other proceeding and matters required by this act, or the by-laws or ordinances of the board of aldermen to be published in a newspaper and the said board of aldermen shall

Official paper.

have power and authority to establish, by ordinance, resolution or otherwise, such rates for such printing and publishing as to them may seem just and proper: *provided*, that the price for such work shall not exceed the legal rates for like work, as is now or may be established by law.

Printers to file copy.

SECTION 19. The city printer or printers, immediately after the publication of any notice or ordinance, by-law 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, by-law or resolution.

Books, moneys, etc.

SECTION 20. All city officers, at the termination of their office, shall immediately deliver to their successors in office, all property, moneys, books, papers and effects of every description in their possession belonging to the city or pertaining to the office they may have held. Any person neglecting or refusing to do so, shall forfeit and pay to the use of said city, one hundred dollars, besides all damages caused by such neglect or refusal, and such successor may recover the possession of such books, papers and effects, in the manner prescribed by the laws of the state for other officers.

CHAPTER VI.

THE BOARD OF ALDERMEN: ITS GENERAL POWERS AND DUTIES.

General powers of board of aldermen.

SECTION 1. The legislative powers of the city of Manitowoc shall be vested in a board of aldermen; the mayor and aldermen of said city when assembled, shall constitute the board of aldermen; in the proceedings thereof each member present shall be entitled to a vote: *provided*, that the mayor shall vote only in case of a tie vote by the aldermen present. Two-thirds of all the aldermen elect shall constitute a quorum for the transaction of business, whether the mayor shall be present or not. Less than two-thirds of all the aldermen may meet and adjourn from time to time until a quorum is present.

Meetings and proceedings.

SECTION 2. The board of aldermen shall prescribe the time and fix the place of holding its meeting, which shall at all times be open to the public. It shall determine the order and rules of its proceedings, and keep a record thereof, which shall be open to the in-

spection of every citizen at all reasonable times and hours. It shall have power to preserve order and propriety in its proceedings, and may adopt such by-laws, rules and regulations for its own government as are not inconsistent with the provisions of this act; and shall have power to compel the attendance of its members; and to impose and enforce penalties for non-attendance. The board of aldermen shall be the judge of the election and qualifications of its members.

SECTION 3. Special meetings of the board of aldermen may be called and held upon the application in writing, signed by three aldermen, and addressed to the clerk of said city, stating the object of each meeting, and the time when the same is to be held, which shall not be less than twenty-four hours from the time when the clerk shall receive such application. The clerk shall forthwith call the meeting required by giving personal, verbal notice to all the aldermen except those who signed the call, and to the mayor, informing each of them of the object of said meeting, and the time when the same is to be held, and shall file such application in his office, and make a memorandum thereof in the journal proceedings. Special meetings.

SECTION 4. The style of all ordinances shall be, "Be it ordained by the mayor and board of aldermen of the city of Manitowoc." Every ordinance, rule, by-law or regulation of said city, except those which relate to the government of the board of aldermen, shall be published one week in some newspaper published in the city before the same shall be in force. All ordinances shall be signed by the mayor or acting mayor, and attested by the clerk and the seal of said city affixed. Style of ordinances.

SECTION 5. The board of aldermen shall have control and management of the finances and all property of the city, and shall likewise in addition to the powers herein vested in them by other provisions of this act, have power to make, enact, ordain, establish, enforce, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city as it shall deem expedient, declaring and imposing penalties, and enforcing the same against any person who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules or by-laws are hereby declared to be and have the force and effect of the law: *provided*, that they are not repugnant to the constitution and laws of the United Special powers of board of aldermen.

States, or to the constitution of the state of Wisconsin, and for that purpose shall have power and authority by ordinance, regulation or by-law:

Finances.

1. To manage and regulate the finances and regulate, preserve and dispose of the property, real and personal, belonging to the city.

Taxes.

2. To adopt all legal and requisite measures for levying and collecting taxes and assessments.

**Locomotives,
etc.**

3. To regulate the use of locomotive engines within the city; to direct and control the location of railroad tracks, and to require railroad companies to construct and maintain, at their own expense, such bridges, viaducts, tunnels, and to provide such other conveyances at public railroad crossings, as the board of aldermen may deem necessary.

Fire regulations.

4. To establish and regulate a fire department within said city, and prescribe the duties of the officers and members thereof; to provide all necessary apparatus for the extinguishment of fires; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress or sale in any manner, and if such owner of building shall refuse to procure suitable ladders and fire buckets after reasonable notice, the board of aldermen may procure and deliver the same to him, and in default of payment therefor, may recover of such owner the value of such ladders or fire buckets, or both, with cost of suit; to regulate the storage of gunpowder and other dangerous material; to direct the safe construction of a place for the deposit of ashes; to regulate the manner of putting up stoves and stove pipes; to prevent bonfires and the use of fire-works and fire-arms within the limits of said city, or such part thereof as it may think proper; to compel the inhabitants of said city to aid in the extinguishment of fires, and to pull or break down and raze such buildings in the vicinity of fires as shall be directed by the aldermen, or any two of them who may be at the fire, or by the mayor or chief engineer of the fire department, for the purpose of preventing its communication to other buildings, and any building so destroyed shall be paid for by the city; to construct and preserve reservoirs, pumps, wells, and other water-works, and regulate the use thereof, and generally to establish such other measures of prudence for the prevention or extinguishment of fires as it may deem proper.

Nuisances.

5. To declare what are nuisances, and to prevent,

abate and remove the cause, and to make the expense of removing the same, when incurred by the city, a legal charge and lien against the real estate whereupon the same was situated, and to take such measures for the public health as it may deem proper, to compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous houses or places, to cleanse, remove or abate the same as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the city.

6. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gaming in said city. Gaming.

7. To prevent any riots, disturbances or noisy and disorderly assemblages; suppress and restrain disorderly houses or groceries or houses of ill-fame, shows and exhibitions, and to regulate and prevent the use of fireworks and fire-arms, and the shooting of fire-arms or crackers. Riots, etc.

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

9. To prevent the encumbering of streets, side and cross walks, alleys or other public grounds, with carriages, carts, wagons, sleighs, sleds, boxes, lumber, fire wood or other materials or substances, whatever. Encumbering of streets.

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

11. To restrain the running at large of cattle, swine, sheep, horses, poultry and geese, and to authorize the distraining and sale of the same, or to impose a fine not exceeding five dollars for every such animal so found going at large in violation of the ordinances or by-laws of said city; to establish pounds and appoint pound masters and prescribe their powers and duties. Running at large of cattle, etc.

12. To prevent the running at large of dogs, and authorize the destruction of the same in a summary manner, when at large contrary to the ordinances of the city, and to impose a tax upon the same. Dogs.

13. To prevent any person from having, bringing or depositing within said city, any putrid carcasses or unwholesome substance, and to require the removal of the Putrid carcasses, etc.

same by any person who may have upon his premises any such substance or any putrid or unsound meats, fish, hides or skins of any kind, and in default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

- Board of health.** 14. To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burying grounds, set apart for public use, from taxation. To regulate the speed of vessels navigating the river of said city, and to require all sail vessels to be towed or tugged through the bridges over said river.
- Wharves, etc.** 15. To regulate the building of wharves, docks and ferries, and to provide for the security and protection of the same.
- Bridges.** 16. To order and regulate the building of bridges, and provide for the security and protection of the same: *provided*, that the location thereof shall be determined by a vote of the legal electors at any election held for that purpose.
- Driving on sidewalk.** 17. To prevent all persons from riding, leading or driving any horse, ox, mule, cattle or other animal, on the sidewalks in said city, or in any way doing any damage to sidewalks.
- Removal of snow, etc.** 18. To compel the owners or occupants of lots or buildings to remove snow, dirt or rubbish from sidewalks, streets or alleys opposite thereto, and in default, to authorize the removal of the same by some officer of the city or other person, at the expense of such owner or occupant, and to make or cause to be made the expense thereby incurred a lien upon the real estate.
- Restrain drunkards.** 19. To restrain drunkards, immoderate drinking, and obscenity in the streets or public places of said city, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.
- Police regulations.** 20. To regulate the police of the city; to appoint watchmen and firemen, prescribe their duties and punish their delinquencies.
- Shade trees, etc.** 21. To protect shade and other trees, and monuments in said city.
- Obstructions in river.** 22. To provide for removing out of the Manitowoc river or harbor any driftwood, piles, timber, filth or other substances, and to remove and to prevent encroachments of any kind in said river or harbor within said city.
- Grade of streets.** 23. To establish the grade of all streets in said city,

and to lay out, alter, open, widen and repair grades, pave or otherwise improve streets, avenues, lanes, alleys, sewers, side and cross-walks.

24. To alter the boundaries of wards and increase the number thereof. Ward boundaries.

25. To vacate or discontinue streets, lanes, alleys and sewers. Vacate streets, etc.

26. To insure the public property of said city. Insurance.

27. To direct in the prosecution and defense of actions in which said city may be a party. Actions against city.

28. To procure the necessary blank books for records, accounts, orders, etc., and such stationery as may be required for city purposes. Books, etc.

29. To audit and allow all accounts against the city, and to draw orders on the treasury for the payment of the same. Auditing of accounts.

30. To regulate, prevent and control the landing of persons from boats, vessels, cars, or other conveyances, wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city. Landing from boats.

31. To license, regulate or prevent the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, concert or theatrical performances, billiard tables or bowling saloons; to grant licenses for selling spirituous, vinous or fermented liquors, and regulate and license taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, ale or beer, and to revoke the same for a violation of the conditions thereof; to prescribe the amount to be paid for such license, and the time when such license shall expire. Showmen, etc.

32. To license and regulate cartmen, runners, porters, hack, cab, truck, omnibus and stage owners and drivers, and all carriages or vehicles used for the transportation of passengers, merchandise, goods or articles of any kind, common criers, hawkers, peddlers, pawnbrokers and auctioneers; to prohibit non-licensed persons from acting in either of such capacities; and to require the owners to mark and number the drays, carts, carriages or vehicles, in such manner as the board of aldermen shall direct. Cabmen, etc.

33. To make, ordain and pass ordinances, by-laws and regulations for the police of the city, and to enforce such rules for the observance of laws, ordinances and regulations and the laws of the state, by punishment of fine or imprisonment in the county jail of Manitowoc. Regulate police.

county, or both, in the discretion of the magistrate or court before whom conviction may be had.

Reports, etc. 34. To require any officer to furnish reports, information or estimates, whenever deemed proper by the board of aldermen.

Limits for wooden buildings. 35. To make and prescribe the limits within which wooden buildings or buildings of other materials, that shall not be considered fireproof, shall not be erected, placed or repaired; and to direct that all and any buildings within the limits prescribed, shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

Combustible materials. 36. To regulate or prohibit the keeping of any lumber yard, and the placing and piling or selling of lumber, timber, wood or other combustible material within the fire limits of said city.

Measuring and inspecting wood, etc. 37. To regulate the measuring and inspecting of lumber, cord and fire wood, shingles, timber, posts, staves, headings and all building materials, and to appoint inspectors and prescribe their duties.

Pounds, water-works, etc. 38. To make, establish and regulate public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection and maintenance of waterworks for the supply of water to the inhabitants, and to prevent the unnecessary waste of water.

Lighting streets. 39. To erect lamps and regulate the lighting thereof, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise.

Weights and measures. 40. To require every merchant, retailer, trader and dealer in merchandise or property of any description, which is sold by measure or weight, to cause his weights and measures to be sealed by the city sealer, and to be subject to his inspection, and to provide for the punishment of persons using false weights and measures. The standard of such weights and measures shall be conformable to those established by law in this state.

Moving buildings. 41. To prescribe and regulate the manner of moving buildings through public streets, and to require parties moving the same to give security for damages which may be recovered against said city on account of obstruction to the street.

Breweries, etc. 42. To direct the location and management of and regulate breweries, tanneries and packing houses; and

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

43. To establish and erect public markets, determine their location, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets; and to restrain all persons from interrupting and interfering with the due observances of such rules and regulations. Markets, etc.

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

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

46. To let, by proposal to the lowest bidder, all contracts for services, or work and materials, and order payment for the same, except as otherwise provided for by this act. Contracts.

47. To make all regulations necessary and proper for the support of the poor. Support of poor.

SECTION 6. The board of aldermen shall have power Further powers of board.

to preserve the harbor, to prevent any use of the same, or any act in relation thereto, inconsistent with or detrimental to the public health, or calculated to render the waters of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and provide against the casting or depositing therein of any earth, ashes or other filth, piles, logs or floating matter; to prevent and remove all obstructions therein, and to punish the authors; to regulate and prescribe the mode and speed of entering and leaving the harbor, and of coming to and departing from the wharves and streets of the city by boats, vessels, rafts or other crafts, and the disposition of the sails, yards, anchors and appurtenances thereof, while entering, abiding in or leaving the harbor, and to regulate and prescribe by ordinances, or through their harbor master, or other authorized officer, such a location of every boat, vessel or other craft or float, and such changes of station in, and use of the harbor, as may be necessary to promote order therein, and the safety and equal convenience, or as near as may be, of all such boats, vessels, crafts, or floats, and may impose penalties not exceeding one hundred dollars for any offense against any such ordinance, and by such ordinances, charge such penalties, together with such expenses as may be incurred by the city in enforcing this section, upon the steamboat or other vessel, craft or float. The harbor of the city shall include the piers, and so much of Lake Michigan as lies within the distance of one mile into the lake, and the Manitowoc river so far as it lies within the limits of the city. The said board of aldermen shall also have power to establish and construct, and to regulate landing places, wharves, piers and basins, and to fix rates for landing, wharfage and dockage, and to use for that purpose aforesaid, any public landing or any property belonging to, or under the control of the city.

Sewers, etc.

SECTION 7. The board of aldermen shall have power to order sewers built and make all necessary provisions for drainage and sewerage in said city. The contract for building such sewers or drains shall be let to the lowest bidder, and the work shall be done under the superintendance of the city surveyor or other suitable persons, and upon plans prepared by said surveyor. The expense of building such drains or sewers as provided for by this section shall be borne by the lots benefited by such work, and the city clerk, upon estimates submitted to him by the city surveyor,

shall immediately after such work is done, apportion the cost of the same among the lots benefited in proportion to the benefit accruing to each, and shall make a full statement in writing, and shall file the same in his office; such statement shall show the whole cost of such drain or sewer, the lots to be benefited by the building of the same, and amount assessed on each lot therefor; and the said clerk shall add such amount to the tax assessed upon said lot, and the same shall be collected as other taxes are collected. The mode of proceeding of ordering and contracting for the construction for the construction of sewers and drains, the assessing and collection of the taxes therefor, and the publishing of notices in regard thereto, shall, in all respect, be similar to that prescribed for laying out, grading and improving streets.

Mode of proceedings.

CHAPTER VII.

FINANCES AND EXPENDITURES.

SECTION 1. All moneys, credits and demands belonging to the city of Manitowoc shall be kept by and deposited with the city treasurer, and be under the control of the board of aldermen, and shall be drawn out only upon the order of the mayor and clerk authorized by a vote of the board of aldermen and in no other manner. Every warrant drawn on the treasurer shall be numbered in the regular order of the current series of general warrants, and shall refer to the resolution under which it was drawn and the object for which it was drawn. Two-thirds of all the aldermen-elect voting in the affirmative may, when in their judgement, public interest requires the advancement or payment of money for a special purpose, appropriate money for such purpose.

Finance; control of.

SECTION 2. All accounts or demands against the city, before the same shall be acted upon, shall be verified by affidavit; such affidavit shall be annexed to or indorsed on such account or demand, and presented and preserved therewith. The mayor, clerk or any of the aldermen, when such account, claim or demand shall be presented to him, may administer the oath required in this section, and may examine the claimant, on oath, as to the items of such account or claim. Upon the final disposition of any such account or claim, the same shall be indorsed as follows, to wit: If allowed in full, the word "allowed" shall be indorsed thereon. If allowed only in part, the amount allowed

How accounts made, presented and allowed.

and the amount disallowed shall be briefly indorsed thereon; and if entirely disallowed, the word "disallowed" shall be indorsed thereon, which indorsement shall be signed by the mayor. All votes taken on the allowance of any claim shall be recorded by the clerk.

Accounts to be numbered.

SECTION 3. Every account or claim against said city presented to the board of aldermen in any year shall be numbered from one upwards in the order in which it shall be presented, and the name of the person in whose favor such account shall be made out, and the time of presentation thereof, shall be indorsed thereon, and a memorandum of every such account or claim, giving its number, the name of the claimant therein, and the amount thereof; and also the final disposition of such account or claim, and of the warrant and the number thereof issued in payment of such account so allowed, in whole or in part, shall be entered in the records of the proceedings of the board of aldermen; such account or claim, together with the affidavit presented therewith, the report of the committee, if any, recommending the allowance or disallowance of the same, shall be filed and preserved in the office of the city clerk.

How to be audited.

SECTION 4. No account or claim against said city shall be paid until the same shall be presented to the board of aldermen, and audited and allowed by them as provided in this act.

SECTION 5. No action shall be maintained by any person against the city of Manitowoc upon any claim or demand until such person shall first have presented his claim or demand to the board of aldermen for allowance.

Bar to action.

SECTION 6. The determination of the board of aldermen disallowing, in whole or in part, any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such claim, unless an appeal be taken from the decision and determination of such board as in this act provided.

In case of disallowance of claim.

SECTION 7. In case any person shall present his claim or demand, and the board of aldermen shall disallow the said claim in whole, or in part, the board of aldermen shall not again consider or allow said claim.

Appeals.

SECTION 8. When any claim against the city shall be disallowed, in whole or in part, by the board of aldermen, such person may appeal from the decision of said board disallowing said claim, to the circuit court

of Manitowoc county, by causing a written notice of such appeal to be served on the clerk of said city within twenty days after the making of such decision, and by executing a bond to the said city, with sufficient surety, to be approved by said clerk, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant in the circuit court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the board of aldermen, with its decision thereon, and shall transmit the same, together with the bond and all the papers in the case, to the clerk of the circuit court of Manitowoc county, and thereupon such appeal shall be entered, tried and determined in the same manner as cases originally commenced in said court: *provided, however*, that whenever an appeal is taken from the allowance made by the board of aldermen upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by the board of aldermen, exclusive of interest on such allowance, the appellant shall pay the costs of appeal, which shall be deducted from the amount of the recovery, and when the amount of costs exceed the sum recovered, judgment shall be rendered against appellant for the amount of such excess.

SECTION 9. In all actions in which the city of Manitowoc is a party, in the circuit court, the successful party shall not recover to exceed twenty-five dollars costs exclusive of disbursements. This section shall not be construed to limit the amount of costs the successful party is entitled to recover on appeal to the supreme court. Amount of costs limited.

SECTION 10. All forfeitures, fines 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 part of the general fund; but the board of aldermen shall have power, whenever in its opinion justice shall be promoted thereby, to remit such fines, forfeitures and penalties or any part thereof. Fines, penalties, etc.

SECTION 11. Whenever the board of aldermen shall be of opinion that the interests of the city require the expenditure of money for any extraordinary or special purpose which in its opinion cannot be paid from any funds in the city treasury, it may make an estimate of the sum necessary to be raised for said purposes, and Special election to vote on question of expenditure.

for each of them if there be more than one object, and to state the amount and the object for which it is required, together with its reasons for its opinions, and cause such statement and estimate to be published in all the papers published in said city, and shall give notice therein that on a day, and at a place or places therein specified, a special election will be held, at which the question whether the said sum or sums shall be raised or not, will be submitted to the qualified voters for their determination. Said statement and notice shall be published once in each week for three successive weeks preceding the day of election. The board of aldermen shall designate in said notice where the polls will be held in each ward, and the said polls shall be held, and the said election be conducted, in the same manner as charter elections, and the aldermen of each ward shall be inspectors thereof. The ballots to be cast at said election shall be written or printed, or partly written or partly printed; on the inside thereof, the object of such special tax, and on the margin, and opposite to such object or statement, shall be placed the word "for" or "against," and if there shall be more than one object for a special tax proposed at any such election, then those several objects shall be specified on one piece of paper, and in the margin and opposite each one of those several objects or statements shall be placed the word "for" or "against," and the same shall be deposited in a box similar to the boxes required to be used at said charter election. False swearing and fraudulent voting shall be punished in the same manner as at other elections for county or state officers.

Votes to be
canvassed.

SECTION 12. The board of aldermen, within one week after said election, shall meet and canvass the votes received, or the returns thereof, and the result or results thereof shall be entered upon the records of the board of aldermen, and if a majority of all the votes cast at said election shall be for the raising of said tax, or for one or more of said objects, it shall be the duty of the said board of aldermen to cause the said sums of money to be assessed, levied and raised in and by the next assessment roll, at the time the next annual tax is levied and raised.

Not to incur
debt.

SECTION 13. Said city shall have no power, except where specially authorized thereto by law, to borrow money, nor shall it be liable to pay money borrowed on its account or advanced in its behalf by its officers or any other person, nor shall any of its money or property be applied to any such purposes, nor shall

said city incur any debt or liability in any year greater than the amount of tax allowed by this act to be raised in said city in the year in which such debt or liability was incurred.

SECTION 14. Should the mayor refuse to approve any ordinance or resolution appropriating money, two-thirds of all the aldermen elect voting in the affirmative shall have power to re-pass such ordinance or resolution appropriating money or creating a debt or liability, notwithstanding the objections of the mayor. Power to re-pass ordinance.

CHAPTER VIII.

TAXATION.

SECTION 1. For the discharge of any legal debt of the city, or expenditure authorized by the board of aldermen under any of the provisions of this act, or of any ordinance of this city, or to defray the current expenses thereof, the board of aldermen shall have power, by ordinance or resolution : Power of taxation.

1. To annually levy and collect a tax on all real and personal property in the city made taxable by the laws of the state ; to defray the contingent and other general expenses of the city, and pay the interest annually on the bonded indebtedness thereof, which tax shall constitute the general fund. In contingent expenses.

2. To annually levy and collect a tax not exceeding two per centum on the assessed valuation for that year of all taxable real and personal property in any of the wards of said city, for the purpose of creating a special fund for such ward, to be expended strictly for ward purposes as hereinafter, by this act, provided ; but no such special taxes shall be levied or assessed and collected except upon the recommendaton of a majority of the aldermen of the ward in which such special taxes are sought to be raised. Special ward fund.

3. To annually levy and collect such tax for the support of common schools of said city as is now required of towns under the laws of this state. Common schools.

SECTION 2. Real estate, exempted from taxation by the laws of this state, shall be subject to special taxes for the building of streets, sewers and sidewalks, except property belonging to the United States or to this state. Special taxes.

CHAPTER IX.

ASSESSMENT AND COLLECTION OF TAXES.

**Assessment
and collection
of taxes.**

SECTION 1. The assessor of said city shall, between the first day of May and the last Monday of June in each year, assess all the taxable property of said city. In making such assessment and his return thereon, he shall in all things be governed by the general laws of this state except as herein otherwise provided.

**Board of equal-
ization.**

SECTION 2. The mayor, city clerk, city assessor and one alderman from each ward of the city, to be selected by the aldermen from such wards, shall constitute the board of equalization. The mayor shall be the president, and the city clerk the clerk of said board. Each member of said board shall receive for his services the same per diem as is authorized by law to be paid to assessors.

**Board of re-
view.**

SECTION 3. The board of review shall meet at the rooms of the board of aldermen on the first Monday of July in each year for the purpose of examining, correcting and equalizing said assessment roll. At least one week's notice of such meeting shall be given by the city clerk by publishing said notice in the official papers of the city and by posting such notice in at least three public places in each ward of said city. Said board may adjourn from day to day until it has heard all parties appearing, provided, that the time for hearing said objections shall not be extended more than eight days from the first meeting of said board.

**Examination of
assessment
roll.**

SECTION 4. The assessor shall lay before said board the assessment roll and all sworn statements of the valuation of property made by others and delivered to him. The said board shall examine carefully said roll, statements and valuation of property real and personal; they shall examine all parties under oath who wish to be heard. The said board shall and may when it deems the valuation of any property assessed too high or too low on the assessment roll, raise or lower the same, as the case may be, whether the person assessed appear before it or not, and it may also place upon the said roll any property that it may know to be left off from said roll by mistake or otherwise, and assess the same to the person to whom in right it should be assessed; and provided, further, that in all cases, if said board, shall raise the amount of such assessment on any property, the owner thereof, if a resident of

such town, shall be duly notified of such intention in time, that such owner may be heard before such board in relation to the value thereof. All changes of the assessment roll by said board shall be recorded by the clerk and the minutes of its proceeding shall be filed and preserved in the office of the city clerk.

SECTION 5. When the assessment roll shall have been received, corrected and equalized, the board of equalization shall attach thereto its certificate signed by the mayor and countersigned by its clerk that it has so equalized and corrected the same, and the said board shall deliver the said roll as completed, and all the sworn statements and valuation of personal property to the city clerk, which latter shall be filed and preserved by said clerk. Corrected roll to be filed.

SECTION 6. All directions hereby given for the assessment of lands and the levying and collection of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any way affect the validity of the tax so assessed. Errors not to invalidate tax.

SECTION 7. On or before the third Monday of November in each and every year, the board of aldermen shall by resolution to be recorded by the clerk, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage particularly specifying the purposes for which the same are levied. Levy of taxes.

SECTION 8. It shall be the duty of the city clerk, immediately upon the reception of the corrected assessment rolls, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, adding thereto five per centum for the expenses of collection, to be placed in a column prepared for that purpose in the assessment roll, placing opposite the several sums set down, as valuation of real and personal property, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent. The collection fees received by the city treasurer shall be credited to the general fund of the city. Apportionment of tax.

SECTION 9. The city clerk shall immediately make out a duplicate copy of such assessment roll when thus completed, and deliver the same to the treasurer Duplicate copy.

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

Warrant to treasurer.

SECTION 10. To each assessment or tax roll so delivered shall be annexed a warrant, signed by the mayor and clerk and sealed with the corporate seal of said city, directed to the treasurer thereof, requiring and commanding him to collect the taxes and assessments in said roll specified, and to make due return thereon according to law.

Tax roll to be evidence.

SECTION 11. The said assessment roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Notice for collection.

SECTION 12. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice in the official paper or papers published in said city, that such tax list (describing for what purpose such tax or taxes are levied) has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing the date of said notice. If the taxes are not paid within said time, he shall proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale by posting up not less than three written notices in as many public places in said city.

Assessment to be a lien.

SECTION 13. All taxes and assessments, general and special, levied under the provisions of this act or the laws of the state, shall be and remain a lien upon the lands and tenements upon which they may be levied or assessed, and on all personal property of any person or body politic, corporation or association assessed for personal taxes, from the time of the equalization of the assessment roll by the board of equalization until such tax shall be paid, and no sale or transfer of such real or personal estate shall affect such lien. Any personal property belonging to the person taxed may be taken and sold for the non-payment of taxes upon personal property.

SECTION 14. It shall be the duty of the county treasurer of the county of Manitowoc to settle semi-annually with the treasurer of the city of Manitowoc, and pay over to him all moneys belonging to said city, arising from the sale of lots and lands returned by said city treasurer to said county treasurer for the non-payment of taxes.

County treasurer to pay over to city treasurer moneys, etc.

CHAPTER XI.

MISCELLANEOUS.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city.

Actions to recover penalties.

SECTION 2. In all cases of conviction in actions, brought or prosecuted to recover a penalty under any of the provisions of this act, or to recover a penalty or forfeiture for the violation of any city ordinance or regulation, the court shall enter judgment against the defendant for the fine and costs of prosecution, and if the defendant shall refuse or neglect to pay such fine and costs, the court shall enter a judgment that the defendant be imprisoned in the county jail of Manitowoc county for a term not exceeding three months, and shall forthwith commit the defendant for the term fixed by such judgment, and in all cases where the judgment shall be, that the defendant shall be imprisoned in the county jail, the court may, in its discretion, enter a further judgment that the defendant pay the cost of prosecution, and that he be held in imprisonment in the said jail until such costs be paid, or he be otherwise discharged by due course of law.

Of judgments.

SECTION 3. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Not to be incompetent.

SECTION 4. The general laws of the state of Wisconsin for the government of cities, villages and towns, the assessment and collection of taxes, the preservation of public and private property, highways, streets, roads and bridges, the punishment of offenders, the collection of penalties, shall be in force in said city except as in the charter of said city it is otherwise provided. But no general law of this state shall be construed to amend, repeal or modify the provisions of this act, unless such purpose be expressly set forth in said law.

General laws to apply to bridges.

May offer re-
ward.

SECTION 5. Whenever any heinous offense or crime has been committed against life or property within said city, the mayor, with the concurrence of two-thirds of all the aldermen, may offer a reward for the apprehension and delivery or conviction of such criminal or perpetrator of such crime: *provided*, that in no case shall the reward so offered exceed the sum of five hundred dollars.

Right of pri-
vate property.

SECTION 6. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or on any judgment against said city.

Contracts for
work.

SECTION 7. Whenever the city shall be a party to a contract for any work or improvement which shall require the digging up, use or occupancy of any street, alley, highway or public grounds of said city, there shall be inserted in the contract therefor, substantial covenants requiring each contractor, during the night time, to put up and maintain such barriers and lights as will effectually prevent the happening of any accident in consequence of such digging up, use or occupancy of said street, alley, highway, or other public grounds for which the city might be liable, and it shall also be provided in such contracts that the party contracting with the city shall be liable for all damages occasioned by the digging up, use or occupancy of the street, alley, highway or public grounds, or which may result therefrom, or which may result, from the carelessness of such contractor, his agent, employes or workmen.

Licenses, how
issued.

SECTION 8. Every license issued in said city by the authorities thereof, under and by virtue of the laws of the state of Wisconsin, the provisions of this charter or the ordinances of said city, shall be signed by the mayor and clerk and sealed with the corporate seal, but no such license shall be issued by said mayor and clerk until the person applying for same shall have deposited with said clerk the receipt of the city treasurer for the amount to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the applicant shall have filed his receipt as aforesaid, together with a bond as required by the laws of this state, and such other bond as the board of aldermen may require, which bond shall be approved by the mayor. It shall be the duty of the mayor and clerk to report to the board of alder-

men at each regular meeting thereof, the licenses issued by them, and not before reported, and the board of aldermen shall by vote approve or disapprove of the same. If the board of aldermen disapprove thereof, it shall be the duty of the city clerk forthwith to notify the person holding such license that the same has been revoked by action of the board of aldermen, and such license shall thereafter be void; the board of aldermen when license is not approved, shall refund a fair proportion of the license money paid.

SECTION 9. The general laws of the state of Wisconsin for the punishment of bribery, misconduct and corruption in office, shall be in full force and shall apply to all officials elected or appointed under the provisions of this charter. Bribery, general laws in full force.

SECTION 10. The salaries to be paid to the several city officials shall not in any year exceed the sums named as follows: salary of the city treasurer, eight hundred dollars; city marshal, five hundred dollars; city clerk, four hundred dollars; city attorney, three hundred dollars. Salaries.

SECTION 11. The mayor, city clerk and city attorney are hereby authorized to administer the oath of office to the several city officials, including inspectors of elections. No fee shall be charged for administering the oath of office to any city official. Who to administer oaths.

SECTION 12. Chapters three, four, five, six, seven, eight, nine and eleven, of the private and local laws of 1870, entitled an act to incorporate the city of Manitowoc, and all amendments thereto except as herein amended, revised and re-enacted, are hereby repealed. But this act shall not be construed to repeal chapters one and two of said act or chapter ten of said act as amended by section three of chapter three hundred and fifty-nine of private and local laws of 1871, chapter two hundred and twenty-nine and sections one and two of chapter three hundred and fifty-nine of private and local laws of 1871; chapter two hundred and twenty-eight of laws of 1875, chapters one hundred and sixty-seven and one hundred and eighty-one of laws of 1877, and chapters ninety-six and one hundred, of laws of 1878, are hereby repealed. Chapters repealed.

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

Approved March 4, 1879.