

ison and the several other acts amendatory thereof," approved March 16, 1850, being chapter 322 of the laws of 1880, and the several acts amendatory thereof, and all acts relating to the corporation of the city of Madison not retained in this act, are hereby repealed.

PUBLIC ACT.

Public act.

SECTION 29. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

SECTION 30. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1882.

[No. 324, A.]

[Published March 9, 1882.]

CHAPTER 37.

AN ACT to incorporate the city of Port Washington.

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

Corporate powers.

SECTION 1. All that district of country hereinafter described, from and after the first Tuesday in April, A. D. 1882, shall be a city by the name of Port Washington; and the people now inhabiting and those who shall hereafter inhabit the district of country hereinafter described, shall be a municipal corporation by the name of "the city of Port Washington," 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; 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.

Boundaries.

SECTION 2. All of section number twenty-eight (28) and the southeast quarter of section number twenty-nine (29) all of town (11), range twenty-two (22) east, all in the town of Port Washington, in the county of Ozaukee, state of Wisconsin, shall be included in and constitute the limits and boundaries of the city of Port Washington.

Corporate authority.

SECTION 3. The corporate authority of said city shall be vested in one principal officer, styled the mayor; in one board of aldermen, consisting of five members, who, with the mayor, shall be denominated the

common council, together with such other officers as are hereinafter mentioned, or may be created under this act.

SECTION 4. The annual election for city officers ^{Electors.} shall be held on the first Tuesday in April in each year, at such place as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon till five o'clock in the afternoon, with the proviso: That an adjournment may be had for one hour between the hours of twelve o'clock M. and one o'clock P. M., upon due notice thereof given at the opening of the polls. Six days' previous notice of such elections shall be given, signed by the clerk, stating the time and place of holding the same, and of the officers to be elected, which notice shall be posted in three public places in said city.

SECTION 5. The elective officers of said city shall ^{Terms of office.} be a mayor, a treasurer, one assessor, a clerk, a city marshal, one constable, four justices of the peace and five aldermen. The treasurer, assessor, marshal, clerk, justices of the peace and constable shall be qualified voters and residents of the city of Port Washington, and the mayor and aldermen shall be qualified voters and freeholders in the city of Port Washington. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. All elective officers except justices of the peace, unless otherwise provided, hold their offices for one year and until their successors are elected and qualified; provided, however, that the common council shall have power, for cause, to expel any of its own members except the mayor, and to remove from office any officer or agent under the city government, due notice in writing being first given to the officer complained of. The justices of the peace shall hold their offices for two years and until their successors are elected and qualified.

SECTION 6. Whenever a vacancy shall occur in the ^{Vacancies.} office of mayor or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he shall be elected or appointed to fill.

Tie votes.

SECTION 7. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting lots in the presence of the common council, and in such manner as they shall direct.

Qualified electors.

SECTION 8. All persons who are qualified electors of the state of Wisconsin, and entitled to vote at a general election, and who are actual residents of the city of Port Washington, shall be entitled to vote for any officer to be elected, and be deemed qualified electors at city elections.

When first election shall be held.

SECTION 9 The first city election of said city of Port Washington, for the election of city officers, shall be held on the first Tuesday in April, 1882, in the northwest ground floor room in the Union house in said city, and at all city elections of said city, at the time of opening the poll, the electors present shall choose, vive voce, from the qualified electors present three inspectors of election and two clerks of election, and the persons so chosen to act as inspectors and clerks, shall, before entering on the duties of their offices, take and subscribe the oath required of inspectors and clerks of general elections. Six days' previous notice of said first election shall be given, signed by the sheriff of Ozaukee county, Wisconsin, stating the time and place of holding the same and of the officers to be elected, while notice shall be posted in three public places in said city.

Penalty for illegal voting.

SECTION 10. If either of the inspectors of elections shall suspect that any person offering to vote does not possess the requisite qualifications, or if any such vote shall be challenged by an elector, the inspectors, before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years old; that you are a citizen of the United States (or have declared your intentions to become a citizen, conformably to the laws of the United States on the subject of naturalization); that you have resided in the state of Wisconsin one year; that you are an actual resident within this city, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election." Which oath any member of the board of inspectors is hereby authorized to administer. And if the person so offering to vote shall take such oath

falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of all the names of all persons whose votes may be challenged and who shall swear in their votes, which list shall be filed with the city clerk. The penalty for any unlawful or illegal conduct of clerks or inspectors of election shall be the same as that provided by statutes of this state for similar conduct at any general election.

SECTION 11. When the polls of an election shall be finally closed, the inspectors shall proceed to count and canvass the votes in each of the boxes, one box being completed before another shall be opened, and shall make a return of the number of votes for each and every office and the number of votes for each and every person for each and every office, and shall deliver such return to the city clerk immediately after such election, and shall declare the result as it appears from the same. In all cases of the election or appointment of any person to office, the common council shall file with the clerk a certificate, signed by at least a majority of them, giving the name of the person elected or appointed, and the term for which he was so elected or appointed, and the clerk shall record such certificate in a book, to be provided for that purpose. Whenever a justice of the peace or city marshal shall be elected, the clerk shall forthwith give notice thereof in writing to the clerk of the circuit court of Ozaukee county, giving both the names and terms for which elected, and upon the election of mayor or treasurer the clerk shall give like notices to the clerk of the board of supervisors of Ozaukee county, and those county officers, upon receiving such notices, shall file the same in their respective offices.

SECTION 12. Special elections to fill vacancies, or for other purposes, shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as regular elections, and within such time as may be provided by the common council.

SECTION 13. Any officer removing from the city, or any officer who shall neglect or refuse for ten days

How to count the ballots.

Special elections.

What to constitute vacancy.

after his election or appointment to qualify and enter upon the discharge of his duties, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

When term of office to commence.

SECTION 14. The term of every officer elected under this act, except justices of the peace, shall commence the second Tuesday in April of the year for which and in which he was elected.

SECTION 15. The first election of officers under the provisions of this act shall be held on the first Tuesday in April, 1882; the election of justices of the peace shall be held at the same time and place, and so every two years thereafter, or when a vacancy shall occur; provided, that the justices of the peace now residing within said city of Port Washington shall hold their offices until their terms expire.

If failure to elect.

SECTION 16. Should there be a failure to elect any officers herein required to be elected, on the day designated, the common council may order a new election to be held, ten days' notice of the time and place being first given.

Oath of office.

SECTION 17. Every person elected or appointed to any office under the provisions of this act, except justices 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 city clerk. The treasurer, clerk, marshal, 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 Port Washington a bond, with two sureties, to be approved by the common council or a majority thereof; and said common council may, from time to time, require new and additional bonds, and remove from office any officer refusing or neglecting to give the same.

Mayor to preside.

SECTION 18. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and the ordinances of the city are duly observed and enforced and that all executive officers of the city discharge their respective duties. The mayor shall be the chief executive officer and the head of the police of the city, and in case of riot and other disturbance or apparent necessity, he may appoint as many special or temporary policemen as he may deem necessary. The mayor shall in all cases have a seat in the common council and he shall vote in the common council only

in a case of a tie vote; he shall give the common council such informations and recommend such measures as he may deem proper and advantageous to the city. The mayor shall have the power to veto any ordinance passed by the common council by notifying the common council of his objections thereto at any time within seven days after the passage of such ordinance. In case of no session of the common council on any day after the passage of the same and before the expiration of said seven days, such notification shall be made by filing with the city clerk a copy of his objections; and in case the council shall not, at the next ensuing meeting, re-enact such ordinance, by the vote of two-thirds of the aldermen elect, and cause the same to be published, the same shall be null and void. The mayor shall represent the said city in the county board of supervisors of Ozaukee county, Wisconsin, and in his absence or inability to act, the common council shall designate one of their number to so represent said city. The common council shall at its regular meeting after its election, choose one of the board of aldermen, who shall be styled president of the board of aldermen, and who in the absence of the mayor shall act as such mayor and have and possess all the rights and privileges of such officer and be subject to all the liabilities thereof, during the absence of such mayor.

Veto power.

Represent in county board.

SECTION 19. The city clerk shall perform all the duties required of him by law and the ordinances of the city. He shall be keeper of the books, records and papers, and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same powers that town clerks possess by law to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like manner and effect. He shall perform the same duties in regard to common schools in said city that are by the general laws imposed on town clerks. He shall draw and countersign all orders on the treasurer, and keep a record of the same; he shall file in his office all chattel mortgages left with him to be filed and the renewals thereof, receiving the same fees allowed to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks, and the said clerk shall possess authority to administer oaths; and he shall receive such compensation as the common council shall provide by ordinance or resolution.

Duties of city clerk.

Justices of the
peace.

SECTION 20. The justices of the peace elected under this act, or who hold over, shall have the same and equal jurisdiction and perform all and like duties of justices of the peace under the general laws of the state of Wisconsin, and have, furthermore, jurisdiction of all offenses against the provisions of this charter and the ordinances, by-laws and police regulations of the common council of the city, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements required to be given by them shall be approved by the common council of said city.

Duties of city
treasurer.

SECTION 21. The city treasurer shall perform all the duties required of him by law, collect all city, county and state taxes, and pay over all moneys in his hands according to law. He shall keep in a proper book an account of all moneys received and of all moneys paid out, and the same shall at all times be open to the inspection of the voters of the city. He shall make reports quarterly, and render an itemized account to the common council of all sums received, when and by whom the same was paid, and also of all moneys by him paid out; and all moneys raised, received, recovered or collected by means of any tax, license, penalty, forfeiture, fine or otherwise belonging to said city under the authority of this act, shall be paid into the treasury of the city, and shall not be drawn therefrom except by an order issued by order of the common council and signed by the mayor or acting mayor, and countersigned or attested by the city clerk. The treasurer shall have the same powers and be subject to the same laws and liabilities and governed by the same laws as treasurers of towns in this state; provided, that he shall receive no other fees except the compensation hereinafter provided.

Duties of mar-
shal.

SECTION 22. The marshal shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and collection of license moneys and fines. He shall possess all the powers and authority of constables of towns and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed, and when necessary in criminal cases or for the violation of any ordinance of said city or law of this state may pursue and serve the same in any part of this state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate

all nuisances in said city, to apprehend, with or without warrant, any person in the act of committing any offense against any ordinance of said city or the laws of this state, and within a reasonable time bring such person before competent authority for examination or trial, and for such services he shall receive such fees as are allowed by law to constables for like services in this state. He shall have power to appoint one or more deputies, subject to the approval of the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. Such deputies shall also take and subscribe the proper oath of office, which shall be filed in the office of the city clerk, and when duly qualified as aforesaid such deputies shall possess all the powers and authority and be subject to the same liabilities with the marshal.

SECTION 23. 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, belonging to said city pertaining to the office, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver over the same; and such successor may recover possession of such books, papers and effects in the manner prescribed by law in this state.

Pena'ty for not delivering up to successor.

SECTION 24. No mayor or alderman shall be a party to or interested in any job or contract with the city, and any contract or job in which they or either of them may be so interested shall be null and void, and in case any money has been paid on such contract, the common council may sue for and recover back the amount so paid from the parties to such contract and the mayor or aldermen interested in the same.

Shall not be interested in any job.

SECTION 25. The mayor or acting mayor, each and every alderman, justice of the peace, marshal, deputy marshal, policeman and watchman and constables of said city, and the sheriff of Ozaukee county, and his deputies, shall be officers of the peace, and may command the peace and suppress in a summary manner all riotous or disorderly behavior within the limits of said city; and for such purpose may command the assistance of all bystanders, and if any person, bystander or private citizen, shall refuse to aid in maintaining the peace, when so required, every such person so refusing shall forfeit and pay a fine of not less than five nor more than fifty dollars.

Who shall be officers of the peace.

Powers of justices.

SECTION 26. The justices of the peace of said city shall possess and exercise the same and like powers, jurisdiction and duties, and shall be subject to the same liabilities and regulations as are conferred upon and required of justices of the peace of the several towns of this state. All prosecutions for a breach or violation of any by-law, ordinance or regulation shall in all cases be commenced in the name of the city of Port Washington, and the same proceedings shall be had in all civil and criminal actions before said justices of the peace, when not otherwise herein directed, as are established and required to be had in civil and criminal actions and proceedings by the laws of this state before justices of the peace; provided, that in a case of prosecution for a breach or violation of an ordinance, by-law or regulation of said city on its charter, defendants shall have the same right of appeal under the same conditions and requirements as now are or may be provided by the laws of this state for taking appeals from justices' courts. All fines and penalties imposed for violation of any city ordinance, resolution, by-law or regulation, shall belong to and be paid over to the treasury of said city and be a part of the finances thereof.

Justices to account for money.

SECTION 27. The justices shall account for and pay over to the treasurer of said city all fines and penalties collected by him and belonging to said city within ten days after receiving the same, and take his receipt for the same in the docket. Said justices of the peace shall be entitled to receive, in all cases had before them in which said city is interested, the same fees as are provided by law for justices of the peace of the several towns of this state in similar cases had before them.

Duties of assessor.

SECTION 28. The city assessor shall assess the real and personal property of said city at the time and in the manner provided for assessing in the towns of this state, and shall perform all other duties prescribed and directed by this act for him to perform, and he shall receive a compensation therefor of fifty dollars a year.

Duties of street commissioners.

SECTION 29. It shall be the duty of the street commissioner, within ten days after his appointment and qualification, to inspect all the streets in the city, and all sidewalks, crosswalks, ditches, gutters, sewers, culverts, bridges, and all things appertaining to the streets, and report in writing to the common council recommending, in his opinion, what is necessary and ought to be done thereto, in separate items, in the order of their

first, second and third necessity, and so on to the end of his recommendations; under item number one for the first necessity, item number two for the second necessity, and so on to the end; and the city clerk shall lay said report before the common council for information, and the common council may order said street commissioner to put in repair any such street or sidewalk if in their opinion it is a matter of necessity.

SECTION 30. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the obstructions and cleaning or closing of sidewalks, crosswalks, streets, bridges, alleys, public grounds, gutters, sewers and waters in said city are duly observed and kept, and shall have the general supervision over all grading, paving, graveling, plank-ing, repairing and cleaning streets, bridges, alleys, public grounds and gutters, and such other duties as the ordinances of said city may prescribe, and shall receive therefor such compensation as the common council shall prescribe. Further duties.

SECTION 31. The mayor and aldermen shall constitute the common council and shall not receive any compensation for their services unless they be acting as inspectors of elections, and the style of all ordinances shall be: "The common council of the city of Port Washington do ordain," etc. A majority of the aldermen shall constitute a quorum, but a less number may adjourn from time to time. Who to constitute commissioners.

SECTION 32. The common council shall hold its first annual meeting in each year on the first Tuesday after the regular city election, and thereafter meetings at such times as they shall appoint; and the mayor may call special meetings by notice to each of the members to be served personally or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members by fine or otherwise.

SECTION 33. The common council shall have the control and management of the finances and of all property of the city, and shall likewise, in addition to the powers herein vested in it, have full power to make, 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 and immorality, for the prevention of crime, and for the benefit of trade

and commerce and health, 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 ordinance, rule or by-law, and such rules, ordinances and by-laws are hereby declared to be, and have the force of laws ; provided, they are not repugnant to the constitution and laws of the United States or of this state.

Shall regulate shows and grant licenses to saloons, bowling alleys, etc.

SECTION 34. The common council shall have power to license and regulate the exhibition of common showmen and shows of any kind, or the exhibition of caravans, circusses, or theatrical performances, billiard tables, bagatelle tables, pigeon hole tables, and bowling saloons, etc., and to provide for the abatement and removal of nuisances under the ordinances or at common law, and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualling houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof ; provided, that the sum to be paid for any such license shall not be less nor more than the amount per annum established by the general laws of the state of Wisconsin, and that all such licenses hereafter granted shall run from the first day of May in each year ; provided, however, that when any license may be applied for after that date the same may be granted to expire on the said first day of May of each year, and the applicant paying pro rata therefor ; but no license shall be granted for a longer time or period than one year :

Gaming.

1st. To suppress, restrain and prohibit all description of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending or giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council and to license, regulate and suppress hawkers and peddlers.

Steamwhistles.

2d. To prevent or regulate the blowing of steam whistles, and prevent riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gambling. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinance of the city of Port Washington, by rea-

son of his or her being implicated in any such offence, but the testimony of such witness shall in no case be used against such witness.

3d. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city. To remove nuisance.

4th. To direct the location and management of slaughter houses and markets, and to prevent the erection of and use, and occupation of the same when offal or filth therefrom shall discharge into the waters of the rivers, lakes, ponds or sloughs. Slaughter houses.

5th. To prevent the incumbering of streets, sidewalks, crosswalks, lanes or alleys with railroad cars, carriages, sleighs, boxes, lumber, firewood, or any other materials or substances whatever. Prevent incumbering streets.

6th. To prevent horse racing, immoderate driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city. Horse racing.

7th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the restraining, impounding and sale of the same. Restrain cattle.

8th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance. Dogs.

9th. To prevent persons from bringing, depositing or having within said city any putrid carcasses or unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance or putrid or unsound beef, pork, fish, hides or skins of any kind, or on default to authorize the removal thereof, by some competent officer, at the expense of such person or persons. Putrid carcasses.

10th. To establish and make public pounds, pumps, wells, cisterns and reservoirs of the city, to regulate and license hacks, cabs, drays, carts, and charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps for lighting the streets, public grounds and public buildings, with gas or otherwise. Public pounds.

11th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation. Boards of health.

- Size of bread.** 12th. To establish the weight and size of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.
- Animals on sidewalks.** 13th. To prevent all persons riding or driving any horse or mule, or any other animal on the sidewalks of said city, or in any way doing damage to sidewalks and bridges.
- Discharging fire arms, etc.** 14th. To prevent shooting of firearms or firecrackers and to prevent the exhibition of fireworks in any place or situation which may be considered by the common council dangerous to the city or any property therein, or annoying to the citizens thereof.
- Restrain drunkards.** 15th. 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.
- Runners.** 16th. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments.
- Government of police.** 17th. To make rules, regulations and ordinances for the government of the police of the city.
- Public markets.** 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 punish or restrain all persons for attempting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops, stands for the sale of game, poultry, meats, fish and other articles.
- Weighing and selling hay.** 19th. To regulate the place or places and manner of weighing or selling hay, and measuring and selling fuel, lime, and other gross commodities, and to appoint suitable persons to superintend and conduct the same.
- Remove snow, etc.** 20th. To compel the owners or occupants of buildings or grounds, when the same are occupied, to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot around or occupied by him, all such substances as the board of health shall direct; and in his or her default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.
- Infectious diseases.** 21st. To regulate, control and prevent the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to best preserve the health of the city.
- Auctions.** 22d. To regulate the time, place and manner of holding public auctions and vendues.

- 23d. To appoint watchmen and prescribe their Watchmen.
duties.
- 24th. To provide by ordinance for a standard of Weights and
weights and measures. measures.
- 25th. To protect trees and monuments in said city. Protect trees.
- 26th. To prescribe and regulate the construction of Sewers.
sewers within said city.
- 27th. To lay out, make, open, keep in repair, alter Highways.
or discontinue any highways, streets, lanes, alleys, and
to keep them free from any incumbrances and to pro-
tect them from injury.
- 28th. To alter or change the name of any street in Alter streets.
the city.
- 29th. To consolidate or change the boundaries of School dis-
school districts in said city under the same restrictions tricts.
and with the same power as is now conferred on town
boards under the general laws of this state.
- 30th. To make, ordain, amend and repeal all such Ordinances.
ordinances, by-laws and police regulations not contrary
to the constitution of this state, necessary for the good
order and government of the city, and which may be
necessary or expedient to carry into effect the powers
vested in the mayor and common council or any officer
of said city by this act, or which may be vested in any
officer of said city by any ordinance thereof.
- 31st. To provide for the prosecution or defense of Actions at law.
all actions and proceedings in which the city is inter-
ested, and employ counsel therefor.
- 32nd. To purchase real estate and provide for the Purchase real
erection of a city hall and engine houses. estate.
- 33rd. To call a special election for the purpose of Special elec-
raising a tax, when in their opinion the amount which tions.
they are authorized to raise by the provisions of this
act, is insufficient to meet the requirements.
- 34th. To establish grades of any or all the streets Establish
in the city, to cause sidewalks, gutters and pavements grades.
to be constructed; and when a grade shall be estab-
lished, it shall have such gradients as shall be sufficient
to carry off all surface water or other waters from
whatever source, coming on the street or streets; and
when a grade is so established they shall cause an
accurate profile to be made thereof and filed with the
city clerk; and all such grades shall be worked in
exact accordance with such profile and the ordinance
establishing the same.
- 35th. To establish a fire department and to provide Fire depart-
for the due and proper support and regulation of the ments.
same, and to appoint or direct the election of such

officers for such department as they shall see fit and to define their powers and duties, to provide protection from fire by the purchase of fire engines and all the necessary apparatus for the extinguishing of fires, and by the erection of pumps and construction thereof, water mains, reservoirs or other water works; to erect engine houses, to compel the inhabitants of the city to aid in the extinguishing of fires and to pull down and raze such buildings in the vicinity of fires as shall be directed by them or any two of them who may be present at the fire, for the purpose of preventing its spreading to other buildings; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the construction of and cleaning of chimneys to prevent bonfires, and the use of fire-works and fire-arms in the city or any part thereof; to authorize fire wardens at all reasonable times to enter into and examine all dwellings, lots, yards, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition; and generally to establish such necessary measures for the prevention or extinguishing of fires as may be necessary and proper; and to declare by ordinance the punishment for violation of any such ordinance or regulation. The pioneer company, the hook and ladder company and the hose company now and heretofore existing in the territory of said city, and heretofore known as the fire department of Port Washington, and their constitution, laws and by-laws, regulations and officers shall continue in full force in said city of Port Washington, and be supported by said city, until the common council shall establish a fire department under the provisions of this act, and the proper officers of the department now existing shall in the months of May and October in each year make a report to the common council showing an estimate of what will be necessary and required for the maintenance of said department, and also a correct statement showing for what purpose moneys have been expended which may have been paid to said department by said city.

How voted.

SECTION 35. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor; and shall be published in a newspaper published in the city of Port Washington before taking effect, and within fifteen days thereafter they shall

be recorded by the city clerk in books provided for that purpose, but before any such by-laws, ordinances or regulations shall be recorded, the publication thereof respectively within the same time shall be proven by the affidavit of the foreman or publisher of the newspaper in which the same shall be published, 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 the publication.

SECTION 36. All printing and publication required by this act, or by the common council, shall be let to the lowest bidder therefor, who shall be required to give bonds, with such conditions and such sureties as the common council shall determine and require.

Printing to be let to lowest bidder.

SECTION 37. The power conferred upon said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings, in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required thereof; houses or buildings of any kind wherein more than one hundred pounds of gunpowder are deposited, stored or kept, at any one time are hereby declared and shall be deemed nuisances.

Abatement of nuisances.

SECTION 38. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal, and other officers or agents of the city, at such time as they may deem proper, also at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officers shall refuse to comply with the orders or requirements of the council in the discharge of their duties, in pursuance of this section, or shall neglect or refuse to render their accounts or present their books and vouchers to said council, it shall be the duty of said council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or person or agent of said city who may be delinquent or defaulting in his accounts, or discharge of his official duties, and shall make a full record of all such settlements.

To audit accounts.

SECTION 39. All funds in the treasury, except school, state and county funds, shall be under the con-

Funds in treasury.

trol of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city. All orders shall be payable to the person or order of the person in whose favor they may be drawn.

Taxes to be levied for current expenses.

SECTION 40. The common council of said city shall annually levy upon the taxable property of said city, to defray the current and lawful expenses of said city, a tax sufficient to defray the same; provided, said common council shall not levy a tax for general purposes exceeding two per cent. upon the assessed valuation of said city in any one year unless authorized to raise a greater sum by the majority of the electors of said city at a general or special election.

Cannot issue bonds.

SECTION 41. The common council of said city shall not have power to issue any bonds or other evidences of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one year orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act.

Accounts to be verified.

SECTION 42. No account shall be allowed by the common council unless the same is properly verified by the oath of the owner thereof, or some person in his or her behalf, except it be for street work or hire under the supervision of the street commissioner, duly certified by him.

Disallowed accounts.

SECTION 43. When the claim of any person against the said city shall be disallowed in whole or in part by the common council, the determination of the common council disallowing the same in whole or in part shall be final and conclusive and a perpetual bar to any action in any court founded on such a claim, unless an action to recover the same shall be commenced within thirty days after such disallowance by the common council of said city.

Annual reports.

SECTION 44. The common council shall annually on Tuesday next preceding the annual election, make a report showing in detail all the receipts and disbursements of the said city for the past fiscal year, and

cause the same to be published before the annual election.

SECTION 45. The common council shall have power to lay out public streets and alleys, and to widen the same as follows: Whenever five or more freeholders residing in said city shall by petition represent to the common council that it is necessary to take certain lands within the city for the public use, for the purpose of laying out public streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given on the owners or occupants of such lands, if any there be, or if any portion of said lands shall not be in the actual occupation of any person, then the common council shall cause such notices describing as near as may be the premises proposed to be taken, to be published in a newspaper published in said city four weeks successively, at least once in each week.

Power to lay out streets.

SECTION 46. Such notice shall state, that upon a day therein to be named, not less than ten days from the service of such notice, or expiration of such publication as the case may be, application will be made to a court commissioner of said county of Ozaukee for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary and proper to take the same for the purposes specified in said petition.

Notice to be given.

SECTION 47. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said court commissioner shall appoint twelve resident freeholders, residents of said city, but not interested in the result of such application. The said court commissioner shall thereupon issue his precept, directed to said jurors, requiring them, within ten days, to view the premises to be specified in said precept, and to make returns, under their hands, to the common council, whether, in their judgment, it is necessary and proper to take said premises for the purposes specified in such application, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

Shall issue precept.

Marshal to
serve precept.

SECTION 48. The city marshal shall serve the said precept immediately on the jurors therein named by reading the same to each one that can be found, and immediately after such service he shall return the said precept to the court commissioner who issued the same, together with his doings thereon; and if the jurors so appointed cannot be found or shall be disqualified from acting, or shall refuse to act, the court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Jurors to view
premises.

SECTION 49. The said jurors, at such times as shall be designated in said precept, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing, and either of the jurors shall be authorized to administer oaths to witnesses. After viewing the premises in question and hearing testimony, if offered, the jurors shall make a report of their proceedings, which shall be signed by them, and which shall state whether in their judgment it is necessary to take the premises in question for public use; which said report, testimony and precept shall be returned to the common council. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report and directing the same jurors, within twenty days thereafter, to again view the premises, to ascertain the amount of damages to be paid the owner or owners of said property proposed to be taken; and to assess and return within the twenty days such damages to the common council, who shall enter an order confirming the same.

Value of build-
ings to be as-
certained.

SECTION 50. If there should be any building in whole or in part upon said lands to be taken, the jurors shall first estimate the value of such building to the owner aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove.

Notice to be
given.

SECTION 51. At least ten days' notice of such determination shall be given to the owner or his agent, if known and a resident of the city; if not known or a non-resident, notice to all persons interested shall be given by publication in a newspaper of said city for three successive weeks. Such notice shall specify the building and the award of the jurors, and it shall require the parties interested to appear by a day named

therein, and give notice of their election to the common council either to accept the award of the jurors, and allow such buildings to be taken, with the land appropriated, or their intention to remove such building, and he shall have such time to remove such building as the common council may allow.

SECTION 52. If the owner shall refuse to take the building at the value assessed by the jurors, to remove or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale; the proceeds shall be paid to the owner or deposited for his use. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgages, or if there be any estate in them less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

If owner of building shall refuse.

SECTION 53. The award of said jurors shall be signed by them and returned, together with the testimony taken and the precept, to the common council, within the time limited in such precept. Any person whose property is taken, or against whom any assessments are made, may, within ten days from the return of the jurors to the common council, appeal from such assessment of damages to the circuit court of Ozaukee county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond to said city conditioned for the faithful prosecuting of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court; said bond to have a good and sufficient surety, to be approved by the clerk of said city, or county judge or court commissioner.

Award of jurors.

SECTION 54. The lands required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owners thereof, or party entitled, shall be paid or tendered to the owner, or party entitled thereto, or his agent, or in case the owner or party entitled thereto, or his agent, cannot be found or is unknown, deposit it to his credit in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys and public grounds opened or laid out. The damages assessed shall be

Lands not to be appropriated.

paid within one year, or tendered or deposited as herein required, and if not so paid, tendered or deposited within one year from the confirmation of such assessment, the proceedings shall be void.

Legal disability.

SECTION 55. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under legal disability, the county judge of Ozaukee county, on the application of the mayor of the city, or such party or his next friend, shall appoint a guardian for such party, and all notices required by this act shall be served upon such guardian. Whenever any street, alley or public grounds shall be laid out under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the clerk.

What property is taxable.

SECTION 56. All property, real or personal, within the city, excepting such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, schools, and the payment of debts and liabilities, and the same shall be assessed in the manner hereinafter provided, and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as they may be altered by this act; provided that the common council may prescribe the form of assessment roll, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as it may from time to time deem advisable. When the assessment roll shall be completed, the assessor shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same may alter and add to, take from and otherwise revise and correct the same. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force as it would have had if made the year when the same was omitted. Should the tax or assessment upon any parcel of land be set aside or declared void, by reason of any defect or in-

formality in assessing, levying, selling or conveying the same, but not affecting the justice and equity of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be relieved, in such manner as it shall direct by ordinance.

SECTION 57. The mayor, clerk, treasurer and assessor shall constitute the city board of equalization, and shall meet on the first Monday of July in each year at 9 o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, as far as the same are applicable, revising, correcting and equalizing the assessment roll of the city; the mayor shall be president of the board and the city clerk, clerk thereof. When the assessment roll shall have been completed, revised and corrected, it shall be filed with the clerk, and all changes of the assessment roll by the board of equalization shall be recorded by the clerk. Thereupon the common council shall by resolution levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied; but not exceeding the authorized per centage, specifying the purposes for which the same are levied. All taxes and assessments, general or special, levied under this act shall be and remain a lien upon the lands and tenements upon which they may be assessed, and on all personal property of any person or body politic assessed for personal tax, from the delivery of the warrant for collection thereof until paid.

Board of equalization.

SECTION 58. It shall be the duty of the city clerk immediately on the receipt of the corrected assessment roll, 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, together with the city and other local taxes, setting down opposite the several sums set down as the valuation of real and personal property, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent; and the clerk shall immediately make out a duplicate copy of such assessment roll when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year, and to each assessment roll so delivered a warrant under the hand of the clerk and the corporate seal of said city, shall be annexed, substantially in the following form: The state of Wisconsin to the city treasurer of the city of Port Washington in the county of Ozaukee.

Duty of clerk on receipt of assessment roll.

Forms.

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

Given under my hand and the corporate seal of the city of Port Washington, this _____ day of _____, 18—.

City Clerk

The 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.

General law to govern.

SECTION 59. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by law of town treasurers to collect taxes except as herein provided.

Notice to be given in newspaper.

SECTION 60. Upon the receipt of the tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city that such tax list has been delivered to him for collection, and that he will receive payment for taxes at his office for the term of thirty days ensuing the date of said notice. If the taxes are not paid in that time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale by posting up not less than three written or printed notices in as many public places in said city.

SECTION 61. The treasurer shall collect as fees for the collection of taxes, one and one-half of one per cent. on all taxes collected by or paid to him prior to the second Monday of January in each year, and three per cent. upon all taxes or assessments paid to or collected by him after the second Monday of January, and in case of a distress or sale made by him of goods and chattels for the payment of any tax, he shall collect the same fees as are allowed constables on sale of goods upon execution.

SECTION 62. The treasurer shall, on or before the last Monday in January in each year, pay to the county treasurer the state tax assessed upon the property of said city. State tax—how paid.

SECTION 63. In case the city treasurer is unable to collect any tax assessed upon any personal property and payable by any person named in the tax list, he shall proceed in all things as are prescribed by the laws of this state and any act that may be hereafter passed amendatory of said acts in addition thereto. Uncollectible tax.

SECTION 64. 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 its number to act as overseers of the poor of the city, who shall perform all the duties of overseers of the poor in towns. Relief of poor.

SECTION 65. The common schools of the city of Port Washington shall be under the control and supervision of the school district boards of each district, in the same manner as if this act had not been passed, and the same relations shall be sustained between said city and such schools, as near as may be, as between towns and school districts therein, and the same reciprocal powers and duties. Common schools.

SECTION 66. The town clerk of the town of Port Washington for the year 1882, shall apportion all school money or school fund that is to be apportioned prior to the first day of September, 1882, to the several districts, a part of which is embraced in the city of Port Washington, in the same manner as though this act had not been passed. To apportion school money.

SECTION 67. The city of Port Washington in its corporate name may sue for and recover any and all fines, penalties and forfeitures under said city charter and the acts amendatory thereof, or under the ordinances, by-laws or police or health regulations made in pursuance thereof, any general law of the state to the contrary notwithstanding; and it shall be lawful to com- May sue in corporate name.

plain generally in debt for such penalty or forfeiture, stating the section of this act or the chapter or section of this act, or the ordinance, by-law or regulation, 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. In all prosecutions for any violation of any of the provisions of this act, or any ordinance, by-law or regulation, the first process shall be a summons, unless oath be made for a warrant as in case of tort, before a justice of the peace, under the general statutes of the state for the time being; and when commenced by summons such summons may be substantially in the following form:

Forms.

County of Ozaukee, }
 City of Port Washington, } es.

The state of Wisconsin to the sheriff or any constable of said county, and to the marshal of the city of Port Washington:

You are hereby commanded to summon ———, if he shall be found in your county, to appear before the undersigned, a justice of the peace in and for the city of Port Washington, on the ——— day of ———, 18—, at ——— o'clock in the ——— noon, to answer to the city of Port Washington, to the damage of said city, two hundred dollars or under.

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

—————, Justice of the Peace.

Forms.

Such summons shall be made returnable and 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 the proceedings in the action, except as hereinafter provided, shall be governed by the laws of this state for the time being, relative to actions commenced by summons and triable before justices of the peace. When the action is commenced by summons, the complaint may be substantially in the following form:

The City of Port Washington }
 against } In Justice Court,
 A. B. }

C. D., Justice of the Peace.

The plaintiff complains against the defendant, for that, on the ——— day of ———, 18—, at the said city, the defendant did violate section ———, 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 Port Washington to recover of the defendant the sum of — dollars; wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the cost of this action.

In all cases where oath is made for a warrant, the complaint shall be made on oath, and substantially in the following form:

City of Port Washington against A. B.	}	In justice court, county of Ozaukee, ss.	Forms.
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—, being duly sworn, complains on oath to C. D., a justice of the peace of the city of Port Washington, in said county, that A. B., on the — day of —, 18—, at said city, did violate section —, of (this act,) or section —, of chapter —, of (this act), or section — of an ordinance, or by-law, or regulation of said city (describing it by its title), as this complainant verily believes; and prays that said A. B. may be arrested and held to answer to said city of Port Washington therefor.

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

Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

County of Ozaukee, City of Port Washington,—ss.	Forms.
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The state of Wisconsin to the sheriff or constable of said county, or to the marshal of the city of Port Washington:

Whereas, — has this day complained to me, in writing, on oath, that A. B., on the — day of —, 18—, at said city, did violate section —, of this act, or section —, of chapter —, of this act, or section — of an ordinance, by-law, or regulation of said city, (describing it by its title); therefore you are hereby ordered to arrest the body of the said A. B., and bring him before me forthwith to answer to said city of Port Washington 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. The defendant, if required by the court, shall recognize with security, to be approved by the court, for his or their appearance, in such sum as the court may direct, or, in default may be put in the charge of the officer who made the arrest, or to be committed to the lock up or jail of said city. The complaint as aforesaid shall be the only complaint required, and

the answer of "not guilty" shall put in issue all the subject matter embraced in the action.

Printed copy to be evidence.

SECTION 68. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in a pamphlet or book form, purporting to be published by authority of the common council, as certified by the clerk of said city to have been so published, shall be prima facie evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

Witnesses and jurors to attend without fees in advance.

SECTION 69. Witnesses and jurors shall attend before a justice of the peace in all city and criminal suits, without payment of fees in advance, or a tender thereof, upon a process duly served, and in default thereof their attendance may be compelled by attachment.

Findings of court.

SECTION 70. In city prosecutions, the findings of the court or jury shall be "guilty" or "not guilty." If guilty, the court shall render judgment against the defendant for the fine, forfeiture or penalty prescribed in this act, or in an ordinance, by-law or regulation, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution as in other cases of tort in justices' court, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned for non-payment, which in no case shall exceed six months, and also insert such time in the execution or commitment. The form of the execution and commitment shall be the same, as near as may be, and conform to the provisions of this act, as are prescribed in similar or like cases in justices' court in this state.

Appeal.

SECTION 71. Any party feeling aggrieved by the judgment in any action commenced under the provisions of this act may appeal from such judgment to the circuit court of Ozaukee county in the time and manner provided by law for appeals from justices' courts.

All competent.

SECTION 72. No person shall be an incompetent witness, judge, justice, 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.

Preservation of bridges.

SECTION 73. The general laws for the preservation of bridges, and the punishment provided by such laws for wilful and malicious injuries done thereto, are here-

by extended to, and shall include all the bridges now erected or hereafter to be erected over any stream by or in the city of Port Washington, and shall apply to any wilful and malicious damage which may be done to them; and the common council of the said city may, from time to time, make such by-laws and ordinances as it may deem necessary for the preservation of said bridges, and enforce the same by adequate penalties.

SECTION 74. When any action or suit shall be commenced against said city, the service of process may be made by leaving a copy of the summons with the mayor and clerk of said city; and it shall be the duty of said clerk to take such proceedings as by ordinance or resolution directed, if any there be.

How service of summons may be made.

SECTION 75. No real or personal estate or property of any inhabitant or corporation of said city shall be levied on or sold to satisfy any contract or debt or obligation of said city, or any judgment against said city of Port Washington.

City property exempt.

SECTION 76. All contracts for work ordered by the common council shall be let by contract or job, as the common council may direct and order.

Contracts to be let by contract.

SECTION 77. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two-thirds vote of the aldermen elect.

SECTION 78. The said city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same, while owned or held by said city, shall be exempt from taxation, except as provided by the general laws of this state.

City to hold real estate.

SECTION 79. When the city of Port Washington deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Port Washington, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

States of the city.

SECTION 80. Deeds or leases executed by the city shall be signed by the mayor and countersigned by the clerk, and the clerk shall attach to said deed or lease a true copy of an ordinance or resolution, authorizing the same by the common council, under the corporate seal of the city, which said corporate seal shall also be attached to and accompany the signature of the mayor, and such deed or lease and the certified copy of such ordinance or resolution when so attached to such deed or lease, shall be recorded with such lease or deed by

Who shall sign deeds, etc.

the register of deeds, and such copy when so attached, and the record thereof, shall in all the courts of this state be *prima facie* evidence of the authority of the mayor to execute such deeds or leases.

Failure to hold election not to invalidate.

SECTION 81. If any election by the people or common council shall for any cause not be held at the time or in the manner prescribed, or if the council should fail to organize as provided, it shall not be considered reason for arresting, suspending or abolishing said corporation, but such election or organization may be had at any subsequent day by order of the mayor, and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done and performed, the common council may appoint another time at which said act may be done and performed.

No general law shall repeal.

SECTION 82. No general laws of this state contravening the provisions of this shall be considered as repealing, amending or modifying the same, unless such purposes be expressly set forth in such law as an amendment to this charter.

Board of supervisors to regard the city as a town in equalizing taxes.

SECTION 83. The board of supervisors of the county of Ozaukee shall have the right and shall regard the city of Port Washington as a town in equalizing the assessment rolls of the several towns in said county, as provided by law, and shall receive the mayor of said city or in his absence one of its aldermen, as a member of the county board. The said board of supervisors may levy tax or taxes as now is and may hereafter be provided by law in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns or town clerks.

Shall transmit copy of assessment roll.

SECTION 84. Before the annual meeting of the board of supervisors of the county of Ozaukee, and by the time required by law for the return of the assessment from the several towns, the city clerk shall transmit a copy of the assessment roll or such statement as is required by law to be made by towns, to the clerk of the board of supervisors of said county, who shall lay the same before the board of supervisors at its annual meeting.

Shall sell all lands.

SECTION 85. The county treasurer shall sell all delinquent lands and lots returned from the city of Port Washington, at the same time and in the same manner as other delinquent lands are sold in the county.

SECTION 86. It shall be the duty of the county treasurer of the county of Ozaukee, and he is hereby required, where lots, tracts, pieces or parcels of land have been returned by the city treasurer as delinquent for any general tax of this state, or for any tax authorized under this act, immediately after the sale of such delinquent lots, tracts, pieces or parcels of land by him, to pay said city treasurer the amount which may have been returned delinquent, belonging to the city of Port Washington, either in cash or in certificates of sale of said lots, tracts, pieces or parcels of lands so returned as delinquent.

Duty of treasurer in regard to delinquent lands.

SECTION 87. The use of the jail of Ozaukee county shall be granted to the city of Port Washington, until otherwise provided for the confinement of offenders; and every such offender shall be delivered to the sheriff of said county, for whose safe keeping, custody and delivery said sheriff shall be responsible as in other cases.

Use of jail.

SECTION 88. From and after the first Tuesday in April, A. D. 1882, the connection between the town of Port Washington and that part of said town included within the limits of the city of Port Washington, for all town purposes, shall be dissolved; all that part of the town of Port Washington, not included within the limits of the city of Port Washington, shall constitute the town of Port Washington, and the first town meeting shall be held at such place as the chairman of the board of supervisors of said town shall appoint.

Connection between town and city ceases.

SECTION 89. The common council of said city shall have power by ordinances to establish dock and wharf lines upon the banks of the harbor in said city, where the same are now established, to restrain and prevent encroachments upon said harbor, and obstructions thereto; and the common council may annually appoint a harbor master; the duties and compensation of such harbor master shall be prescribed by the common council, by ordinance or resolution, and his term of office shall be one year and until his successor is appointed and qualified.

Shall establish dock and wharf lines.

SECTION 90. The common council are hereby authorized by ordinance to protect the banks of said harbor so as to prevent the washing away of said banks, and to prevent sand and other obstructions from washing into said harbor; and for the purpose of carrying into effect the foregoing provisions of this section the common council shall have power to provide by ordinance for docking the banks of said harbor, and for

Shall protect banks of harbor.

requiring the owners of docks to repair the same, and to require the several owners of lots or any portion thereof abutting on said harbor to dock the same in such manner and within such time as said council shall direct; and to make such other protection on any lot or lots abutting on said harbor to prevent obstructions from working into said harbor, as to said common council may seem meet and proper; and if the owner or owners of such lot or lots shall refuse, within the time specified by said council, to build or repair such dock or docks, or other protections, or otherwise comply with the provisions of such ordinance, the common council is hereby authorized and empowered to let the docking or filling up of such lots or other specified protection for such lots, by contract, to the lowest bidder for the same, and when it shall be completed according to said contract, and accepted by the common council, the mayor and city clerk shall issue a certificate for the contract price of work, which certificate shall be, from the time of the signature, a lien upon said lot or lots the same as other assessments, and shall be collected in the same manner as the taxes assessed on real estate are collected.

Outstanding certificates to be added to tax roll.

SECTION 91. The city clerk, shall, on the first day of December, annually, add to the tax roll of the city of Port Washington, in a separate column, as a special assessment, opposite the lots to be charged therewith, all outstanding certificates issued by the mayor and city clerk for the special improvements set out in the last preceding section, and the same shall be collected by the city treasurer as other taxes upon real estate are collected.

Docking.

SECTION 92. It shall be the duty of the common council to provide for the docking at the foot of the streets and for keeping such docks in repair, and to remove such obstructions from the harbor opposite to such streets as interfere with the free navigation of the harbor.

Real estate subject to special tax.

SECTION 93. Real estate exempted from taxation by the laws of this state shall be subject to special taxes or assessments which become or shall be chargeable against particular property as provided by this act.

Compensation.

SECTION 94. The city officers to be first elected under the provisions of this act, and their compensation not provided for by this act, shall receive a compensation for their services such sum as the common council shall determine, and the common council shall

in the month of March thereafter determine by resolution the salary to be paid to the different officers for the next ensuing year, which compensation shall not be increased or diminished during the term of office of said officers; and in case of a neglect to determine said compensation the said officers and each of them shall receive the same compensation as their immediate predecessor.

SECTION 95. In city prosecutions for the violation of any ordinance, by-law or regulation of said city, either party may call a jury as prescribed by law in justices' courts in this state, and the trial shall proceed in the same manner and be governed by the same rules as in the trial of cases in justices' courts under the general laws of this state. Law suits.

SECTION 96. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1882.

[No. 55, A.]

[Published March 3, 1882.]

CHAPTER 38.

AN ACT to authorize the construction of a dam across the Embarrass river, in Shawano county.

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

SECTION 1. William Smith, his heirs and assigns, are hereby authorized to erect and maintain a dam across the Embarrass river, in the county of Shawano, on lands owned by said William Smith, at a point on the southeast quarter of section number nine (9), in township number twenty-six (26) north of range number fourteen (14) east; and to erect and maintain mills, machinery and necessary appendages to enable him or them to use the water of said river for hydraulic and boomage purposes; provided, that said dam shall not raise the water to exceed fifteen (15) feet. To build a dam.
Shall build slides.

SECTION 2. The aforesaid person, his heirs and assigns, shall build suitable slides in said dam, so as to allow the free passage of logs and timber over said dam, and shall have full control of said dam at all times, for the protection and care of the same, but shall not unnecessarily delay the passage of logs and other productions of the forest. Penalty.

SECTION 3. Any person or persons who shall wilfully break, injure or destroy said dam, or any part thereof, or shall open the same, shall be liable to the owner or owners thereof, in an action, to the amount of