

ing with the provisions of this act are hereby re- Repealing section.
pealed.

SECTION 48. This act shall be considered a public act, and shall be liberally construed in all courts of this state, and shall be in force and take effect from and after its passage and publication. Public act.

Approved March 30, 1885.

[No. 293, A.]

[Published April 11, 1885.]

CHAPTER 212.

AN ACT to amend section 2, of chapter 2, of chapter 306, of the private and local laws of 1866, entitled, "an act to consolidate and amend the act to incorporate the city of Berlin, and the several acts amendatory thereof, approved April 6, 1866."

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

SECTION 1. Section 2, of chapter 2, of chapter 306, of the private and local laws of 1866, entitled, "An act to consolidate and amend the act to incorporate the city of Berlin and the several acts amendatory thereof, approved April 6, 1866," is hereby amended so as to read as follows: Section 5: 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 by the laws of this state. All money raised, received, recovered or collected by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, or which belongs to said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order signed by the mayor or acting mayor, by order of the city council, and countersigned and attested by the clerk. He shall keep an accurate account of all moneys or other things coming in his hands as treasurer, in a book 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 Section 2, ch. 2, amended.

was received, which book shall at all reasonable hours be open to the inspection of any person having business therewith. He shall, as often as the city council require, render to said council a minute account of the receipts and expenditures of his office, and at the expiration of his office, he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be collector of taxes, and for this service, except as herein otherwise provided, he shall have the same powers and be subject to the same liabilities, be governed by the same laws as treasurers of towns. He shall receive on all taxes collected by him prior to the tenth day of January one per centum, and on all taxes collected thereafter during his term, two per centum, to be retained from the collections, and in addition thereto, when collection is made by distress and sale of goods, the same fees given by law to constables for levy and sale of goods upon execution; and also two per centum of all drainage fund money that shall be received by him from the state or county, to be retained out of such moneys; and for making his return of delinquent taxes one dollar, and six cents for each mile traveled, one way, to deliver the same, to be paid by the county treasurer on settlement. He shall have no other compensation.

Section 3, of
chapter 3,
amended.

SECTION 2. Section 3, of chapter 3, of said chapter 306, is hereby amended so as to read as follows: Section 3. The city council shall have the management and control of the finances and of all the property of the city, and it 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 and amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and for the prevention of crime, and for the benefit of the trade, commerce and health thereof, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, that they be

not repugnant to the constitution and laws of the United States or of this state; and for such purposes shall have authority by ordinances, resolutions and by-laws:

1st. To license and regulate the exhibitions of common showmen, and shows of any kind, the exhibitions of caravans, circuses or theatrical performances, and to provide for the abatement and removal of all nuisances under the ordinances or common law. To license billiard and pool tables, bowling alleys or saloons, and to grant licenses to such persons as it may deem proper for the sale of strong, spirituous, malt, ardent or intoxicating liquors within said city in such place as may be designated in such license, and regulate groceries, taverns, victualing-houses and all places where intoxicating liquors are sold, and revoke any license for a violation of any provision thereof; provided, that the sum paid for any license to sell intoxicating liquors shall not be less than the amount fixed and provided by the laws of this state, and that no license be granted for a term less than one year.

Power to issue licenses.

2d. To restrain and prohibit all description of gaming devices and practices, and all playing cards or other games, and all horse-racing in said city, and to restrain any person from vending, giving away to evade the law, or dealing in spirituous, fermented or vinous liquors contrary to law. It shall be the duty of the mayor to prosecute for any and all such penalties incurred for any violation of any of the provisions of this charter, or any by-law enacted by virtue of this charter, or for any violation of any law of this state within the limits of the said city of Berlin.

Restrain and prohibit gambling.

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

Prevent riots, disturbances, etc.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer or any 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.

Cleanse nauseous places.

Location and management of slaughter-houses.

5th. To direct the location and management of slaughter-houses and markets, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder and other combustible materials.

Immoderate driving.

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

Restrain cattle.

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

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction thereof in a summary manner when at large contrary to any ordinance.

Putrid substances.

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

Public grounds, etc.

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

Boards of health.

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

Bread.

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

Riding or driving on sidewalks.

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

15th. To prevent the shooting of fire-arms or

- crackers, and to prevent the exhibition of any fire-works in any place which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof. Shooting fire-arms.
- 16th. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Restrain drunkenness.
- 17th. To restrain and regulate runners and solicitors for boats, vessels, stages, public-houses or other establishments, and to regulate the police of the city. Runners and solicitors.
- 18th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the observance of such rules and regulations. Public markets.
- 19th. To license and regulate butcher stalls, shops and stands for the sale of game, poultry, butcher's meat, butter, fish and other provisions. Butcher stalls.
- 20th. To regulate the place and manner of weighing hay, and the selling of the same, and measuring and selling fuel, lime, stone, and to appoint suitable persons to superintend and conduct the same. Weighing and selling hay.
- 21st. To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the roofs, sidewalks, streets or alleys 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 default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant. Remove snow and dirt.
- 22d. To regulate the construction of piers or wharves on the Fox river, within the limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon. Piers and wharves.
- 24d. To regulate the time and place and manner of holding public auctions and vendues. Public auctions and vendues.
- 24th. To appoint firewardens and watchmen, and to prescribe their duties. Wardens and watchmen.
- 25th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. Weights and measures.

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

Draining fountains. 27th. To prescribe and regulate the manner of draining fountains made by individuals, and the construction of sewers in said city.

Repairs of highways. 28th. To lay out, make, open, keep in repair, grade or discontinue any highways, streets, lanes, alleys, sewers, gutters, sidewalks and bridges, and to keep them free from incumbrances, and to protect them from injury.

Recording plats. 29th. To cause all out or in lots within said city of less size than ten acres each that have not been platted and recorded by the owners thereof, as required by law to be platted and recorded by authority of the board, and to tax the charges for said services against the lot or lots so platted and recorded, to be collected the same as other corporate or general taxes.

Seal. 30th. To have a common seal and to alter the same at pleasure.

Cemeteries. 31st. To make all needful rules and regulations in regard to all cemeteries within the limits of said city of Berlin, and to appropriate such sums of money as may be by said council deemed necessary for fencing, improving and beautifying the same.

Sec. 3 of chap. 3, amended. Section 3, of chapter 3, of said chapter 306, is further amended by adding thereto the following:

32d. To appoint a city attorney for said city, who shall be the legal advisor of said city council and of all city officers in matters relating to the business of the city; conduct all suits and legal proceedings in which said city shall be a party or be interested in behalf of said city, and do such other legal business for said city as the city council may direct. Said city attorney shall be paid an annual salary, the amount of which shall be fixed by the city council at the time of his appointment, which salary shall be payment in full for all services rendered the city as such attorney, except services rendered in the preparation for, and the trial of causes to which the city may be a party, or in which the city may have some interest, for which services said attorney shall be paid by said city what said services are reasonably worth in addition to his said salary.

Sec. 3 of chap. 8, amended.

SECTION 3. Section 3, of chapter 8, of said chapter 306, is hereby amended so as to read as fol-

lows: Section 3. It shall be sufficient to give the number of the section or sections, and the title of the ordinances, by-laws, regulation or resolution, or of the law violated in such complaint; and said complaint may be sworn to before any officer authorized to administer oaths in the courts of this state. Upon the filing of such complaint in the office of any justice of the peace of said city, the said justice shall immediately notify the city attorney and if directed by said city attorney (and not otherwise) shall issue a warrant thereon substantially as follows:

To the sheriff or any constable of said county, or the marshal of the city of Berlin, greeting: Form of warrant.

Whereas ——— has this day complained to me in writing, on oath, that ——— did on the ——— day of ———, 18—, violate the ——— section or sections of an ordinance (by-law, regulation or law, describing it by its title) which said ——— is now in force and effect as said complainant verily believes:

Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said ———, and him forthwith bring before me, a justice of the peace of the said city, to answer to said city of Berlin, on the complaint aforesaid.

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

—————, Justice of the Peace.

SECTION 4. Section 4, of said chapter 8, of said chapter 306, is hereby amended so as to read as follows: Section 4. Upon the return of the warrant, the court shall notify the city attorney, whose duty it shall be to attend and prosecute the case, which shall be proceeded with at once, unless continued by consent or for cause. If the cause be adjourned, the defendant, if required by the court so to do, shall recognize with surety for his 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 city lock up of said city. The complaint made aforesaid shall stand in lieu of a declaration, and the plea of not guilty shall put at issue all subject matter which pertains to the defense of the action.

Sec. 4 of chap. 8, amended.

SECTION 5. All acts and parts of acts inconsist-

Repealing section.

ent with or in any manner contravening the provisions of this act, are repealed.

SECTION 6. This act shall be in force from and after its passage and publication.

Approved April 1, 1885.

[No. 585, A.]

[Published April 11, 1885.]

CHAPTER 220.

AN ACT to amend the charter of the city of Plymouth.

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

May order construction of sidewalks.

SECTION 1. The common council, upon petition of a majority of the resident owners of any lots or lands, said petitioners owning at least one-half of the lots or lands abutting such side of the street, shall order the construction of such sidewalk upon the established grade to be built of such width and in such time as the common council by ordinance, resolution or order may direct. Such sidewalk shall be constructed of wood, brick, stone or gravel, in a manner to make it secure and safe, and to prevent any caving or falling in; provided, that the street upon which such improvement is contemplated has been properly graded.

Shall construct the same by contract if necessary.

SECTION 2. If such sidewalk shall not be constructed in the manner above mentioned or within the time prescribed by the common council, then the common council shall cause the same to be done by contract. The contract for the construction of any such sidewalk shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city, for at least two weeks, of the time, place and manner of receiving such bids; provided, that no such contract shall be let until thirty days after notice shall have been given to such owner or owners, if known, or the ordinance, resolution or order, requiring the construction of such sidewalk, and publication of the same, as least two weeks in the official paper of the city.