

and all jurors summoned to attend, and all notices of trial, notes of issue, and all other proceedings returnable at, pending and to be heard in said circuit court for Washington county, on the third Monday in March, 1882, the day heretofore fixed as the first day of the term in said county of Washington, shall be, and shall be held to be, returnable to, set for hearing, summoned to attend and noticed for trial on the third Tuesday in March, 1882, and shall be answered unto, heard, tried, determined and disposed of, and the jurors shall attend, on said third Tuesday of March, 1882, the same as if in terms returnable to, set for hearing, summoned to attend, or noticed for trial on said last named day.

SECTION 4. All acts or parts of acts conflicting with this act are hereby repealed so far as they conflict or are inconsistent with this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1882.

[No. 15, A.]

[Published March 13, 1882.]

CHAPTER 56.

AN ACT to consolidate and amend an act entitled "an act to incorporate the city of Oconto, and the several acts amendatory thereof."

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

CHAPTER I.

CITY OF OCONTO — ITS CORPORATE POWERS.

SECTION 1. All that district of country in the county of Oconto hereinafter described, from and after the eleventh day of March, A. D., 1869, shall be a city by the name of Oconto, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation, by the name of the city of Oconto, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

CITY BOUNDARIES.

City bound-
aries.

SECTION 2. All of sections thirteen (13) and twenty-four (24), township twenty-eight (28) north of range twenty-one (21) east; also sections seventeen (17), eighteen (18), nineteen (19) and twenty (20), township twenty-eight (28) north of range twenty-two (22) east, shall be and constitute the limits of a city by the name of Oconto.

WARD BOUNDARIES.

Ward bound-
aries.

SECTION 3. The said city shall be divided into four wards, as follows: All that part of said city which lies south of the Oconto river shall be called the south ward; all that part of said city which lies east of Superior street and north of Oconto river shall be called the east ward; all that part of the said city which lies north of the Oconto river and west of a line commencing at the bank of said river on the line between lots three (3) and four (4) of section nineteen (19) township twenty-eight (28), range twenty-two (22), and running thence north to the north line of said city, shall be called the west ward; and all that part of said city which lies north of the Oconto river between said west ward and Superior street shall be called the north ward.

COMMON COUNCIL.

Common coun-
cil.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor; in one board of aldermen, consisting of three members from each ward, 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.

CHAPTER II.

ELECTIONS.

Elect'ons.

SECTION 1. The annual elections for ward and city officers shall be held on the first Tuesday of April of each year, at such place in each ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon until sundown, but the board may adjourn the polls at 12 o'clock noon one hour, and ten days' previous notice shall be given by the common council of the time and place of holding such elections, and of the city and ward officers to be elected.

ELECTIVE OFFICERS.

SECTION 2. The elective officers of said city shall be a mayor, treasurer and assessor for the city at large, and three aldermen, one justice of the peace, one supervisor, and one constable for each ward, which said officers shall hold their respective offices as follows: The mayor, treasurer and assessor for one year; also one supervisor and one constable from each ward who shall also be elected for one year. The alderman from each ward to be elected for three years; justices of the peace from each ward to be elected for two years. The mayor, treasurer and assessor shall be qualified electors, residents and freeholders of said city, and the ward officers shall be qualified electors, residents and freeholders of the respective wards for which they are elected. Each of said officers shall continue in office for his respective term and until his successor is elected and qualified, and shall have such power and perform such duties as are prescribed in this act, or as may be prescribed in any ordinance of said city, not inconsistent with this act, or which may not be incompatible with the nature of their respective offices.

Elect' ve officers.

ELECTIONS—HOW CONDUCTED.

SECTION 3. The election of city and ward officers herein designated shall be presided over by the inspectors and clerks of election appointed under the general laws of this state, who shall see the names of the voters registered, and the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the vote presented; shall count the ballots at the close of the polls, and shall certify and seal two returns; and the day following the election shall direct and return one of the said returns to the city clerk of the city of Oconto, and the other to the county clerk of the county of Oconto. The mayor of the city and members of the common council shall constitute a board of canvassers, who shall, within four days after such election, meet at the common council chamber and canvass such returns; and after the aforesaid returns have been canvassed by said board, the city clerk shall notify, by a certificate, the persons elected to the respective offices. Said elections shall be conducted in accordance with this act and the existing laws of the state of Wisconsin, and any frauds or violation of said laws at such elections shall be punishable in the same manner as an violation of the election laws in any part of the state.

Elections—how conducted.

WHEN OFFICE DEEMED VACANT.

Vacant offices.

SECTION 4. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office and the common council shall proceed to fill such vacancy as herein provided.

VACANCIES—HOW FILLED.

Vacancies—
how filled.

SECTION 5. In the event of a vacancy in the office of mayor, justice of the peace or alderman, by death, resignation, removal or other disability, the common council shall order a new election, and shall give ten days' notice thereof. Any vacancy in other offices shall be filled by the common council. The person appointed or elected to fill a vacancy shall hold the office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

ELECTION BY BALLOT—TIE VOTE.

Vote by ballot.

SECTION 6. All elections by the people shall be by ballot, and plurality of votes shall constitute an election. All elections by the common council shall be as they may determine. 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 council, at such time and in such manner as it may direct.

QUALIFIED ELECTORS.

Qualified electors.

SECTION 7. All qualified electors at general elections in this state who shall be residents of the ward where they offer to vote shall be entitled to vote for any officer to be elected under this act.

CHALLENGE OF VOTERS — OATH — PENALTY FOR ILLEGAL VOTING — INSPECTORS TO KEEP LIST.

Challenge of voters, illegal voting, duties of inspectors, etc.

SECTION 8. If either of the inspectors of election shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector, before receiving any such vote, shall require the voter offering his vote to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age; that you are a citizen of

the United States (or have declared your intention 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 next preceding this election; that you are now a resident of this ward, 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." And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of a 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 if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any election, he shall be liable to prosecution, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose vote may be challenged as aforesaid, and shall swear in their votes. And if any inspector shall knowingly or corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts and tallies of votes, such inspector or clerk shall be liable to prosecution, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the circuit or municipal court for the county of Oconto.

SPECIAL ELECTIONS.

SECTION 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by inspectors of election as provided by this act, and returns thereof shall be made in the same time, form and manner as of annual elections.

CLASSIFICATION OF ALDERMEN.

SECTION 10. The aldermen of each ward who are now in office shall continue in office until the expiration of the terms for which they were respectively elected; and there shall be elected annually, on the first Tuesday in April, one alderman in each ward, who shall hold his office for three years.

CHAPTER III

OATH OF OFFICE — OFFICIAL BOND.

Oath of office—
bond.

SECTION 1. Every person elected or appointed to any office under 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; and the treasurer, chief of police, street superintendent, 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 Oconto a bond, in such sum and with such security and such conditions as the common council may direct; and the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

OFFICERS — THEIR POWERS AND DUTIES.

Powers and
duties of off-
icers

SECTION 2. The mayor shall, when present, preside over the meeting of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced and that all other executive officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be chief executive officer and head of the police of the city, and in case of a riot, or other disturbance, or apparent necessity he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of tie. The mayor shall have power to veto any ordinance or resolution passed by the common council, by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council on any day after the passage of the same and before the expiration of the said seven days, such notification shall be made by filing with the city clerk a copy of his objections; and in case the council shall not, at the next regular meeting after receipt of such objection or such filing with the clerk, re-enact such ordinance or pass such resolution, by the votes of two-thirds of all the aldermen elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

SECTION 3. At the first meeting of the common council in the year, they shall proceed to elect, by ballot, one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case the mayor and the president shall be absent from any meeting of the common council they shall proceed to elect a temporary presiding officer, who for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the board, or performing the duties of the mayor, shall be styled acting mayor, and acts performed by them or either of them shall have the same force and validity as if performed by the mayor, except the signing of the city bonds; and said common council shall also at their first meeting in each year elect a clerk, marshal, attorney and physician for the city, who shall hold their respective offices for the term of one year and until others are elected and qualified.

Wan to be president.

CITY CLERK—HIS DUTIES.

SECTION 4. The clerk shall keep the corporate seal, and all the papers and records of the city, and keep a record of the proceedings of the common council at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him to have been compared by him with the original and to be a correct transcript therefrom under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and shall keep a full and accurate account thereof in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns, and all chattel mortgages so filed and the renewals thereof shall be as valid and legal as if the same had been filed in the town clerk's office in any town. He shall see that all ordinances, orders, resolutions, notices and other matters requiring publication are promptly and correctly published in

Duties of city clerk.

such paper as the council may have directed and that the proof thereof be made and recorded. He shall act as clerk of the board of equalization. He shall keep a full and accurate account of all certificates of appropriation and orders drawn on the city treasury, 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. He shall perform such other duties not here enumerated as may be required of him in his said capacity by the common council or by the general laws of the state of Wisconsin in relation to the assessment and collection of taxes in said city. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk pro tem. The city clerk shall have power and authority to administer oaths and affirmations.

JUSTICE OF THE PEACE.

Justice of the
peace.

SECTION 5. The justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that their official bonds shall be approved by a majority of the common council, and in addition thereto they shall have jurisdiction in all cases arising under this act and the ordinances, resolutions and by-laws passed by said city council, unless therein otherwise provided. All constables elected by virtue of this act shall have and exercise the same powers and duties and be subject to the same liabilities as constables of towns.

TREASURER—HIS DUTIES.

Duties of treasurer.

SECTION 6. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. All moneys raised, received, recovered or collected by means of any tax, license, penalty, fine, forfeiture or otherwise under the authority of this act, or which may belong to the said city, shall be paid into the city treasury and shall not be drawn therefrom except by an order issued by order of the common council and signed by the mayor, and countersigned or attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, in a book or books to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time

when, and the person from whom the amount of the several sums was received, which books shall at all reasonable times be open to the inspection of any person. At the first regular meeting of the common council in each month he shall make a report stating in detail the receipts and disbursements in his office since the last preceding monthly report, an account of the general fund and of each fund which he is required to keep distinct and separate from other funds in the city treasury, and also the total receipts and disbursements during the same time and the condition of each of said funds at the date of the report. On the first Tuesday of April in each year the treasurer shall file in the office of the city clerk a statement showing in detail the monthly receipts and disbursements of the preceding year, an account of each separate fund and the condition of such funds at the date of the report. He shall also be collector of taxes and receive such compensation for his services as hereinafter provided, and at the expiration of his term of office he shall hand over to his successor all moneys, books, papers and property in his possession, belonging to said city, and he shall have the same powers and be subject to the same liabilities and be governed by the same laws as treasurers of towns. The treasurer shall be ineligible for re-election to the same office for one year next succeeding the termination of his office.

MARSHAL — POWERS AND DUTIES.

SECTION 7. The marshal shall attend all meetings of the common council, and shall perform such duties as shall be prescribed by the council for the preservation of public peace and collection of license moneys and fines. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary, in criminal cases, or for the violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstruction in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend any person in the act of committing any offence against any ordinance of the said city or the laws of this state, and within reasonable time bring such person before competent authority for examination, and for such services shall receive such fees as are allowed to constables for like services. He shall have

Duties of marshal.

power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties.

CITY ATTORNEY — POWERS AND DUTIES.

Duties of city attorney.

SECTION 8. The city attorney shall be appointed by the common council, and shall be subject to removal at the pleasure of the council. He shall conduct all the law business of the corporation and of all departments thereof, and all other law business in which the city shall be interested, when so directed by the common council. He shall, when requested, furnish written opinions on subjects submitted to him by the mayor, or by the common council, or by 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 the mayor or any member of the common council, or any city officer. It shall also be the duty of the city attorney to draft all indentures, bonds, contracts, lease, conveyances, and other such 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 respect to the levy and collection of taxes and assessments, and to perform such other duties as may be provided by the charter and ordinances of the city. He shall have power to appoint an assistant, who shall be authorized to do all acts required by law to be done by the city attorney; provided, that the city attorney shall be responsible to the city for all the acts of such assistant, and that the city shall not be liable for the compensation of such assistant, nor have any power to pay the same. The city attorney shall receive for his services an annual salary, to be fixed by the common council, payable quarterly.

CITY PHYSICIAN — DUTIES.

Duties of city physician.

SECTION 9. The city physician shall have charge of all the sick under the care of the city, furnish all necessary medicines and render for them such medical and surgical aid as their condition requires and as in his judgment becomes necessary for their restoration to health, and shall discharge such other and further duties concerning the sanitary condition of the city as the mayor and aldermen may impose. His salary shall be fixed at the first meeting of the common council in each year.

MAY ELECT STREET SUPERINTENDENT AND SURVEYOR.

SECTION 10. On the second Tuesday of April in each year, or within ten days thereafter, the common council may elect one superintendent of streets and a city surveyor, each one of which shall hold his office until the next second Tuesday in April; and the common council shall have power to fill, from time to time, vacancies that may exist in said offices.

Election of street superintendent and surveyor.

ASSESSOR—HIS DUTIES.

SECTION 11. The assessor shall assess all the taxable property of the city of Oconto as required by law, without regard to wards, and shall complete and return his assessment roll in the manner hereinafter provided, and receive such compensation as the council may determine.

Duties of assessor.

MAY REQUIRE OTHER DUTIES.

SECTION 12. The common council shall have power from time to time to require other officers and further duties to be performed by any 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 by it, such compensation to be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

May require other duties.

PEACE OFFICERS—THEIR POWERS AND DUTIES.

SECTION 13. The mayor or acting mayor, sheriff of Oconto county, and each and every alderman, justice of the peace, marshal, undersheriff and deputy sheriff of Oconto county, constable, policeman, and watchman shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for that purpose may command the assistance of all bystanders, and if need be, of all citizens and military companies; and if any person, bystander, military officer or private, shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

Duties of peace officers.

OFFICERS SHALL DELIVER MONEYS, BOOKS, ETC., TO SUCCESSOR.

Officers shall deliver money, books, etc.

SECTION 14. 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, moneys, books, papers and effects belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

OFFICIAL NEWSPAPERS.

Official newspapers.

SECTION 15. The common council, at their first meeting in each year, or as soon thereafter as may be, shall provide that all printing authorized or required by it to be done for the city shall be let by contract to the lowest bidder for the term of one year, but no bid therefor shall be considered unless made by the publisher of a newspaper, printed and published in the city of Oconto, unless the bids of such publishers shall be deemed exorbitant, or unless such publishers should fail to bid. All ordinances and other proceedings required by this act, or by the resolutions or ordinances of the common council to be published shall be published in the newspaper so selected, and said paper shall be the official newspaper of said city. The city printer or printers, immediately after the publication of any notice or ordinance or resolution or by-law which by this act is required to be published, shall file with the clerk of the city a copy of such publication with his or their affidavit or the affidavit of his or their foreman of the length of time the same has been published; and such affidavits shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

CHAPTER IV.

THE COMMON COUNCIL AND ITS POWERS.

Duties of common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The mayor and common council of the city of Oconto do ordain," etc. The common council shall meet at such time and places as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

SECTION 2. The common council shall hold their first meeting in each year on the second Tuesday in April, and thereafter stated 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 judges of the election and qualification of its own members, and have power to compel the attendance of absent members.

FINANCE.

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

LICENSE SHOWMEN, ETC.

1st. To license, suppress and prohibit the exhibition of common showmen or shows of any kind, or exhibitions of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys; and to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state or at common law; and may grant licenses for and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same, and the license fee for so dealing in or vending spirituous, vinous or fermented liquors, shall be one hundred dollars, and all such licenses hereafter granted shall run from the first day of May in each year; provided, however, that when any such license

May license
showmen, etc.

may be applied for after that date and before the first day of November in each year, the same may be granted to expire on the said first day of May of each year, on the applicant paying pro rata therefor, but no license shall be granted for a shorter time or period than six months prior to the first day of May in each year, or for a longer term or period than one year.

PROHIBIT GAMING.

Prohibit gam-
ing.

2d. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, with or without betting; and to restrain, prohibit and suppress any person or persons from vending or giving away or dealing in any spirituous, fermented or vinous liquors, unless duly licensed by the common council; and to license, regulate and suppress hawkers and peddlers.

PREVENT RIOTS, ETC.

May prevent
riots, etc.

3d. To prevent any riots, noise, disturbances or disorderly assemblages; to suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gambling. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinances of the city of Oconto, by reason of his or her being implicated in any such offense; but the testimony of such witness shall in no case be used against said witness.

CLEANSE NAUSEOUS PLACES.

Cleanse nause-
ous places.

4th. 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 house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

LOCATE SLAUGHTER HOUSES.

Locate slaugh-
ter houses.

5th. To direct the location and management of slaughter houses and markets, and to prevent the erection, use or occupation of the same where the offal or filth thereof shall discharge into the waters of the Oconto river; and to establish rates for and license vendors of gunpowder, and regulate the storage, keeping and conveying of the same, or other explosive materials.

GRADE STREETS.

6th. To provide for the making, grading, improv- Grade streets.
ing and repairing the streets of the city of Oconto,
and to provide for the making, constructing and re-
pairing gutters and sidewalks in said city, and to pre-
vent the encumbering of the streets, sidewalks, lanes
and alleys with carriages, sleighs, boxes, lumber, fire-
wood, or other materials or substance whatever.

PREVENT HORSE RACING.

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

RESTRAIN CATTLE.

8th. To restrain the running at large of horses, cat- Restrain cattle.
tle, swine, sheep, poultry and geese, and to authorize
the distraining, impounding and sale of the same.

DOGS.

9th. To prevent the running at large of dogs, and Dogs.
to authorize the destruction of the same in a summary
manner when at large contrary to the ordinances of
said city.

PUTRID CARCASSES.

10th. To prevent persons from bringing, depositing Putrid car-
casses.
or having within said city any putrid carcass or other
unwholesome or nauseous substance, and to require
the removal of the same by any person who shall have
upon his premises any such substance or putrid or un-
sound beef, pork, hides or skins of any kind, or on de-
fault, to authorize the removal by some competent of-
ficer, at the expense of such person or persons.

POUNDS, ETC.

11th. To make and establish public pounds, pumps, Pounds.
wells, cisterns and reservoirs and to provide for the
erection of water works for the supply of water to the
inhabitants of the city; to regulate and to license
hacks, cabs, drays, carts, and the charges of hackmen,
cabmen, draymen, and cartmen in the city; and to
erect lamps and to provide for lighting the streets,
public grounds and public highways, with gas or other-
wise.

BOARD OF HEALTH.

12th. To establish and regulate boards of health, Board of
health.
provide hospitals and cemetery grounds, regulate the
burial of the dead, and the return of the bills of mor-

tality, and to exempt burial grounds set apart for public use from taxation.

WEIGHT OF BREAD.

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

RIDING ON SIDEWALKS.

Riding on sidewalks. 14th. To prevent all persons riding or driving any horse or mule, cattle or other animals on the sidewalks in said city, or in any way doing damage to such sidewalks.

FIREARMS, ETC.

Firearm. 15th. To prevent shooting of firearms or crackers and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof.

RESTRAIN DRUNKENNESS.

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

REGULATE RUNNERS.

Regulate runners. 17th. To restrain and regulate runners and solicitors for boats, vessels, stages, cars, public houses and other establishments.

POLICE.

Police. 18th. To make rules and ordinances for the government and regulation of the police of the city.

PUBLIC MARKETS.

Public markets. 19th. 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 interrupting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops and stands for the sale of game, poultry, meats, fish and other provisions.

HAY, WOOD, ETC.

Hay, wood, etc. 20th. To regulate the place and manner of weighing and 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.

21st. To compel the owners of buildings or grounds, or the occupants, where the same are, occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default, to authorize the removal or destruction of the objectional substances by some officer of the city, at the expense of such owner or occupant. Remove snow, etc.

CONTAGIOUS DISEASES.

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

AUCTIONS AND AUCTIONEERS.

23l. To regulate the time and manner of holding public auctions and vendues, and to regulate the sale of goods, wares and merchandise, and other property at public auction, and to grant licenses for the sale of goods, wares and merchandise and other property at public auction, and to prescribe and fix the amounts to be paid for such licenses; provided, it shall not be lawful to charge less than five dollars nor more than five hundred dollars for any such license for one year; and provided also, that nothing in this section shall prohibit, or affect in any manner, sales at auction in cases specified in section 1585 of the revised statutes. Auctions and auctioneers.

WATCHMEN.

24th. To appoint watchmen and prescribe their duties. Watchmen.

WEIGHTS AND MEASURES.

25th. To provide by ordinance a standard of weights and measures, and for the punishment of the use of false weights and measures. Weights and measures.

TREES, ETC.

26th. To protect trees and monuments in said city. Trees, etc.

SEWERS.

27th. To prescribe and regulate the construction of sewers within the city. Sewers.

MAY CHANGE NAMES.

28th. To alter or change the name of any street in the city. Change names.

SITES AND BUILDINGS.

Sites and buildings. 29th. To locate, purchase sites, and let contracts for the erection and construction of public buildings.

OPENING OF STREETS.

Opening streets. 30th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, or alleys, and to keep them free from incumbrances and to protect them from injury.

WHARF AND DOCK LINES.

Wharf and dock lines. 31st. To establish wharf and dock lines upon the banks of the Oconto river within said city, and restrain and prevent encroachments upon said river and obstructions thereto, and to construct, alter and maintain, or cause to be constructed, altered or maintained at the expense of the city or either ward, wharves at the foot of the streets along the banks of said river.

BY-LAWS.

By-laws. 34th. To make, ordain, amend and repeal such ordinances, by-laws and police regulations not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.

ORDINANCES — HOW ENACTED.

Ordinances — how enacted. SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by the affirmative vote of a majority of the common council, and shall be signed by the mayor; and shall, within fifteen days after their passage, respectively, be published in the official paper or papers of said city, once before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded the publication thereof, respectively, within the said time, shall be proved by the affidavit of the publisher or foreman of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as *prima facie* evidence of the time and manner of such publication; and such record of such law, ordinance, regulation or by-law, and the proof of publication thereof aforesaid, or a transcript of such record, certified by the clerk under the seal of the city,

or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor, which votes shall be taken by ayes and noes, and entered upon the proceedings of the council.

COMMON NUISANCES.

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

Common nuisances.

AUDIT ACCOUNTS—MAY REQUIRE EXHIBITION OF BOOKS AND VOUCHERS.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, street superintendent and all other officers or agents of the city, at such time as it deems proper, and also at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every such officer or agent to exhibit his books, funds and moneys, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements; and the common council shall have power, by an affirmative vote of two thirds of its

Auditing accounts.

members, upon reasonable notice, for cause, to remove from office any officer of the city, elected by the common council, or whose appointment shall have been confirmed by it.

CHAPTER V.

FINANCES AND TAXATION.

Finances and
taxation.

SECTION 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city. City orders shall be receivable for all taxes except school and special taxes for bridges and school purposes, and except taxes levied for the payment of the principal or interest of any outstanding bonds of said city, which shall be collected in money or in orders drawn upon such fund respectively; and all orders shall be payable to the persons or to the order of the persons in whose favor they may be drawn, or bearer.

LEVYING TAX.

Levying tax.

SECTION 2. The common council of said city shall annually levy upon the taxable property of the city, to defray the current expenses of said city, a tax not exceeding one-half of one per cent., and for all other purposes, except for schools, bridges, and the payment of principal and interest of any outstanding debts or obligations of said city, a tax not exceeding one-half of one per cent. upon all the taxable property of said city.

BRIDGES.

Bridges.

SECTION 3. The bridges erected by said city across the Oconto river shall be under the charge and control of the city council, and the charges and expenses necessarily incurred in attending, opening, taking care of, repairing and reconstructing said bridges, or either of them, or any part thereof, shall be chargeable to and payable by said city. And whenever it shall be necessary to rebuild or repair bridges, a special tax may be levied for such purpose, not exceeding one thousand dollars in any one year, and when so levied the same shall be carried out by the city clerk in a separate column in the tax-roll, particularly specifying the purpose for which such tax is levied, and the said taxes,

when so levied, shall be collected at the same time as other city taxes are collected; provided, nothing in this section shall prevent the mayor and common council from appropriating a sufficient amount or sum of tax certificates held or owned by said city to build a bridge or bridges across the Oconto river within said city. And said city is hereby authorized and empowered to erect and maintain a new bridge or bridges across the Oconto river, in said city, in place of any of the bridges heretofore maintained by said city across said river; provided, said bridge or bridges shall be so constructed as not to interfere with the navigation of said river any more than the bridge heretofore maintained at the same point, and all contract or contracts not absolutely void heretofore entered into by said city for the construction of any bridge across said river within said city not in conflict with this act are hereby legalized and declared to be in full force and virtue.

SPECIAL TAXES.

SECTION 4. Special taxes may also be levied by the city council at any regular meeting for the purpose of paying the interest or principal of any outstanding debts now due, or hereafter to become due, issued by the village or city of Oconto, or which may hereafter be issued by said city by authority of law; provided, however, no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on such debts at the time such tax shall be collectible by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes, and, when so levied, the same shall be carried out in a separate column in the tax roll by the city clerk, particularly specifying the purposes for which such tax is levied, and the said taxes when so levied, shall be collected at the same time as other city taxes are collected. ^{Special taxes.}

ACCOUNTS TO BE VERIFIED.

SECTION 5. No account shall be allowed by the common council unless the same is verified by the owner thereof, or some person in his behalf, which verification shall be substantially as follows; I, ———, being duly sworn, depose and say that the above account is just and true, and the same has not been paid, or any part thereof, and that the same accrued by order of ———. Subscribed and sworn to before me, this ——— day of ———, A. D. ———. ^{Accounts to be verified.}

WHEN CLAIMS DISALLOWED.

When claims disallowed.

SECTION 6. When the claim of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such council to the circuit court for the county of Oconto, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city with sufficient surety, to be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjusted against the appellant by the court.

CLERK TO GIVE NOTICE OF APPEAL.

Notice of appeal.

SECTION 7. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with their decision thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the circuit court for the county of Oconto; and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest on such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of the recovery; and when the amount of the costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

CLAIMS MUST BE PRESENTED.

Claims must be presented.

SECTION 8. No action shall hereafter be maintained by any person against the city of Oconto upon any claim or demand other than a city bond or order, unless such person shall have first presented his claim to the common council of said city.

FINAL UNLESS APPEAL TAKEN.

Final unless appeal taken.

SECTION 9. The determination of the common council 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 shall be taken from the decision and determination of such common council, as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; provided, however, that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be so construed as to prevent the institution and maintenance of an action by such claimants against said city.

CHAPTER VI.

ASSESSING, LEVYING AND COLLECTING TAXES.

SECTION 1. Within such time as the common council shall designate, the assessor shall make out a complete and accurate assessment roll, which shall contain as near as may be a description of all lands, lots or parcels of land within said city, sufficient to identify the same and as hereinafter mentioned and described, and also of all persons or bodies politic or corporate liable to pay taxes on personal property, and opposite to such lot or parcel of land shall be affixed the value thereof, and opposite the name of each person or body politic or corporate shall be affixed the value of the personal property for which said person, body politic or corporate shall be assessed. The value of such property shall be assessed in the same proportion as the laws of the state prescribe.

Assessing,
levying and col-
lecting taxes.

HOW ASSESSOR TO ASSESS.

SECTION 2. The assessor shall assess all real estate in the city of Oconto, subject to taxation, in numerical order or as hereinbefore stated, in a book to be kept for that purpose in the office of register of deeds of Oconto county, which book shall be known and designated as the "assessor's book of the city of Oconto," and the assessor shall enter the name of the owner, when he can ascertain the same, opposite such lot or lots or parcels of land.

How assessor
to assess.

BOOK TO BE PART OF RECORDS.

SECTION 3. The assessor's book shall be a part of the public records of Oconto county and city, of the same legal force with other public records of real estate, to effect the purposes of this chapter.

Book to be part
of records.

CITY COUNCIL—DUTIES.

Duties of city council.

SECTION 4. The city council of the city of Oconto shall cause the "assessor's book" to be written up annually, by adding thereto or changing all descriptions of lots or parcels of real estate which have by subdivision or otherwise become liable to taxation since the said assessor's book was last written up.

REAL ESTATE—TO BE DESCRIBED.

Describe real estate.

SECTION 5. Each and every parcel of real estate in the city of Oconto liable to taxation, which has been conveyed by metes and bounds, shall be described in the assessor's book as nearly as may be in the words of the deed by which such parcel is conveyed of record. And any lot which has not been so conveyed by deed or which is not numbered on a recorded plat, shall be described in the assessor's book by a correct and pertinent description, and the common council may employ a competent surveyor if necessary to obtain any such description, and no description of land shall be deemed insufficient by reason of the use of abbreviations or figures or signs commonly used in describing land.

STYLE OF DESCRIPTION.

Style of description.

SECTION 6. Each and every lot or parcel of land described in the assessor's book as provided in the preceding section shall also be known and designated in said book by numbers thus: Part 1 (or other number) of lot — (or other government subdivision) of section —, township —, range —, or part (number) of lot —, block —, in — —'s addition to the city (or village) of Oconto.

DESCRIPTION TO BE SUFFICIENT.

To be sufficient.

SECTION 7. In all the assessment and tax rolls, and in all advertisements, papers, certificates, conveyances, or proceedings for the assessment and collection of taxes, and proceedings founded thereon as well heretofore as hereafter, any description by number, as provided in the preceding section, shall be sufficient, and shall be held to include and be a part of the description of the same lot or parcel of land written at length upon the "assessor's book."

MAPS TO BE KEPT.

Maps to be kept.

SECTION 8. A map of the city of Oconto, upon which every lot or parcel of land in said city shall be correctly drawn and designated, shall be kept in the office of the city clerk. And a duplicate copy of said

map upon tracing vellum or other map paper, shall (or may) be kept in the office of the register of deeds, and said map (or maps) shall be written up and corrected annually, so as to correspond with the assessor's books, and shall be a public record in connection with and a part of the records of assessment and taxation in said city.

DESCRIPTION TO BE BINDING.

SECTION 9. Any conveyance or instrument in writing, by which any estate or interest in real estate in the city of Oconto is created, aliened, mortgaged or assigned, or by which the title to any real estate in said city may be effected in law or equity, describing such real estate or interest therein by number, as provided in section six of this chapter, shall be legal and binding in all respects as if described by metes and bounds.

Description to be binding.

OMISSIONS — HOW PROCEED.

SECTION 10. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the two proceeding years, and that the same was then liable to taxation, he shall, in addition to the assessment for the current year assess upon the lot or tract so omitted the just valuation thereof, noting the year when such omission occurred; and such assessment shall have the same force and effect as it would have had if made in the year when the same was omitted.

Omissions — how proceed.

ASSESSMENT TO BE COMPLETED.

SECTION 11. The said assessment roll shall be made and completed by the assessor on or before the first Monday in July in each year. When the same shall be completed the said assessor shall give at least one week's notice thereof in the official paper of the city, of the time and place where the board of equalization will meet for the purpose of hearing objections of parties deeming themselves aggrieved by such assessment; and at the time mentioned in said notice the said board shall meet, and may adjourn from day to day until they shall have heard all parties appearing, and after hearing the same the board of equalization shall make such alterations or revisions as justice and equity may require; provided, that the time for hearing such objections shall not be extended more than two weeks from the expiration of said notice.

Assessment to be completed.

EQUALIZATION OF ASSESSMENT.

Equalization
of assessment.

SECTION 12. Within one week from the time limited for the hearing of such objections, the board of equalization shall return the said assessment roll, with the minutes of their proceedings, to the common council, and the common council may confirm or refer the same back to the board of equalization for revision. The common council may supply omissions in said roll, and for the purpose of equalizing the same may add to, take from, or otherwise revise and correct the same, provided, that the amount of said roll shall not be increased, except when the value of such real property may have been omitted by the assessor.

BOARD.

Board.

SECTION 13. The board of equalization shall consist of the mayor, assessor and one alderman from each ward, who shall be known as chairman of the ward.

TAXES TO BE A LIEN.

Taxes to be a
lien.

SECTION 14. All taxes and assessments, general and special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be levied or assessed, and upon all personal property of any person or body politic, corporation or association assessed for personal taxes, from the time of the confirmation of the assessment roll or rolls by the common council 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 persons taxed may be taken and sold for the payment of any taxes levied under this act.

ROLL TO BE FILED.

Roll to be filed.

SECTION 15. When the assessment roll shall have been revised and corrected, the same shall be filed with the city clerk, and an order confirming the same shall be entered in the proceedings of the common council.

SUPERVISORS MAY EQUALIZE.

Equalization.

SECTION 16. The board of supervisors shall have the right of equalizing the assessment roll of the city and towns in said county, as provided by law, but in the equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

TAX LEVY.

SECTION 17. Immediately after the board of supervisors shall certify to the city clerk the amount of taxes levied by them 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 percentage, particularly specifying the purposes for which the same are levied. Tax levy.

ROLL TO BE COPIED.

SECTION 18. As soon as said tax shall be levied the common council shall cause the assessment roll to be copied in a book provided for that purpose, setting opposite to each tract of land and to each person named under proper columns such sum or sums as may be levied upon such lot or lots or against such person. The different percentages for the several funds (except the ward funds and benefits and damages by special assessment) may be carried out on said roll in one separate column. The said copy shall be designated the tax roll, and to it shall be appended a warrant signed by the mayor and city clerk, directed to the city treasurer, requiring and commanding him to collect the taxes and assessments on said roll. Roll to be copied.

TREASURER TO GIVE NOTICE.

SECTION 19. Upon the receipt of any tax roll by the treasurer, it shall be his duty to give public notice in a newspaper published in said city that such tax roll (describing for what purpose said 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 ten days next ensuing said notice; and all persons paying taxes during said time shall be entitled to a discount of two per centum upon the amount paid. If the taxes are not paid within the said time, he may then proceed to collect the same by distress and sale of goods and chattles of the persons charged, giving at least six days' notice of the time and place of sale by posting up not less than three notices in as many public places in said city, or by returning a delinquent list to the county treasurer as herein provided, and in every other manner shall, to enforce the collection of taxes in the manner specified by the laws of this state for the collection of taxes; and if such taxes shall not be paid or collected in consequence of the neglect or delay of the treasurer, the common council may sue for and recover the amount thereof from the treasurer and his Treasurer to give notice.

sureties; provided, that the common council shall have authority at any time before the expiration of said warrant to extend the warrant for the collection of taxes, not exceeding forty-five days from the date of such extension.

DELINQUENT TAXES.

Delinquent taxes.

SECTION 20. In case no goods or chattels shall be found out of which to collect the taxes on any lot or lots, or other pieces of land or property, it shall be his duty to make out a list of all the property and taxes remaining unpaid at the time required by the laws of this state, next succeeding the date of his tax roll and warrant, and the list so made with his affidavit thereto attached, stating that the taxes therein contained had not been collected, and that he had been unable to find goods and chattels out of which to collect the taxes, shall be called the delinquent list, to the treasurer of the county of Oconto, at such time as is required by law; and he shall at the same time pay over to the said county treasurer all moneys collected by him belonging to the county of Oconto, and all taxes belonging to the state of Wisconsin, in the same manner as required by law of town treasurers.

CITY TREASURER TO PAY COUNTY TREASURER.

City treasurer to pay treasurer.

SECTION 21. The city treasurer shall pay to the county treasurer, in legal money, the state tax, county and county school tax, and all other taxes belonging to the county, within the special time prescribed by the statutes of this state, as required of town treasurers.

TREASURER'S FEES.

Treasurer's fees.

SECTION 22. The treasurer shall be entitled to receive, and collect as fees for the collection of taxes, one and one-half per cent. upon all taxes collected by him within the ten days allowed for discount on taxes, and three per cent. for all collected by him after that time; also, he shall receive three per cent. on all fines and licenses received by him. The fees for collection of taxes shall be added to the tax collected of and from each and every tax payer. On all taxes returned delinquent, the treasurer shall include five per cent. collection fees, and in case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution. The city treasurer shall collect the fees hereinbefore prescribed, and shall keep, in a book to be provided for that purpose, a true account and statement of all

fees by him received, as city treasurer from any source whatever, and such book shall be open at all reasonable times to the inspection of any person; and the city treasurer shall, when required, make report to the common council, duly certified on oath, of all fees and other moneys received and paid out by him as treasurer; and he shall receive no other or further compensation for his services as treasurer than as hereinbefore provided, except that the common council shall provide him all the necessary books, blanks and stationery requisite to the discharge of his duties.

COUNTY TREASURER — HIS DUTIES.

SECTION 23. It shall be the duty of the county treasurer of the county of Ozonto, and he is hereby required, when lots, tracts, pieces or parcels of land have been returned by said city treasurer as delinquent for any general tax of the state, or for any tax or assessment authorized under the provisions of this act, immediately after the sale of said 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 said city, either in cash or in certificates of sale of said lots, tracts, pieces or parcels of land so returned as delinquent.

Duties of county treasurer.

PROVISIONS ONLY DIRECTORY.

SECTION 24. All the directions hereby given for the assessment of lands and the levying and collecting of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted 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.

Provisions only directory.

WHEN CHARGES CARRIED OUT — HOW PROCEED.

SECTION 25. In all cases when by the provisions of this act any charge or assessment shall be carried out on the tax roll in a separate column or columns opposite the lot or tract upon which the same may be a lien, the treasurer shall collect or do all other acts in regard thereto in the same manner as in the collection of other taxes.

When charges carried out.

WHEN TAX IS VOID — HOW PROCEED.

SECTION 26. In case any local tax or assessment in any local improvement shall be void or have failed for want of jurisdiction, or for any irregularity in the levying or assessing thereof, the common council shall have power and it shall be their duty to cause the

When tax is void—how proceed.

same to be reassessed in a proper manner; if any person shall have paid on the former assessment the same shall be credited, or in case the payment exceed the amount reassessed, the surplus shall be refunded; in case any amount assessed for local improvement at any time shall be insufficient to defray the expense of such improvement, the common council shall cause to be assessed the amount which the actual expense thereof exceeds the amount first assessed, to be assessed in like manner as other assessments of a like nature.

CHAPTER VII.

OPENING OF STREETS, ALLEYS, ETC.

Opening of
streets, alleys.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same as follows: Whenever ten or more freeholders residing in any ward shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside for public use, for the purpose of laying out public squares, grounds, 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 such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such application to be given to the owners and all persons interested in the premises proposed to be taken, if residents of this state; such notice shall be served and proof of such service shall be made in the same manner as in the case of a summons in a circuit court. If the notice cannot be so served as to all the parties, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper or papers four weeks successively, at least once in each week.

NOTICE.

Notice.

SECTION 2. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge or a court commissioner for the county of Oconto for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary to take the same for the purposes specified in said petition, and in such case to assess the just compensation therefor.

JURORS TO BE APPOINTED.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them, within ten days, to view the premises to be specified in said precept, and to make returns, under their hands, to the common council, whether, in their judgment, it is necessary to take said premises for the purposes specified in such application, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath, faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

Jurors to be appointed.

MARSHAL SHALL SERVE PROCESS.

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

Marshal shall serve process.

IF JURORS DISQUALIFIED—HOW ACT.

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

Disqualified jurors.

OATHS—WHO SHALL ADMINISTER.

SECTION 6. The said judge or court commissioner, or any justice of the peace, shall thereupon administer an oath to said jurors, that they are freeholders of said city and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Oaths.

JURORS—HOW PROCEED.

SECTION 7. The said jurors shall, at such time as they shall agree upon, proceed in a body to view the

Jurors.

premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses. After viewing the premises in question and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for the public use; which said report, testimony and precept shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take said premises, the common council shall enter an order among their proceedings confirming said report, and directing the same jurors, within twenty days thereafter or such future time as shall be necessary, to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of said property proposed to be taken; and to assess and return within the time limited, such damages to the common council; and after the jurors shall have made their report as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve in ascertaining the amount of compensation as above; and all the jurors, before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer, that they are freeholders of said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

IF BUILDINGS ON LANDS — HOW PROCEED.

Buildings on
lands.

SECTION 8. If there should be any building [standing] in whole or in part upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove.

NOTICE — SHALL SPECIFY, ETC.

Notice shall
specify.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at

his usual place of abode if not known or a non-resident. Notice to all parties interested shall be given by publication in the official paper or papers of said city three successive weeks. Such notice shall specify the building and the award of the jurors. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council either to accept the award of the jurors, and allow such building to be taken, with the land appropriated, or of their intention to remove such building. He shall have such time for this purpose as the common council may allow.

COUNCIL — MAY SELL.

SECTION 10. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner or deposited to his use.

Council may sell.

JUDGES SHALL ESTIMATE DAMAGES.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such other premises as will, in their judgment be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the actual value in money of the real estate so proposed to be taken, and the injury arising to them respectively in consequence of the taking thereof, which shall be awarded to such owners respectively as damages. In the estimate of the damages to the land, the jurors shall include the value of the building or buildings (if the property of the owners of such land), as estimated by them as aforesaid, less the proceeds of the sale thereof; in such case they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section eight of this chapter. After the damages arising from such taking shall have been so determined, the jury shall view such premises as in their opinion will be especially benefited by the appropriation of such lands to the use for which they may be taken, and after hearing such testimony as may be offered, shall thereupon apportion and assess the damages so

Jurors shall estimate damages.

found by them upon the lands and premises by them deemed specially benefited, in proportion to the benefits received, and make a verdict specifying the lots or lands benefited, and the amounts of such benefits accruing to each such tract or parcel of land, and a majority of such jury may render such verdict, and shall sign the same. The council may thereafter levy such assessments upon the respective tracts, as a special tax, and the same shall be collected as other special taxes and assessments under this act.

WHEN LANDS ARE SUBJECT TO LEASE, ETC.

When lands are subject to lease.

SECTION 12. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests respectively shall be awarded to them by the jurors.

JURORS — SHALL SIGN, ETC.

Jurors shall sign.

SECTION 13. 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.

PARTIES — MAY APPEAL.

Parties may appeal.

SECTION 14. Any person whose property is taken, or against whom assessment is made, may within ten days from the return of the jurors to the common council appeal from said assessment of damages to the circuit court of Oconto county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section six of chapter five of this act, and such appeal shall be tried by the court and jury as in ordinary cases. The common council shall also have the right to appeal by filing with the clerk a notice thereof within ten days as aforesaid.

PROPERTY — NOT TAKEN UNTIL DAMAGES TENDERED.

Property.

SECTION 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof, shall be paid or tendered to the owner or his agent, or in case the said owner or agent cannot be found or is unknown, deposit it to his or their 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 heretofore opened or laid out.

WHEN PROCEEDINGS VOID, ETC.

SECTION 16. The damages assessed shall be paid or tendered or deposited as herein required within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all proceedings in any such case shall be void. When proceedings void.

COMMON COUNCIL—ITS DUTIES.

SECTION 17. The city may pay or tender or deposit, as herein required, at any time within one year from the confirmation of such assessment and report, the damages assessed in any such case, and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among their proceedings to take and appropriate such lands for the purposes required. Common council—its duties.

WHERE WHOLE LOT IS TAKEN.

SECTION 18. When the whole of any lot or tract of land or other premises under lease or other contract shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties touching the same or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged. Taking lots.

WHERE PART OF LOT IS TAKEN.

SECTION 19. When only a part of a lot or tract of land or other premises so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for in respect to the same shall be so proportioned that the part thereof justly and equitably payable for such residue thereof and no more, shall be paid or recoverable for in respect to the same. Where part of lot is taken.

WHERE OWNER LABORS UNDER DISABILITY.

SECTION 20. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under legal disability, the judge of the circuit court of Oconto county, or, in his absence, the judge of the court of record in said county may, upon the application of the common Disability of owner.

council or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

COUNCIL—SHALL CAUSE SURVEY.

Survey.

SECTION 21. Whenever any public ground, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk, and shall also cause the same to be recorded in the office of the register of deeds of Oconto county.

CHAPTER VIII.

CITY IMPROVEMENTS.

City improve-
ments.

SECTION 1. The aldermen of the several wards shall be the street commissioners in and for their respective wards, two of whom shall be a quorum, whose meetings shall be held at the office of the city clerk. The city clerk shall be clerk of the board of commissioners, and shall keep a record of all their acts and doings, and shall keep and preserve all contracts, receipts and papers of the board. The several boards of street commissioners shall make a report in detail to the common council of their acts and doings when required, and at the expiration of each year, and before their terms of office shall expire, shall submit all their acts and doings, books, records, papers, accounts, receipts and vouchers to the common council for final settlement and adjustment.

SECTION 2. Any person deeming himself aggrieved by any act or order of the board of street commissioners, may within ten days thereafter, by filing a written notice with the clerk of said city, appeal to the common council, who shall inquire into, examine and correct the act or order complained of as shall seem just and proper, and the further action of the board in this respect shall be regulated accordingly; and if such person shall deem himself aggrieved by the determination of the common council upon such appeal, such person may appeal, within ten days thereafter, to the circuit court of Oconto county by complying with the provisions of section six of chapter five of this act.

May make con-
tracts.

SECTION 3. The said street commissioners shall have power to order and contract for the making, grading, repairing and cleaning of streets, alleys, public grounds and gutters within their respective wards, and to direct and control the persons employed therein. Whenever

the street commissioners shall deem it necessary to construct or repair any sidewalk within their ward, they shall direct the owner or occupant of any lot adjoining such sidewalk to make or repair the same at his own proper cost and charge; if such work is not done in the manner and in the time prescribed, the commissioners shall cause the same to be done at the expense of the lot adjoining such sidewalk. The street commissioners shall not have power, except as herein after provided, to make and grade in the several wards of the city, any streets, alleys, public grounds, gutters, or to construct any sidewalks in their respective wards, unless the same has first been duly authorized by ordinance of the common council of said city; provided, that nothing herein shall be construed so as to prohibit such street commissioners from making or causing to be made all necessary repairs to any sidewalk, street, alley, public grounds or gutters. No special improvement shall be ordered by the common council exceeding in estimated cost the sum of two hundred dollars, unless more than one-half of the owners of the land to be taxed for such improvement shall petition in writing for the same, or unless the same shall be ordered by a vote of two-thirds of all the aldermen elect; if, however, the common council order any special improvement to be done, the vote therefor of the aldermen shall be taken by ayes and noes, and entered upon the journal of the proceedings of said council, and no special improvement shall be valid or binding unless said vote be so taken and entered upon the journal.

SECTION 4. Opening, grading, working, graveling, planking or paving streets and alleys to the center thereof, shall be chargeable and payable by the lots fronting on such street or alley; but no street or alley shall be graded, graveled, planked or paved except upon the petition of one-third of the resident property holders interested therein and by a two thirds vote of the aldermen elect. Sewers and reservoirs may be ordered to be built and repaired by the common council and the expense thereof paid by the city out of the general fund.

SECTION 5. Whenever the commissioners shall determine to make any public improvement, as authorized by sections 3 and 4 of this chapter, they shall cause to be made an estimate of the whole expenses thereof, and of the proportion to be assessed and charged to each lot, which estimate may be altered, amended or

Estimate to be made.

modified by the commissioners, and in case of grading streets, alleys or sidewalks, of the number of cubic yards to be filled in or excavated in front of each lot, and such estimate shall be filed with the city clerk for the inspection of parties interested; the street commissioners shall give notice by advertisement for ten days in the official paper or papers published in the city of Oconto, to the owners or occupants of the lots or parcels of lands fronting on any street, alley or sidewalk ordered to be graded, graveled, planked or paved, requiring them to do the work mentioned in such notice within reasonable time, therein to be specified; and if said work shall not be done within such time, the said commissioners shall enter into contract for the doing thereof.

Shall give notice.

SECTION 6. The street commissioners shall give notice to all owners or occupants of lots which may be deemed injurious to health by reason of stagnant water remaining therein, or other cause, if residents, personally; if non-residents, in the official paper or papers published in the city of Oconto, for ten days, to abate such nuisance by draining or filing such lots within a reasonable time, therein to be specified; and if such nuisance shall not be abated or removed within the time so specified, the street commissioners shall cause the same to be abated or removed at the expense of the property upon which the same may exist.

Shall give certificate.

SECTION 7. After the completion and performance of any contract entered into by the street commissioners, for work chargeable to lots or lands by virtue of this act, they shall give to the contractor or contractors a certificate under their hands, stating therein the amount of work done by such contractor, the nature thereof and the description of the lot or parcel of land upon which the same is chargeable; the contractor shall file said certificate with the city clerk, who shall lay the same before the common council at their next meeting thereafter, and the common council shall order the same to be paid out of the contingent fund of the city, and order the same to be assessed upon the city lots or parcels of land respectively as a special tax, to be collected therefrom for the use of said city as other taxes on real estate are collected by virtue of the laws of this state, and of this act; and if notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment.

SECTION 8. Whenever a sidewalk or gutter shall be out of repair, which, in the opinion of the street commissioners of the ward in which said sidewalk or gutter is situated, will not cost exceeding five dollars in front of any one lot or parcel of land to put in repair, they shall forthwith notify in writing the owner or occupant of the premises adjacent, and to which said sidewalk or gutter belongs, to repair the same within twenty-four hours, after service of said notice; and if said repairs are not made within twenty-four hours, the street commissioner shall forthwith cause such repairs to be made, make a statement of the expense thereof, and file the same with the city clerk; the common council shall at its next meeting thereafter order said amount to be paid, and assess the same against the lot chargeable therewith to be collected for the use of the city as other special taxes are collected.

Shall notify owner of lot when sidewalk or gutter is out of repair.

SECTION 9. In all cases where improvements or work of any kind are charged by virtue of this act upon lots, all such improvements across streets, alleys and public grounds shall be made by the city and paid for out of the general fund.

When improvements to be made by city.

CHAPTER IX.

POLL TAX.

SECTION 1. Every male inhabitant of the city of Oconto over twenty-one years of age and under fifty years, except active members or the fire department in the city and those otherwise exempt by the general laws of this state, shall pay into the city treasury annually the sum of one dollar and fifty cents each as a poll tax. It shall be the duty of the assessor of the city of Oconto, during the month of May in each year, to make out duplicate lists of all persons liable to pay said tax, and the said assessor shall, on the first Monday of June, each year, deliver one of said lists to the city clerk, and one to the superintendent of streets of the city of Oconto. The said assessor, in making such lists, shall designate the ward in which each person on said list resides; and the superintendent of streets shall thereupon immediately proceed to collect the same; and all persons liable to pay such tax, who shall not have paid the same after demand, either personally or by written notice left at their usual place of abode, on or before the fifteenth day of August in said year, shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to be prosecuted for by said superintendent of streets, in the

Poll tax.

name of the city of Oconto. The process in such case shall be by warrant, and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail not to exceed ten days. The superintendent of streets of said city shall proceed to collect the same in the same manner as hereinbefore in this section provided, and in case said taxes are not paid to said superintendent, he shall prosecute for them in the manner hereinbefore provided. The said superintendent of streets shall account for the tax of each ward of the city, with the amount thus collected from the inhabitants of such ward; and all moneys collected by said superintendent as above specified shall be paid over to the city treasurer on or before the first day of September, each year. The moneys collected as above shall be kept as a distinct fund, and shall be expended under the direction of the senior alderman of each ward, and at his request, under the supervision of the superintendent of streets, in the repair and improvements across streets, alleys and public grounds belonging to said city, in their several wards, for which said city is liable under section 9 of chapter 8 of this act, and to be drawn out on itemized accounts certified to by the senior alderman of the ward in which said work is done and audited by the common council. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said list shall be delivered to the superintendent of streets for collection; provided, that if any person shall desire to, he shall be permitted to perform ten hours' work upon the streets of the city in the ward in which he resides, under the direction of said superintendent of streets, and at such time as he shall direct within the months of June and July, in each year, and the certificate of the superintendent of streets that such person has performed one full day's labor upon a street or highway within the ward in which said person resides, shall be received by the city treasurer in full discharge of such poll tax. And it is further provided that said superintendent shall have power to add on said list the names of all such persons by him known to be liable to pay said tax that may have been omitted by said assessor.

SECTION 2. The superintendent of streets shall before entering on the duties of his office, execute to the city a bond in the penal sum of two thousand dollars with two or more sufficient sureties, to be approved by the common council conditioned for the faithful performance of the duties of his office and for such other duties as may be required of him by the council, and for the proper expenditure of the money which may be collected or come into his hands by virtue of his office. He shall have a general supervision of all streets; he shall expend the money realized from the poll tax in each ward at such places in each ward as shall be designated by the senior alderman thereof; he shall, on or before the first day of September in each year, report to the common council, in writing, under oath, a true and correct statement of all moneys received by him by virtue of this act, and from whom received, and how, when and where expended; and the said superintendent of streets shall be held strictly responsible for the full and complete execution of this act so far as the same relates to streets, according to the terms thereof, and the common council may at any time remove him from office for neglect of duty, and appoint a competent man in his place. The street superintendent shall receive for his services not more than two dollars for each day actually and necessarily occupied by him in the discharge of his duties. The marshal of said city of Oconto shall be street superintendent in any year when the common council shall so determine, and shall receive for his services as such superintendent such sum per day as the council shall determine, not exceeding two dollars per day.

CHAPTER X.

PUBLIC SCHOOLS.

SECTION 1. The mayor and common council of the city of Oconto shall elect as school commissioners, one person from each ward of said city, who shall hold office for four years, unless removed for misconduct or other sufficient cause, by a vote of two-thirds of all the members of the common council. The said mayor and council shall, at their regular meeting in May, 1882, elect one such school commissioner, and annually thereafter at their regular meeting in May, elect one school commissioner. The present school commissioners shall hold their office for the term for which they were elected. The terms of office of said commissioners shall commence on the first Monday in June in each year.

Board of education.

SECTION 2. The school commissioners elected under the provisions of section 1, of this chapter, shall form the board of education of the city of Oconto, and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the mayor and council to supply by appointment any vacancy which may occur from time to time in the number of said school commissioners, by resignation or otherwise.

Shall elect city superintendent.

SECTION 3. The school commissioners shall annually, as hereinafter provided, elect a city superintendent of schools, whose term of office shall commence on the first Monday of January, and said superintendent shall continue in office one year, and until his successor shall be elected, unless sooner removed by a vote of two-thirds of all the members of the common council for misconduct or other sufficient cause.

Officers of board of education.

SECTION 4. The board of education shall, on the first Monday of June in each year, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order, subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teachers' wages; he shall declare all votes taken on questions coming before the board; provided, that on all questions requiring appropriations of money, or the adoption of new text books, the vote shall be taken by ayes and noes, and on any other question the ayes and noes shall be called whenever any member shall request it. In the absence of the president, the board shall elect a president pro tempore.

Number of meetings.

SECTION 5. The board of education shall have four regular meetings in each year, on the first Mondays of March, June, September and December, at such place as shall be designated by the common council. The board may hold and the secretary of the board shall call a special meeting of the board whenever requested by a majority of the board, and the secretary shall serve notice of said meeting on each member of the board.

Salary of superintendent.

SECTION 6. The city superintendent of schools shall receive an annual salary of not less than one hundred dollars, to be paid quarterly out of the contingent fund of the city, the amount of which shall be determined from year to year by the common council at its regular meeting in May.

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

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

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

3d. To arrange and determine terms and vacations in all public schools; to establish uniformity in the school system, and to require and secure uniformity in text books; when any such text books shall have been adopted, they shall not be changed for the term of three years, nor thereafter without the consent of the state superintendent. Vacations.

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

5th. To make contracts for all necessary repairs on school houses not exceeding in value fifty dollars for any one school house, for all stationery required for the use of schools, and for all incidentals required for carrying on the schools, such as lighting fires, sweeping school rooms, et cetera; and such contracts, when executed, shall be paid by the common council out of the city contingent fund on certificates of said board or other proofs satisfactory to the council that the contracts have been complied with. Make necessary contracts.

6th. The said board shall annually, on or before the first day of November in each year, submit a statement to the mayor and council, showing the amount of teachers' wages that have accrued and become due during the year; and the amounts of all other indebtedness accruing on contract or otherwise that has been Shall submit statement annually.

made by order of the board; and for that purpose they shall cause entries to be made in a book or books, to be provided by the city, of all contracts made with teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said board at the time the same shall be made or authorized; which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board; and they shall, at the same time, submit for the consideration of the council a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages, and other items separately and specifically; and it shall be the duty of the common council on assessing taxes for the ensuing year, to assess the amount required for teachers' wages by itself, and the amount so raised, when paid into the city treasury, shall be paid out only for teachers' wages and for no other purpose; the other amounts required for the incidental expenses and fuel may be included among the amounts raised for contingent expenses of the city.

Nothing in this section contained shall prevent the common council from taking into consideration the amount to be received from the state from the income of the school fund, and the amount to be received from the county school tax during the ensuing year, and appropriating those two sums toward the payment of teachers' wages, and raising a tax simply for the balance required to make up the estimated amount, if they shall see fit so to do.

Repair of
school house.

SECTION 8. Whenever repairs to a larger amount than fifty dollars shall, in the opinion of the board, be required for any one school house, and whenever another school house or school houses or furniture for any school house shall be required, they shall report the facts to the common council, who shall forthwith cause said repairs to be made, such school house or school houses to be erected, and a site or sites for the same, and such furniture purchased, and take measures to raise a tax to defray the costs of such repairs or of the erection of such buildings, and a purchase of such sites, or furniture, if said council deem it advisable.

Draw orders.

SECTION 9. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasurer, payable out of the fund for teachers' wages, for the amount of salary due them respectively, when, according to the contracts made with

them, the same shall become due; and the payments of all other demands created by the action of said board of education, shall be made in the same manner as other claims against said city are paid.

SECTION 10. No member of the board of education shall have any interest, direct or indirect, in any contract so made by said board; and every contract so made in which any member of said board shall have such interest shall be absolutely void. No collusion.

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

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

2d. To annul a teacher's certificate whenever he may think proper; provided that such teacher shall have the right to appeal to the board of education of said city. May annul certificate.

3d. To visit each school department in said city at least four times during each term. Visit school departments.

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

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

6th. He shall between the first and tenth days of September, in each year, ascertain and make a statement of the number of children, male and female, designated separately, over the age of four and under the age of twenty years, residing in the city, on the last day of August previous to the day of such statement, and report the same to the city clerk; and shall on or before the tenth day of October, in each year, make and transmit to the state superintendent a report containing the facts set forth in section 463 of the revised statutes and file a copy of said report with the board of education. Ascertain number of children.

7th. He shall attend all meetings of the board of education and act as secretary thereof, and make any Shall attend meetings.

suggestions he may think advisable relative to the government of the schools in said city.

CHAPTER XI.

DISQUALIFICATIONS, IMPEACHMENTS, ETC.

Disqualifica-
tions, etc.

SECTION 1. No member of the common council of said city shall be elected or appointed as a school commissioner or member of the board of education of said city, and no school commissioner shall be eligible to or hold the office of alderman in said city.

Voting on ques-
tions.

SECTION 2. No member of the common council shall vote upon any question, matter or resolution in which he shall be directly interested.

Persons inter-
ested cannot
make contract.

SECTION 3. No person interested directly or indirectly, as principal or surety in any contract or agreement, written or verbal, to which said city shall be a party in interest, or to which any officer under this act shall officially be a party, for the construction of any sewer, pavement or building, or the performance of any public work whatever, or involving the expenditure, receipt or disposition of money or property of the said city by any officer under this act, shall be eligible to any office or appointment in said city that will in any manner give him official cognizance or authority over the subject matter of such interest; and if any person thus interested shall be elected or appointed to office, his election or appointment shall be void, and such office shall be declared vacant.

Any job or
contract.

SECTION 4. No member of the common council shall be a party to or interested in any job or contract with the city; and any contract with the city in which any such member may be so interested, either directly or indirectly, shall be null and void; and in case any money shall have been paid on such contract, the common council may sue for and recover the amount so paid from the parties to such contract and from members of the common council interested in the same.

Guilty of fel-
ony.

SECTION 5. If any member of the common council or other officer of the corporation, after his election or appointment, or while in office, shall become or cause himself to become interested, directly or indirectly, in any contract or agreement, whether written or verbal, to which the corporation shall be a party in interest, or to which any officer under this act officially be a party, or in any question, subject or proceeding pending before the common council, or on which such officer may be called upon to act officially, with intent to gain, directly or indirectly, any benefit, profit or pe-

cuinary advantage, he shall be removed from his office, and the same shall be declared vacant by the common council and he shall be deemed guilty of felony, and on conviction thereof shall be punished by imprisonment in the state prison for not more than one year, or by fine of not exceeding one thousand dollars (\$1,000) or by both such fine and imprisonment in the discretion of the court.

SECTION 7. A majority of all members elect of the common council shall have power to dismiss from office for malfeasance in office or any other due cause in said city, any person elected or appointed to office in said city, and the common council shall provide by ordinance the manner of hearing and disposing of complaints against such officers. Power to dismiss from office.

SECTION 8. Whenever any charge of official misconduct shall be preferred against any member of the common council of the city of Oconto, or any officer of said city, the common council shall appoint a committee to investigate such charges; and it shall be the duty of the committee, as soon as practicable after their appointment, to investigate the matter of any charges which may have been so preferred, and to report the results of their investigation to the said common council; and in case such committee shall deem it necessary or proper for the purpose of their investigation, they may examine witnesses, on oath, in relation to any such charges. And the several members of such committee are hereby authorized and empowered to administer oaths to witnesses to be examined for the purpose of such examination. Official misconduct.

SECTION 9. Subpoenas may be issued for the purpose of procuring the attendance of witnesses before any committee appointed pursuant to the preceding section. Each subpoena shall state when and where and before whom the witness is required to appear and testify, and may require such attendance forthwith or on a future day named, and the production of books, records, documents and papers therein to be designated, without payment of fees in advance or a tender thereof. All such subpoenas shall be signed by the city clerk of said city and shall be issued under the seal of said city, and may be served in the same manner and shall have the same force and effect as subpoenas issued out of the circuit court. Any wilful or corrupt false swearing by any witness or person giving testimony before such committee or any member thereof, or making deposition to any material fact relating Subpoenas may be issued.

to the matter under investigation before such committee, shall be deemed guilty of perjury, and shall be punished as such, in the manner provided by law. The provisions of law in respect to the attachment of witnesses subpoenaed before justices of the peace, and compelling the attendances of such witnesses to appear and testify before them, are hereby applied to the case of witnesses subpoenaed before such committee, and such committees may exercise the powers of arrest, fine and imprisonment for the conviction in circuit or justices' courts in such cases. Writs of attachment and commitment for contempt shall be signed by the chairman of such committee.

CHAPTER XII.

FIRE DEPARTMENT.

Fire depart-
ment.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other material that shall not be considered fire-proof shall not be erected, placed or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

COUNCIL — ITS POWERS.

Powers of
council.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as it shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires; to regulate and prevent the use of fire works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs and ladders leading to the same; to authorize the

mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of the fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

COUNCIL MAY PURCHASE FIRE ENGINES.

SECTION 3. The common council shall have full Fire engines. power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed thirty able bodied men, between the ages of eighteen and fifty years, but no company shall have less than fifteen active, able bodied members, and they may elect their own officers and form their own by-laws, not inconsistent with the laws of this state or the ordinances or regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from highway work and poll tax, and from serving on juries, and from military duty, in the city of Oconto except in case of war, insurrection or invasion, during the continuance of such membership, and any person having served for the term of ten years in either of such companies shall be forever thereafter exempt from poll tax and military duty, except as in cases before mentioned.

ANNUAL MEETING.

SECTION 4. There shall be a meeting of the mem- Annual meet-
ing. bers of said companies on the third Monday of April in each year at such place as may be designated by the chief engineer, when they may nominate and recommend to the common council for appointment, one chief engineer, and one assistant engineer, and one treasurer; and the common council shall thereupon confirm or reject said nominations, and the persons so appointed shall perform such duties as the common council shall prescribe. In case the common council should reject such nominees, the said members shall,

at a meeting held one week after such rejection, nominate other persons to hold such offices, which nominations shall also be subject to the approval of said council.

FIRE WARDENS — DUTIES.

Duties of fire wardens.

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

OFFICERS MAY ARREST, ETC.

Officers may arrest.

SECTION 7. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden or alderman of the city, the mayor or city marshal at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, constable or watchman, or any citizen, to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

SACK COMPANIES — MAY ORGANIZE.

Sack companies.

SECTION 8. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as special police in and for the city of Oconto, and are hereby vested with all the power and authority which is now or may hereafter be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Such company may from time to time adopt such by-laws as

they may deem necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as shall be necessary for the peace and good order of the same.

TREASURER — TO GIVE BOND.

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

OFFICERS.

SECTION 10. There shall be elected by the members of such company, annually, at their annual meeting, a clerk or secretary, who shall, on or before the first Monday in May of each year, return to the city clerk a list containing the name of each member of their respective companies, and when any member of either of said companies shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk. Officers.

CLERK — TO KEEP RECORD.

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

CHIEF ENGINEER—HIS POWERS AND DUTIES.

Duties of chief engineers.

SECTION 12. The chief engineer shall have control of the fire department of the city of Oconto, and to prescribe the duties of the officers and members thereof, and when authorized by the common council he shall order all the necessary apparatus for the extinguishment of fires. He shall have charge of the fire engines, and see that they are always in working order; in the absence of the chief engineer, the assistant chief shall have full power and control. The chief engineer shall, on the first day of December in each year, make report in detail and under oath to the common council of all property belonging to the city in possession of the fire department and of its condition and value. The chief engineer shall from time to time make such recommendations in writing to the common council, designated [designed] to promote the efficiency of the fire department, as he shall deem expedient. He shall also keep in a book, to be provided for that purpose, a record of all alarms of fire, the cause thereof, the extent of loss and the amount of insurance, and shall incorporate the same in detail in his annual report.

CHAPTER XIII.

ACTIONS TO RECOVER PENALTIES, ETC.

Action to recover penalties.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act, or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

SUMMONS.

Summons.

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

SUMMONS — FORM OF.

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

“County of Oconto, }
 City of Oconto. } ss.

Form.

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

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

Given under my hand at said city this _____ day of _____, 18—.

C. D. Justice of the Peace.

SUMMONS—RETURN OF.

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

COMPLAINT—FORM OF ON SUMMONS.

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

“The City of Oconto }
 against } In Justice’s Court. Before C.
 A. B. } D., Justice.

“The plaintiff complains against the defendant, for that the defendant, on the _____ day of _____, 18—, at the said city, did violate (section _____, of chapter _____, of this act, or section _____, of an ordinance, or by-law, or regulation of said city, describing it by its title), which said _____ is now in force. By reason of such violation an action hath accrued to the city of Oconto, to recover of the defendant, the sum of _____ dollars debt; wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.”

COMPLAINT—FORM OF ON WARRANT.

SECTION 6. In all cases where oath is made for a Form,
 warrant, the complaint shall be made on oath of the

complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially as follows:

"The City of Oconto, }
 against } In Justice's Court. Before C.
 A. B. } D., Justice.

"County of Oconto, ss.

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

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

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

County of Oconto, }
 City of Oconto, } ss.

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

"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 chapter —, of this act, or section — of an ordinance, or by-law, or regulation, of said city, describing it by its title), which said — is now in full force, as the complainant believes; therefore you are commanded to arrest the body of said A. B., and bring him before me forthwith, to answer to the city of Oconto on the complaint aforesaid.

"C. D., Justice of the Peace."

WARRANT — RETURN OF.

Warrant.

Upon the return of the warrant, the justice may proceed summarily with the case, unless it be adjourned; the defendant, if required by the court so to do, shall

recognize with security, to be approved by the court, for his, her or their appearance, in such sum as the court shall direct, or, in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Oconto county. The complaint made as aforesaid shall be the only complaint required, and the plea of not guilty shall put in issue all the subject matter embraced in the action.

ORDINANCE — PRINTED COPY OF TO BE EVIDENCE.

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

Printed copy of ordinance to be evidence.

COURT OR JURY — FINDINGS OF.

SECTION 8. In city prosecutions, the findings of the court or jury shall be either guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution, as in cases of tort, in case the action was commenced by summons or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution may be in the following form.

Findings of court.

EXECUTION — FORM OF.

County of Oconto, }
 City of Oconto, } ss.

Form.

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

Whereas, the city of Oconto, on the — day of —, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city,

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

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

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

JUDGMENT — DEFENDANT MAY APPEAL.

Defendant may appeal.

SECTION 9. Any defendant, feeling aggrieved by the judgment of a justice of the peace, in any action commenced under the provisions of this act, by summons or warrant, may appeal from such judgment to the circuit court for the county of Oconto, in the same manner as appeals may be taken from justices of the peace in towns. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the said city may appeal from any such judgment, as in other cases before justices of the peace.

APPEAL TO BE TRIED BY JURY.

To be tried by jury.

SECTION 10. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court at the next term thereof, after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to or by either party.

COURT SHALL ENTER JUDGMENT IF AFFIRMED.

SECTION 11. If the judgment of the justice shall be affirmed, or if upon trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution, as in actions of tort.

Court to enter judgment.

RESIDENT — NOT INCOMPETENT.

SECTION 12. No person shall be an incompetent judge, justice, juror or witness, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

No resident incompetent.

PRESENT ORDINANCES — TO REMAIN IN FORCE.

SECTION 13. All ordinances and regulations now in force in the city of Oconto, and not inconsistent with this act, shall remain in force until altered, modified, or repealed by the common council, after this act shall take effect.

Present ordinances to remain in force.

PENDING ACTIONS, — TO BE PROSECUTED.

SECTION 14. All actions, rights and penalties fines and forfeitures in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Pending actions.

BRIDGES — GENERAL LAWS IN RELATION TO — TO APPLY.

SECTION 15. The general laws for the preservation of bridges, and the punishment by such laws for the wilful and malicious injuries done thereto, are hereby extended to, and shall include all of the bridges erected or owned by said city over the Oconto river, and shall apply to any wilful or malicious damage which may be done to any of them by any person or persons whatever; and the common council of said city may, from time to time, make such by-laws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage done to any of said bridges by any vessel or water craft, or by the master or any person in command thereof, such vessel or water craft may be proceeded against by the said city, under the law to provide for the collection of demands against boats and vessels, which does now or may hereafter exist.

Relative to bridges.

PROCESS — HOW SERVED AGAINST CITY.

Process served
against city.

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

FIRE APPARATUS — EXEMPT FROM EXECUTION.

Exemption.

SECTION 17. All fire engines, hose, hose carts, hooks and ladders and wagons therefor, and all other apparatus and implements used to extinguish fires, and all houses or buildings owned or occupied by said city for such engines, hose, hose carts, hooks and ladders, and other apparatus and implements, shall be exempt from attachment or execution issued in any action or on any judgment wherein the said city shall be a party.

PRIVATE PROPERTY — NOT SUBJECT TO LEVY, ETC.

Private prop-
erty.

SECTION 18. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or on any judgment against said city.

MAY SENTENCE TO COUNTY JAIL.

County jail.

SECTION 19. In all cases when a defendant shall be convicted of any violation of any ordinances or police regulations of said city, the court before whom the same is tried shall have power to sentence the defendant to a term of imprisonment in the common jail of Oconto county for any period not exceeding six months.

CHAPTER XIV.

GENERAL PROVISIONS — ALL WORK TO BE LET TO
LOWEST BIDDER.General pro-
visions.

SECTION 1. All work for the city or either ward thereof, including all printing and publishing, shall be let by contract to the lowest reasonable responsible bidder, and due notice shall be given of the time and place of letting such contract, provided, that the council by a vote of two-thirds of all the members thereof may otherwise provide for work.

NO APPROPRIATION TO BE MADE, ETC.

SECTION 2. No money shall be appropriated for any purpose whatever except such as is expressly authorized by this act. No appropriation to be made.

PENALTIES—HOW REMITTED.

SECTION 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two-thirds vote of the aldermen elect. Penalties.

MAY CAUSE SURVEY OF STREETS.

SECTION 4. The common council may at any time cause a new and accurate survey to be made of the line and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk, and recorded in the office of the register of deed of the county of Oconto. May cause survey of streets.

SURVEY TO BE EVIDENCE.

SECTION 5. The survey and landmarks so made and established shall be prima facie evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy, in all courts in this state. Survey to be evidence.

COUNCIL MAY ESTABLISH GRADES.

SECTION 6. The common council may, at such time as it may deem proper, establish the grades of all streets, alleys and sidewalks in said city, or any or either of them; and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of the county of Oconto, and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom shall be paid by the city to the owner of any lot or parcel of land, or tenement, which may be affected or injured in consequence of the alteration of such grade; provided, however, that nothing in this section contained shall be so construed as to prevent the street commissioners of the several wards of the said city from ordering, or causing to be done, the grading of any street within their ward to a temporary grade, to be established by such commissioners. Establish grade.

CITY MAY HOLD REAL ESTATE.

City may hold
real estate.

SECTION 7. 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, occupied or held by said city, shall be exempt from taxation.

SPECIAL TAX.

Special tax.

SECTION 8. Real estate exempt from taxation by the laws of this state shall be subject to special taxation for street and sidewalk improvements, as other real estate under this act.

CITY TO BE PARTY TO DEEDS.

City party to
deeds.

SECTION 9. When the city of Oconto 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 Oconto and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

MAYOR MAY EXECUTE DEED.

Mayor may
execute deed.

SECTION 10. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed under and direct him so to do, execute a deed or lease of such real estate or interest therein, belonging to the said city. The said deed or lease shall be signed by the mayor of the city, and countersigned by the clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as is provided by law for the execution of deeds and conveyances.

DEED — TO BE RECORDED.

Deed to be re-
corded.

SECTION 11. When any such deed or lease is so executed, the city clerk shall attach to such a deed or lease a true copy, by him duly certified of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with the said deed or lease, and such copy so attached, and the record thereof, shall be in all courts of this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

FAILURE TO HOLD ELECTION, ETC.

Failure to hold
election, etc.

SECTION 12. If any election by the people for common council shall for any cause not be held at the time or in the manner herein prescribed, or if the council should fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending, or

dissolving said corporation, but such election or organization may be had at any subsequent day by order of the common council; 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, are not then done or performed, the common council may appoint another time at which said act may be done and performed, provided this shall not be construed to legalize any invalid or insufficient service of any notice or process.

APPROPRIATIONS.

SECTION 13. The common council shall have power to appropriate a sum not exceeding three hundred dollars, to any public purpose they may deem proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen elect. Appropriations.

SALARIES.

SECTION 14. No compensation or salary shall be paid the mayor or any alderman of any city, except as inspectors of elections, members of the board of registry and members of the board of equalization. Salaries.

OWNERS OF LOTS—TO KEEP SIDEWALKS, ETC., IN GOOD REPAIR.

SECTION 15. The duty of always keeping the sidewalks, gutters, drains and ditches on or adjacent to the lots and premises of any person in safe condition and good repair is hereby expressly enjoined and imposed upon all owners or occupants of said lots and premises. Owners of lots.

CHAPTER XV.

REPEALING CLAUSE.

SECTION 1. The act entitled "An act to incorporate the city of Oconto," of the private and local laws, approved March 11, 1869, and the several acts amendatory thereof, and all acts or parts of acts inconsistent and conflicting with the provisions of this act, are hereby repealed, but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contract, acts or suits, claims, penalties or demands that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said act incorporating said city, or of the acts and parts of acts amendatory thereof, or any of them; but the same shall exist and be enforced and carried out, and be completed, as fully and effectually to all intents and purposes as if this act had not Repealing clause.

been passed; and all ordinances, resolutions, regulations, rules, by-laws and orders of the common council, or parts thereof, not repealed, suspended nor made void by this act, shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended, repealed or suspended by the common council in pursuance of this act.

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

Approved March 6, 1882.

[No. 70, S.]

[Published March 7, 1882.]

CHAPTER 57.

AN ACT to provide for the employment of a chief clerk in the office of the state superintendent.

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

Chief clerk.

SECTION 1. In addition to the present provisions of law for clerk hire in the office of state superintendent, the state superintendent is hereby authorized to appoint a suitable person to the position of chief clerk in his office, who shall, under the direction of the state superintendent, have charge of the correspondence and books incident and necessary to the business of the office of the said state superintendent, and render such other assistance as the state superintendent may direct.

Salary.

SECTION 2. The appointment of the chief clerk of the state superintendent shall be filed with the secretary of state. The salary of said clerk shall be fifteen hundred dollars per annum, payable monthly, and there is hereby annually appropriated from the state treasury out of funds not otherwise appropriated, a sum sufficient to pay the salary of the clerk hereby authorized to be appointed.

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

Approved March 6, 1882.

[No. 100, S.]

[Published March 10, 1883.]

CHAPTER 58.

AN ACT to appropriate a certain sum of money therein named to Henry Z. Moulton and A. W. Baldwin.

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

Money appropriated to Henry Z. Moulton.

SECTION 1. There is hereby appropriated to Henry Z. Moulton, clerk of the circuit court for Dane county,