

system of sewerage is deemed necessary for said city, to levy a tax of not exceeding three mills on the dollar on all the taxable property of said city, for the commencement of such work and annually thereafter may levy, not exceeding three mills on the dollar, upon all the taxable property of said city, for the purpose of extending said system of sewerage, which shall be placed upon the tax roll by the city clerk for collection, and said sewerage tax shall be collected the same as other taxes are collected.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.  
Approved April 23, 1891.

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No. 492, A.]

[Published May 29, 1891.

## CHAPTER 420.

AN ACT to revise the charter of the city of  
Fort Howard.

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

### CHAPTER I.

#### CITY BOUNDARIES.

Corporation  
created.

SECTION 1. All that district of country in the county of Brown, hereinafter described, shall be a city by the name of Fort Howard, and the people now inhabiting, and those who shall inhabit said district, shall be a municipal corporation, by the name of the city of Fort Howard, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers herein specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts

of law and equity, and shall have a common seal and may change and alter the same at pleasure.

SECTION 2. The territory lying in the county of Brown, and included within the following limits shall constitute the city of Fort Howard, to-wit: Bounded north by the waters of Green Bay, east by the center line of the channel of Fox river, south by a line running through the center of private claim number thirteen on the west side of Fox river, and extended eastward to the center of Fox river and west by the west line of private claims numbered one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, north half of thirteen, Dousman claim and vacant strip, and the west line of lots numbered two, nine, twenty five, forty-one, fifty eight, sixty-nine, seventy five, eighty, eighty eight and one hundred of the late Fort Howard military reservation.

SECTION 3. The said city shall be divided into six wards as follows, to-wit: All that part of said city lying north of Dousman's claim, shall constitute and be known as the First ward. All that part of said city lying between the north line of private claim number one and the north line of Dousman's claim, shall constitute and be known as the Second ward. All that part of the city lying between Callaghan's north line and the north line of private claim number one, shall constitute and be known as the Third ward. All that part of said city lying between Callaghan's north line on the north, and the south line of Arndt's first addition to Fort Howard, and the south line of the vacant strip on the south, shall constitute and be known as the Fourth ward. All that part of the city between the south line of Arndt's first addition to Fort Howard, and the south line of the vacant strip on the north, and the north line of private claim number four on the south, shall constitute and be known as the Fifth ward. And all that part of said city lying south of the north line of private claim number four, shall constitute and be known as the Sixth ward.

Boundaries of city.

Wards and their boundaries.

First ward.

Second ward.

Third ward.

Fourth ward.

Fifth ward.

Sixth ward.

## CHAPTER II.

## OFFICERS AND ELECTIONS.

Common council, how constituted.

SECTION 1. The municipal government of the city of Fort Howard shall consist of and be vested in the mayor and a common council, composed of the mayor and one alderman from the city at large and one alderman from each ward, subject to the exceptions and reservations hereinafter expressly contained.

Elective city officers.

SECTION 2. The elective officers of said city shall be a mayor, city clerk, city treasurer, city marshal, two justices of the peace, city assessor, and street commissioner, one alderman from the city at large, one alderman and one supervisor from each ward. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council.

Qualifications of city officers

SECTION 3. No person shall be qualified to hold any office in said city, except he shall be a citizen of the United States, and shall have been an actual resident of said city for one year next preceding his election or appointment, and shall be a qualified elector of said city. No person who shall have held the office of city treasurer for two terms, shall be eligible to said office for the next succeeding term thereafter.

Terms of office.

SECTION 4. All elective officers, except justices of the peace shall, unless otherwise provided, hold their respective offices for one year and until their successors are elected and qualified. Said justices of the peace shall hold their respective offices for two years, and until their successors are elected and are qualified.

Annual municipal elections

SECTION 5. The annual election for ward and city officers shall be held on the first Tuesday in April of each year, at such place in each ward, as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon until sundown, and ten days' previous notice shall be given by the city clerk, in such manner as the common council shall direct, of the time and place of holding such election, and of the officers to be elected; provided, however, that no election shall be invalidated because of the failure to give such notice; provided, further, that

the first election after the passage of this act, shall be held on the first Tuesday of April, 1891. All city and ward officers now in office, shall hold their respective offices for the terms for which they have been severally elected or appointed.

SECTION 6. All persons who are qualified electors of the state of Wisconsin, shall be deemed qualified electors of said city, and may vote in the ward in which they reside.

Who are qualified electors.

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

Elections, how conducted.

SECTION 8. The election shall be held and conducted in the same manner and under the same penalties, and all guards against illegal voting observed, and inspectors and clerks appointed, and vacancies in the board of inspectors filled as required by the laws of this state regarding elections.

Same.

SECTION 9. When an election shall be closed, and the number of votes for candidates or persons voted for shall be counted and ascertained, and said inspectors shall make a return thereof, stating therein the number of votes therein for each person for each and every office, and shall deliver or cause to be delivered, such return to the city clerk, within three days after the election. The common council shall, on the Tuesday following such election, meet and canvass said returns, and declare the results as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his election.

Canvass and return of votes.

SECTION 10. The common council shall have power for due cause to expel any of their number by a two-thirds vote of the aldermen-elect. All officers appointed by the common council or mayor, may be removed at the pleasure of the council, by a two-thirds vote of the aldermen-elect. Any elective officers, except the mayor and justices of the peace, may, for misconduct or other sufficient cause be removed from office, by a two-

Council may expel a member; when removal of officers.

thirds vote of all members-elect of the common council, but said council shall in all cases, enter said cause upon the minutes of their meeting.

Vacancies; when occurring and how to be filled.

SECTION 11. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, and 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 in office of mayor, alderman, justice of the peace to be filled by a new election.

SECTION 12. Whenever a vacancy shall occur in the office of mayor, or alderman, or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council, within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy, shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Special elections, how conducted.

SECTION 13. Special elections to fill vacancies, or for any other purpose, shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance, or resolution of the common council.

### CHAPTER III.

#### OFFICERS—THEIR POWERS AND DUTIES.

Officers, how to qualify; official bonds.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe the oath of office, prescribed by the constitution of this state, and file the same duly certified by the officer taking the same, with the clerk of the city. The treasurer, clerk, marshal, street commissioner, 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 Fort Howard, a bond with at least two sureties, who shall swear that they are worth, in the aggregate, the penalty specified in said bond over and above all debts, liabilities and exemptions, and said bond shall contain such penal sums and such conditions as the common council may deem proper. And they may, from time to time, require new additional bonds, and remove from office any officer refusing or neglecting to give same. All official bonds executed to the city of Fort Howard, except that of the city clerk, shall be filed and safely kept by the city clerk in his office, unless the common council shall otherwise direct. The bond of the city clerk shall be filed with the city treasurer. The bonds of all officers who may be charged with the collection or safe keeping, or with the disposition or disbursement of any of the funds of said city, or may have control over such funds at any time, and such other bonds as the common council may direct, shall be duly witnessed and acknowledged, and recorded in the office of the register of deeds, for the county of Brown.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council, but shall have a vote only in case of a tie. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the council such information, and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer, and head of the police of the city, and when in his judgment occasion requires, he may appoint as many special or temporary policemen as he may deem necessary, but their appointment shall not continue beyond the next meeting of the common council thereafter unless approved by said council. The mayor shall have power to veto any ordinance passed by the common council, by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council on any day

The mayor; his powers and duties.

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 the clerk shall thereupon call a special meeting of the council, and in case the council shall not, within one week after the receipt of such objections, or such filing with the clerk, re enact such ordinance, or pass such resolution by the vote of two-thirds of 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.

Alderman at large shall be *ex-officio* president of the council.

SECTION 3. The alderman elected from the city at large, shall be *ex officio* president of the common council, 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 president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who shall, for the time being, discharge all the duties of mayor. The president or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and their acts, except the signing of city bonds, shall have the same force and validity as if done by the mayor.

The city clerk; his powers and 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. Copies of any and all books, papers, instruments or documents duly filed and kept in his office, and of the indorsements thereon, and transcripts from the records of the proceedings of the common council, duly certified by him under the corporate seal of the city, shall be evidence in all courts in like manner as the originals. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and keep a full and accurate ac-

count thereof in books provided for that purpose. The clerk shall have power and authority to administer oaths and affirmations. Whenever the clerk shall be absent from any cause, the council may appoint a clerk *pro tempore*, who, for the time being, shall be vested with the powers and duties of the clerk. The clerk shall receive an annual salary, to be fixed by the council.

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 the official bonds or agreements 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 otherwise provided.

SECTION 6. The city treasurer shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. He shall receive all moneys belonging to the city, and shall safely keep the same, and shall not pay the same out, except upon an order of the common council, signed by the mayor and countersigned by the clerk; provided, that the school fund may be drawn out as provided by other sections of this act. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, in a book 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 book shall at all reasonable times be open to the inspection of any person, and the common council may at any time direct the manner in which his accounts shall be kept. He shall, every three months, and as often as the council may require, render to such council a minute account of the receipts and expenditures of his office, 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 the city. The said treasurer shall collect all general and special taxes and assessments, which may be levied or assessed up-

Justices of the  
peace; their  
jurisdiction.

The city treas-  
urer; his pow-  
ers and duties.



on the real and personal property in the city, and exercise the same powers and be governed by the same laws and be subject to the same liabilities as treasurers of towns, except when a special direction or duty is imposed by this act. The common council shall, at its last meeting in March, fix the salary of the treasurer to be elected at the next ensuing election. And the salary so fixed shall not be increased or diminished during the term. All sums received by the treasurer as fees, shall be paid by him into the general fund of the city, and when required by the common council, he shall make report, under oath, of all fees or other moneys received by him as treasurer. The treasurer-elect of said city shall hereafter enter upon the duties of his office on the first day of July, next succeeding his election.

The city marshal; his 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 or directed by the mayor for the preservation of the public peace, and collection of license money 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 violation of any ordinance of said city or law of the 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 obstructions in the streets and alleys of the city, and to abate all nuisances, to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time bring such persons before competent authority for examination, and for such services he shall receive such fees as are allowed constables for such services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. He shall receive such annual salary as the common council shall direct.

SECTION 8. The common council shall at their first meeting for organization each year, after the annual election, choose by ballot, a city attorney, who shall serve for a term of one year, and until his successor is elected and qualified, unless sooner removed by a two-thirds vote of all members-elect of the common council, for misconduct, or other sufficient cause. The compensation of said officer shall be fixed by the common council, at said meeting, before proceeding to elect, and shall not be increased or diminished during his term of office.

City attorney,  
how chosen.

SECTION 9. The city attorney shall conduct all the law business of the corporation. He shall, when required, furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the council, or any of its committees. He shall keep a docket of all cases, to which the city may be a party, in any court of record in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city, and shall at all times be open to the inspection of the mayor or any committee of the common council. It shall be the duty of the city attorney to draft all general ordinances, all bonds, contracts, leases, conveyances and other instruments of writing, that may be required by the business of the city, and to perform such other duties, as may be prescribed by the charter or ordinances. He shall receive an annual salary to be fixed by the council, and shall be ineligible as a member of the school board or school superintendent.

City attorney;  
his duties.

SECTION 10. The assessor shall assess all the taxable property of the city of Fort Howard as required by law, and shall complete and return his assessment roll, in the manner hereafter provided, and shall receive such compensation as the common council shall determine.

The city assessor.

SECTION 11. The street commissioner shall see that all ordinances of the city relating to the obstruction and clearing of sidewalks, streets, bridges, alleys, public grounds, reservoirs, gutters, sewers and waters of the river, and sloughs in said city are duly observed and kept, and to control the persons employed therein. He shall have the general supervision of all work let by contract for the making, grading, paving, graveling, plak-

The street  
commissioner;  
his powers and  
duties.

ing, repairing and cleaning of streets, sidewalks, bridges, alleys, public grounds except the city parks, reservoirs and gutters, unless the common council shall otherwise direct. He shall receive such compensation as the common council may determine, and he shall have no interest direct or indirect in any contract for streets, bridges, alleys, sidewalks, public grounds, reservoirs or gutters in the city.

Additional duties may be imposed upon city officers.

SECTION 12. The common council shall have power, from time to time, to require other and further duties to be performed by any officer, whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and to fix the compensation of all officers elected or appointed by them. Such compensation shall 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, for which he was elected or appointed. The common council shall have power to dismiss any officer whose office is created by said council, under the provisions of this section, at the pleasure of said council, or whenever, in the judgment of said council, the services of such officer are no longer needed.

Official city paper.

SECTION 13. The common council at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city in which shall be published all ordinances and other proceedings and matters required by this act, or by the laws or ordinances of the common council to be published in a public newspaper, which printing and publishing shall be let by contract to the lowest bidder or bidders; provided, that in case the lowest bid received from any paper published in said city shall exceed the sum of fifty dollars for the entire year's printing, then the common council shall have power to advertise for and receive bids from any paper published in Brown county, and award such printing to the lowest responsible bidder.

Proof of publication of ordinances.

SECTION 14. 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 affidavit shall be conclusive evidence of the publication of such notice, ordinance, resolution or by-law, and the clerk shall file the same in his office.

SECTION 15. If any person having been an officer in said city shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects belonging to said city, 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 to so deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Retiring city officers to deliver books, etc., to successor.

SECTION 16. No alderman shall be a party to, or interested in any job or contract with the city, and any contract in which any alderman shall be so interested shall be null and void. And, in case any money shall have been paid on any such contract, the common council may sue for and recover the amounts so paid from the parties to such contract and the alderman so interested in the same.

Aldermen not to be interested in city contracts.

SECTION 17. The mayor or acting mayor, sheriff of Brown county, each and every alderman, justice of the peace and deputy sheriff of Brown county, marshal, deputy marshal, under sheriff, constable, policemen and watchmen shall be officers of the peace, and may command the peace and suppress in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of all bystanders, and if need be, of all citizens and military companies, and if any person, by-stander, 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.

Officers of the peace, who are.

## CHAPTER IV.

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

Common council, how constituted.

**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 Fort Howard do ordain," etc.

Meetings of council.

**SECTION 2.** The common council shall hold their first meeting in each year on the Thursday succeeding the second Tuesday of 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 his usual place of abode. The common council shall determine the rules of its own proceedings, and be the judge of the elections and qualifications of its own members, and shall have the power to compel the attendance of its members, and to enforce its rules, to punish by fine or imprisonment, by a vote of two-thirds of its members, any member or other person present, for disorderly or contemptuous conduct. A majority of the aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn.

General provisions relating to council; its powers.

**SECTION 3.** The common council shall have the management and control of the finances, except school moneys, and of all other property of the city. And shall likewise in addition to all other 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 for carrying into effect the powers vested in said common council; and to declare and impose penalties, and to enforce the same against any person or persons who may violate any of the provisions of said ordinances, rules, by-laws and regulations, and such ordinances, rules and by-laws are hereby declared to be, and have the force of law, pro-

vided that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinance, resolution or by law:

1st. To license, regulate, suppress and prohibit the exhibition of common showmen, or shows of any kind, or the exhibition 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 saloons, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same; provided, that the license for so dealing in or vending spirituous, vinous or fermented liquors shall not be less than that provided by the general laws of the state, which license shall be paid into the general fund of the city. And that all such licenses hereafter granted, shall run from the first Tuesday of May in each year, and no license shall be granted for a longer period than one year.

Licenses.

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

Gambling, etc.

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

Riots, disturbances, etc.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place to cleanse, remove or abate the same, from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Cleansing of unwholesome places.

- Location of slaughter-houses, etc.; gunpowder.** 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 or other combustible materials.
- Encumbering of streets, etc.** 6th. To prevent the encumbering of streets, sidewalks, lanes or alleys, with railroads, cars, locomotives, carriages, carts, wagons, sleighs, boxes, lumber, wood, or any other materials or substances whatever.
- Horse-racing, etc., in streets; abuse of animals.** 7th. To prevent horse-racing, immoderate riding or driving in the streets, and to authorize any person to stop persons immoderately driving or riding as aforesaid; and to prohibit and punish the abuse of animals, and to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public ground.
- Bathing and swimming.** 8th. To regulate and determine the time and places of bathing and swimming in the river, bay or other water in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.
- Running at large of cattle, etc.** 9th. To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the costs of the proceedings, and also to impose penalties on the owners of any such animals, for a violation of any such ordinance in relation thereto.
- Running at large of dogs.** 10th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.
- Depositing putrid carcasses, etc., within city limits.** 11th. To prevent any person from bringing, depositing or having within said city, any putrid carcass or other unwholesome substances, and to require the removal of the same by any person, who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides, skins or substances of any kind, and in default to authorize the removal thereof, by some competent officer, at the expense of such person or persons.
- Water works, public pounds, etc.** 12th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works, for the sup-

ply of water to the inhabitants, and to prevent unnecessary waste of water.

13th. To provide for lighting the streets, public grounds and public buildings with lamps, electric lights, gas or otherwise.

Lighting of streets, etc.

14th. To regulate license and suppress omnibus drivers, hackmen, coachmen, cabmen, cartmen, draymen, and all others who may pursue like occupations in the city, and to prescribe their compensation.

License of omnibus drivers, etc.

15th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the returns of bills of mortality, and to exempt burial grounds set apart for public use, from taxation.

Boards of health, hospitals, etc.

16th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Size and weight of bread.

17th. To prevent all persons from riding or driving any ox, mule, horse, cattle or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

Driving of cattle on streets, etc.

18th. To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation, which may be considered by the council as dangerous to the city or any property therein, or annoying to any citizen thereof.

Shooting of firearms, etc.

19th. To restrain drunkenness or obscenity in the streets or public places and to provide for the arresting, removing and punishing any person or persons, who may be guilty of the same.

Drunkenness, obscenity, etc.

20th. To restrain, regulate or suppress house runners and solicitors, for boats, vessels, stages, public houses, or other establishments.

Runners and solicitors for public houses, etc.

21st. To appoint watchmen and policemen, and to establish and regulate the police of the city, and prescribe their duties.

Watchmen and policemen.

22d. To establish 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 interfering with due observance of such rules and regulations.

Markets, rules and regulations for same.

23d. To regulate butchers and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, eggs, and other provisions in the city, and to authorize the seizure and

Butchers and sale of game, poultry, etc.



destruction of tainted or unwholesome meat, butter, vegetables, fruit or provisions.

Weight and sale of hay, fuel, lime, etc.

24th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same, and to appoint fish inspectors, and to appoint a lumber and shingle inspector.

Removal of snow, ice, etc., from sidewalks.

25th. To compel the owners of buildings or grounds, or the occupants where the same are occupied, to remove snow, dirt or rubbish from the sidewalk, streets or alleys opposite thereto, and to compel such owner or occupant to remove from such lot owned or occupied by him, all such substances as the board of health may direct, and in default to authorize the removal or destruction of the objectional substances, by some officer of the city, at the expense of the owner or occupant, and to provide that the expense of such removal by such officer may be a lien upon such lot or grounds, and for the collection thereof as a special tax.

Construction of piers and wharves.

26th. To regulate all construction of piers and wharves extending into Fox river, within the limits of the city.

Wharf and dock lines.

27th. To establish wharf and dock lines upon the banks of Fox river, and the sloughs in said city, and restrain and prevent encroachments upon said river or sloughs and obstructions thereto, and to construct, alter and maintain, or cause to be constructed, altered and maintained, at the expense of said city, wharves at the foot of the streets, along the banks of said river or sloughs.

Infectious and contagious diseases.

28th. To regulate, control and prevent the landing of persons from boats and vessels, wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons, as to preserve the health of said city.

Public auctions.

29th. To regulate the time, place and manner of holding public auctions or vendues.

Standard of weights and measures.

30th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

Trees and monuments.

31st. To protect the trees and monuments in said city.

Sewers.

32d. To prescribe and regulate the construction of sewers within said city.

33d. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances, and to protect them from injury.

Streets and highways.

34th. To alter and change the name of any street in the city.

Naming of streets.

35th. To provide for the inspection and regulation of stationary steam engines and boilers.

Inspection of steam boilers.

36th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of the state, for the good order and government of the city, and which may be necessary and 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.

Additional powers.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall, within fifteen days after the 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 said laws, ordinances, regulations and by-laws shall be recorded the publication thereof, respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times, shall be deemed as sufficient evidence of the time and manner of such publications, 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 vote shall be taken by ayes and noes, and entered in the proceedings of the council.

Ordinances, etc., how passed; publication of same.

Power to abate nuisances not a bar to action by individuals for same purpose.

**SECTION 5.** The powers conferred upon said council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. 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, saloons, and houses or places where spirituous, vinous or fermented liquors are sold without license, within the limits of said city, are hereby declared, and shall be deemed public or common nuisances.

What are nuisances.

Council to examine and audit accounts of city officers.

**SECTION 6.** The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and all other officers or agents of the city, at such time as they may deem 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 officer and 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 said council, in the discharge of his 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 proceeding at law against any officer or agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

Power of council to issue bonds and city orders.

**SECTION 7.** The common council of said city shall not have power to issue any bonds or other evidence of debt payable at a day subsequent to the date of the issue thereof, except in cases especially authorized by law, nor shall the common council issue in any one year, orders upon the city treasury to any amount greater than the amount of taxes which may be levied under the provisions of this act.

## CHAPTER V.

## FINANCE 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 treasury shall specify the purpose for which they were drawn, and shall be payable, generally, out of any fund in the treasury belonging to the city, except school. City orders shall be receivable for all city taxes, except school and special taxes for school purposes, and except taxes levied for the payment of the principal or interest of any outstanding bonds of the said city, which shall be collected in money or 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.

Funds in treasury shall be under control of council; how drawn out.

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

Annual tax levy.

**SECTION 3.** Whenever it shall be necessary to re-build or repair bridges, a special tax may be levied for such purpose, not exceeding two thousand dollars for any one year, and the said taxes when so levied, shall be collected at the same time as other city taxes are collected.

Special tax for re-building and repairing of bridges.

**SECTION 4.** Special taxes may also be levied by the city council at any regular meeting, for the purpose of paying the principal and interest of any outstanding bonds, now due, or hereafter to become due, issued by the city of Fort Howard, or which may hereafter be issued by said city, by authority of law; provided, however, that no greater tax shall in any one year be levied, than shall be necessary to pay the amount which shall

Special tax to pay principal and interest on outstanding bonds.

be due on such bonds, at the time such tax shall be collectable 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, shall be collected at the same time as other city taxes are collected.

Account against city 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.

Claims against city to be first presented to council before action brought; action of council on claims; appeals.

SECTION 6. No action shall hereafter be maintained by any person against the city of Fort Howard, upon any claim or demand of whatsoever nature other than a city bond or order, unless such person shall have first presented such claim or demand to the common council of the city. The determination of the common council disallowing in the whole or in part any such claim or demand, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such claim or demand, unless an appeal shall be taken from the decision and determination of said common council as hereafter 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 such claim or demand duly presented to them, this chapter shall not be so construed, as to prevent the institution and maintenance of an action of said claimant against the city.

Appeal from action of council disallowing claim.

SECTION 7. When the claim or demand 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 Brown, by causing a written notice of such appeal to be served on the clerk of the city within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety, to be approved by the mayor of the city, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

Proceedings on appeal.

SECTION 8. The city clerk on such appeal being taken, shall immediately give notice thereof

to the city attorney and to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he 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 the papers in the case in his possession, with the clerk of the circuit court for the county of Brown, 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 costs of such an appeal, which shall be deducted from amount of recovery, and when the amount of costs exceeds the amount of recovery, judgment shall be rendered against the appellant, for the amount of such excess.

## CHAPTER VI.

### ASSESSING, LEVYING AND COLLECTING TAXES.

SECTION 1. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereafter provided; and the assessor elected under this act shall have and possess the same powers, that are or may be conferred upon town assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessor, and make such rules and regulations in relation to revising, altering or adding to such rolls, as they may from time to time deem advisable.

What property subject to taxation; power of assessors; form of assessment rolls.

SECTION 2. When the assessment roll shall be completed, the assessor shall give one week's no-

Assessor to give notice of hearing of objections to assessment.

tice thereof in the official paper, and shall fix a time and convenient place when he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessor shall make such alterations or reductions as justice or equity shall require; provided, the time of hearing such objections shall not be more than one week from the expiration of such notice.

Assessment roll to be returned to board of review.

SECTION 3. Within one week after the time limited for the hearing of such objections, the assessor shall return said assessment roll to the board of review of the city.

Board of review how constituted.

SECTION 4. The mayor, city clerk, treasurer and assessor shall constitute the city board of review, and shall meet at the office of the city clerk on the first Monday of July, each and every year, at nine o'clock in the forenoon, and shall proceed as such board, to review, examine and correct such assessment roll, and in so doing, shall have and exercise all the powers, and perform all the duties of a board of review, as the same are or may be prescribed by the general laws of this state, except as may be otherwise provided in this act. The mayor shall be president of the board of review and the city clerk the clerk thereof.

Assessment roll corrected and filed with city clerk; levy of tax.

SECTION 5. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk. Thereupon the common council shall, by resolution, levy such 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.

All assessments shall be lien on property on which assessed.

SECTION 6. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time of the confirmation of such assessment roll, and on all the personal property of any person or body politic assessed for personal taxes, from the delivery of the warrant for the collection thereof, until such taxes shall be paid, and no sale or transfer of such real or personal estate shall effect said lien. Any personal property belonging to the person taxed, may be taken and

sold for the payment of taxes, upon real or personal property.

SECTION 7. All changes of assessment by the board of equalization shall be duly recorded by the city clerk.

Changes made by board of equalization to be recorded by city clerk.  
Preparation of tax roll.

SECTION 8. It shall be the duty of the city clerk, immediately upon the reception of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with all the city and other local taxes, setting down opposite to the several sums set down, as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fraction of a cent, when less than one-half, otherwise reckoning the fraction as a cent.

SECTION 9. The said clerk shall immediately make out a duplicate copy of such tax roll, when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year.

Duplicate copy to be delivered to city treasurer.

SECTION 10. To each assessment roll so delivered, a warrant under the hand of the city clerk, and the corporate seal of said city shall be annexed, substantially in the following form:

Form of warrant.

The state of Wisconsin, to the city treasurer of the city of Fort Howard, in the county of Brown:

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



paid, before the fourth Monday of February next, you are required to proceed and sell the several lots or parcels of land, or those parts thereof, upon which said taxes or assessments shall remain unpaid, as provided by law, and to make due return of this warrant to the common council of said city, on or before the first Tuesday of May next.

Given under my hand and the corporate seal of said city this ..... day of ..... 18...  
.....City Clerk.

General laws relative to taxation, etc., to be in force in city, except as otherwise herein provided.

SECTION 11. All general laws of this state, which are now or may hereafter be in force, relative to the assessment, re-assessment and collection of taxes, and the sale of lands for taxes, and redemption from said sale, and the issuing of deeds upon lands sold for taxes, shall be in force in said city, except as otherwise herein equally provided; and the city treasurer shall proceed to collect the taxes, and all assessments of said city, in the same manner as required by law, of the town treasurers, except as herein provided.

Treasurer's notice of time when taxes payable.

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

Delinquent lands subject to sale.

SECTION 13. Each and every lot or lots, or any other piece of land upon which the taxes, interest and charges shall not be paid by the fourth Monday of January next, after the levying and assessing of the same, shall be subject to sale, as hereafter provided.

Treasurer's notice of sale of delinquent lands.

SECTION 14. The city treasurer shall immediately after the said fourth Monday in January make out a notice, stating that the tracts and parcels of land specified in said tax roll, upon which the taxes shall not have been paid by that day, will be sold by him at public auction, at the

office of said treasurer in said city, on the first Tuesday of May next thereafter, and the next succeeding days, interest and charges thereon. The said treasurer shall cause said notice to be published in a newspaper printed in said city, once in each week, for four successive weeks, prior to said first Tuesday of May, and also, at least four weeks prior to that day, post up copies thereof in three public places in said city.

SECTION 15. On the day and at the place designated in the treasurer's notice, he shall commence by public auction, the sale (and continue from day to day until the whole is disposed of), of all the tracts and lots or parts thereof, upon which the taxes and assessments shall remain unpaid; the sale to be made for the smallest undivided portion of the lot or tract for which any person will take the same and pay the taxes and charges thereon. On receiving the amount of such taxes and charges, the treasurer shall issue to the purchaser, his or her heirs or assigns, a certificate containing the name of the purchaser, a description of the premises sold, the amount paid therefor, the rate of interest said certificate may bear, and the time when the right to redeem the same will expire. The treasurer shall keep a record of the lots or tracts sold, the name of the purchaser, the date and amount of sale, by whom and for what sum the same was redeemed, and the time and to whom the same was conveyed if not redeemed. In case any purchaser at such tax sale shall neglect or refuse to pay the amount for which any lot or tract was sold, at such time as the treasurer shall designate, he shall on the day following, offer said lot or tract again for sale, and any person bidding off, at any such sale, any lot or tract of land, and refusing or neglecting to pay for the same within the time designated shall forfeit and pay to the city the sum of five dollars for each lot so purchased and not paid for, to be sued for and collected as other penalties under this act.

Sale of delinquent lands; form of certificate.

SECTION 16. Any lot or tract of land, which shall be sold for taxes under this act, or any portion thereof, may be redeemed within three years from the day of sale, and at any time before the deed is recorded, by the owner or any person interested therein, paying to the treasurer the

Redemption.

amount for which the same was sold, together with the interest at the rate of twenty five *per cent per annum*, and the legal charges thereon. If the estate of an infant or lunatic be sold, the same may be redeemed upon the like terms, at any time within a year after such disability shall be removed.

Lands not redeemed to be conveyed to purchaser.

SECTION 17. Any lot or tract of land sold in pursuance of this act, or any part thereof, which shall not be redeemed within three years from the day of sale, shall be conveyed by the treasurer to the purchaser, or his assigns, as herein provided.

Assignee of certificate of sale may receive deed of land.

SECTION 18. The assignee of any tax certificate by endorsement thereon, of any premises sold for taxes by virtue of this act, shall be entitled to receive a deed of such premises in his own name, and with the same effect, as though he had been the original purchaser.

For want of bidders city may be purchaser at tax sale.

SECTION 19. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive, in its corporate name a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property by virtue of this act, the city treasurer shall have the power to sell the same at public sale; and in case the city shall become the purchaser of any real estate at any tax sale, the city treasurer is authorized to sell the certificates issued therefor, for the amount sold and the interest, and to endorse and transfer such certificates to the purchaser.

Deeds prima facie evidence of facts therein recited.

SECTION 20. All deeds purporting on their face to be executed on account of sale for taxes or assessments under this act, shall be in all cases *prima facie* evidence of the validity of such tax, and if the title conveyed by such deed shall come in question, shall be *prima facie* evidence of all facts recited in such deeds, so far as they effect the validity of the title conveyed by such deed.

Redemption certificates.

SECTION 21. The city treasurer shall receive all money that shall be legally tendered him for the redemption of lands sold for taxes. He shall execute to the person so redeeming a certificate, specifying therein the name of the pur-

chaser of the lands redeemed, and the amount of the redemption money paid, and shall also enter on the sale list kept by him the name of the person redeeming, the sum paid therefor by him and the time when paid. Said certificate shall be evidence of such redemption, and he shall keep an account thereof and pay the same over on demand of the person entitled to recover the same. He shall cancel all certificates so redeemed, and preserve the same in his office. He shall deliver over to his successor all redemption money in his hands, with the statement of the amount so received.

SECTION 22. The city treasurer of said city shall collect as fees for the collection of taxes, two *per cent.* upon all taxes collected by or paid to him after the first Monday of January and before the first Monday of February in each year, and in addition thereto one *per cent.* per month for each month that taxes shall remain unpaid, after the first Monday of February of each year, up to the time of sales of lands or personal property for taxes. And, in case of the 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 sale of goods upon execution; for each certificate by him issued on sale of lands for payment of taxes and assessments, ten cents (to be added to the amount of such tax or assessments, and included in such certificate) for each lot redeemed, for which he shall issue a certificate, twenty-five cents, and five cents for each additional lot or tract embraced in such deed, to be paid by the person receiving the same, and for each tax deed executed by him one dollar, and five cents for each additional lot or tract embraced in the same deed, to be paid by the person receiving same. The city treasurer shall collect the fees hereinbefore prescribed, and pay them into the city treasury, as hereinbefore provided.

Treasurer's fees.

SECTION 23. The treasurer shall on or before the third Monday in January in each year, pay to the county treasurer, the state tax assessed upon the real estate and personal property in said city.

City treasurer to pay county treasurer state tax.

SECTION 24. In case the city treasurer is unable to collect any tax assessed upon any personal property, and payable by any person named in

Collection of personal property tax.

the tax list, he shall proceed in all things according to the general laws of this state on the subject of taxation, and institute such action or proceeding against such person as is now or may hereafter be provided for in such cases.

Council may select depository for public funds.

SECTION 25. The common council may, by resolution, at their first annual meeting, or at any time thereafter, select some bank, banks or banking association in or without the limits of said city, where all the moneys in the treasury of said city, or which shall hereafter be collected or received by the treasurer, shall be deposited; provided, however, that the depository or depositories so selected, shall, before receiving such funds, give security to any amount fixed by said council, and in the same manner as now required of the treasurer of the city, conditional upon the safe keeping and proper distribution of such funds, which security shall be approved by the common council.

Deposit of public funds.

SECTION 26. The city treasurer shall daily deposit with the bank, banks or banking association, so selected, all money collected or received by him during the day, it or they giving proper vouchers therefor. From the time of so depositing said moneys, the treasurer shall be relieved from all liability to the city arising from the failure of said bank, banks, or banking association, safely to keep said funds and to account for the same. Such funds shall be drawn out only by the check of said treasurer, countersigned by the city clerk.

Same.

SECTION 27. The common council may before or after so selecting a depository or depositories, contract with such bank, banks, or banking associations, that it or they shall pay to the city such interest upon said funds, as they may mutually agree upon. The council may at any time direct all sums so deposited to be paid into the city treasury or to such other bank, banks, or banking association, as they may select under the law, and they may at any time require such depository or depositories, to give new or additional securities for such funds.

## CHAPTER VII.

## OPENING STREETS AND 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 one ward shall, by petition, represent to the common council, that it is necessary to take certain lands within the wards where such petitioners reside, for the public use, for the purpose of laying out public squares, grounds, streets and alleys, or the enlarging or widening of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition. The common council may then, by resolution, resolve to grant the prayer of said petitioners; and they shall forthwith cause an accurate survey and plat of all lands necessary for said purposes, to be made and filed with the city clerk, and they may purchase or take by donation such grounds as shall be needed, by agreement with the owners, and take from them conveyances thereof to the city for such use or in fee; but otherwise it shall declare, by resolution, its purpose to take the same, and therein describe by metes and bounds the location of the proposed improvement, and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned by a distinct owner, mentioning the names of the owners or occupants so far as known, and therein fix a day, time and place, when and where, it will apply to the county judge of Brown county, for a jury to condemn and appraise the same.

Petition to council for laying out of public grounds, streets, alleys, etc.

SECTION 2. It shall thereupon cause to be made by the city clerk a notice of the adoption of said resolution, embracing a copy thereof, and notifying all parties interested that the common council will, at the time and place named, apply to the county judge for the appointment of a jury to condemn and appraise such lands. A copy of such notice shall be served by the street commis-

Notice of application for appointment of jury to condemn lands.

sioner or city marshal, on the owner of such parcel of land to be taken, if known and resident within the county, such service to be made in the manner prescribed for serving a summons in an action in the circuit court, and the return of the officer shall be evidence of the facts stated therein. If the notice can not be so given as to all the parcels, then the same shall be also published once in each week for three consecutive weeks, in a newspaper published in the city, and the affidavit of the printer or foreman of such newspaper shall be evidence of such publication. Such notice shall be served, and such publication made, for three weeks, complete at least one week before the time fixed therein for such application. If any person so served with notice be a minor or of unsound mind, the county judge shall, before proceeding on the day fixed for hearing such application, appoint for him a guardian for the purposes of such proceeding, who shall give security satisfactory to the county judge, and act for such ward.

Appointment  
of jury.

SECTION 3. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of the service of the notice, as provided in the last section, shall be filed with the county judge, who shall thereupon make a list of twenty-four competent jurors, residents of said city, but not residents of said ward, nor interested in said application. He shall hear and decide any challenges for cause or favor made to anyone, and if sustained shall replace his name with an objectionable juror, until the list shall be perfected. Thereupon, under the direction of the county judge, each party, the common council by the city attorney of said city on one side, and the owners of land or their agents present, or if none be present, or if they disagree, a disinterested person appointed by the county judge on the other, shall challenge six names, one at a time, alternately, the common council beginning. To the twelve jurors remaining, the county judge shall issue a precept requiring them at an hour, on a day named, not more than ten nor less than three days thereafter, to appear before him to be sworn and serve as a juror to view the lands and appraise damages in the said proceedings, and at

the same time shall publicly adjourn the proceedings to the time and place so named, such precept shall be served by the street commissioner or city marshal of said city, at least one day before such appointed time by reading the same to each such juror or by leaving a copy at his usual place of abode in presence of a member of his family.

SECTION 4. The jurors summoned shall appear at the time and place named, and if any be excused by the county judge, or fail to attend, he shall direct other qualified disinterested persons to be forthwith summoned in their stead, until twelve be obtained. The county judge shall then administer to them an oath, that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to the law

Jurors to be sworn.

SECTION 5. Under the direction of the county judge the jury shall view the lands to be taken, and shall then sit before him to hear such competent evidence as shall be produced by any party; and for such purpose the county judge shall possess the same powers as a court in session with a jury, and if there be necessity, may adjourn the sitting from day to day. The jury shall render a separate unanimous verdict, in writing, signed by it, in which it shall find whether it be necessary to take such lands, or any part thereof, for such purpose, describing such as it finds necessary to be taken, and if any be found necessary to be taken, then a verdict or appraisal of damages, specifying therein the damages to each owner, and separately the value of the land taken from each, and the damage otherwise sustained by each, by reason of the taking thereof. In estimating which, it shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvement, and a majority of such jury may render such verdict or appraisal of damages, and shall sign the same. Any technical error in such verdict may be immediately corrected, with the consent of the jury and they shall be thereupon discharged, and their verdict filed by the county judge. In case the jury shall fail to find a verdict, another jury shall be then and

Jury to view lands and hear testimony; verdict.



there selected, and shall be summoned and sworn, and shall proceed in the same manner.

Appeals from  
award of dam-  
ages by owner  
or city.

SECTION 6. Within ten days after such verdict, any land owner, whose land has been found necessary to be taken, may appeal from the award of damages to him in such verdict to the circuit court, by filing with such county judge a motion of appeal, specifying whether the appeal is from the whole award to him or a part, and if a part, what part, and therewith an undertaking with two sufficient sureties to be approved by the county judge, to pay all costs that may be awarded against such appellant or appeal, and paying such county judge for his return thereof. The city may likewise appeal from the award of damages, to any owner, by filing with such county judge a notice of appeal specifying whether the appeal is from the whole award to such owner or a part, and if a part what part, and paying such county judge for his return on said appeal. Any party not so appealing shall be forever concluded by such verdict. Upon an appeal being taken, the county judge shall transmit to the clerk of the circuit court, within ten days, the notice of appeal and undertaking, and thereto annex a copy of all papers and proceedings before him with his certificate thereof. He shall, after the time for appeal has expired, file with the city clerk, annexed together all the original papers, including the verdict, with a certificate by him thereof, and that no appeal has been taken from such verdict, except as the facts are, as he shall briefly specify, and the city clerk shall record all such proceedings.

Trial of appeal  
in circuit court.

SECTION 7. Upon the filing of such transcript in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, the land owner as plaintiff, the city as defendant, and be subject to a change of place of trial, and appeal to the supreme court. The appeal shall be tried by a jury unless waived, and costs shall be awarded against the appellant, if a more favorable verdict be not obtained than the one appealed from, otherwise against the respondent. Upon entry of judgment, the clerk of the circuit court shall transmit a certified copy thereof to the city clerk.

**SECTION 8.** If the verdict of the jury shall determine that it is necessary to take such land, or any part thereof, the common council may, upon return thereof to the clerk, enact an ordinance according thereto, for laying out or widening any such street, public square, grounds or alleys, but shall not enter upon such land therefor, until the owner be paid in full the damages awarded him by such verdict or appraisalment, or such damages be set apart for him in the hands of the city treasurer, there permanently to remain subject to his order. At any time before causing any such land to be actually taken or put to public use, and before the rendition of a judgment in the circuit court for damages, the common council may discontinue all proceedings theretofore taken, and the city shall in such event be liable for the costs only. All the costs of every such proceeding shall be paid by the city, except when it recovers costs in the circuit court or supreme court. All persons and witnesses in proceedings under this chapter shall receive the same fees as jurors and witnesses in the circuit court.

Action of council on verdict of jury.

**SECTION 9.** For the payment of the expenses, including all damages and costs incurred for the taking of private property, and of making any improvement mentioned in this chapter, the common council of said city may, by resolution, levy and assess the whole or any part, not less than one-half of such expenses as a tax upon such property as it shall determine is specially benefited thereby, making therein a list thereof, in which shall be described every lot or parcel of land so assessed, with the name of the owner, if known, and the amount levied thereon set opposite. Such resolution signed by the city clerk and the mayor, shall be published once in each week, for two weeks, in a newspaper published in said city, and a notice therewith, that at a certain time therein stated, the common council will meet at its usual place of meeting and hear all objections which may be made to such assessment or any part thereof. At the time so fixed the said common council shall meet and hear all such objections, and for that purpose may adjourn from day to day, and at the conclusion of such hearing may modify assessment in whole or in part, and shall adopt a resolution

Expenses, damages and costs of taking property and making improvements, how paid.

which shall be published in the same manner as ordinances of said city, levying said assessment as the same shall have been finally determined by said common council. The sum so assessed shall be a lien upon said lands upon which they are assessed from the date of the passage of said resolution, and the said several amounts shall be entered against said lot or lots or parcels of land in the tax roll, in addition to and as part of all other city taxes, therein levied on such land to be collected therewith.

## CHAPTER VIII.

### SEWERS.

Council may order construction of sewers, when.

**SECTION 1.** The common council may order the construction or re-construction of a sewer or sewers in said city, the expense of which shall be chargeable to the lot or parts of lots, or parcels of land abutting thereon whenever a majority or more of the owners of the land liable therefor shall petition in writing for the same; and in case a sewer shall be laid along the center of a street, the property on each side of said street shall bear its portion, or one-half of said expense, and unless otherwise provided, sewers shall be laid along the center of the street, but the common council may direct the same to be laid upon either or both sides of the street instead of the center, in which case the property on each side of the street shall bear the expense of the sewer upon such side.

Plans and specifications to be filed with city clerk; advertisements for proposals; contracts, how let.

**SECTION 2** Whenever the common council shall determine to make any of the improvements mentioned in the preceding section, it shall cause plans and specifications of such improvements to be filed with the city clerk for the inspection and guidance of bidders. Upon the filing of such plans and specifications the clerk shall immediately advertise for proposals for doing the same, in such manner as the common council shall direct. Such notice shall state the nature of the improvement, the time within which it shall be completed, that plans and specifications thereof are on file in the city clerk's office, and shall also state when and up to what time bids shall be

received. All bids shall be opened in a general or special meeting of the common council. All contracts shall be let to the lowest, reasonable, responsible bidder, but the council may reject any and all bids.

SECTION 3. After the contract for the construction of a sewer has been entered into the common council shall make or cause to be made, an assessment against all lots or parts of lots fronting or abutting on each side of the proposed sewer for its whole length, of fifty cents per lineal foot, of the whole frontage of each lot or part of lot, except corner lots, which shall be assessed for sewer purposes as follows: If the corner lot or any parcel thereof constituting the actual corner has been previously assessed for a sewer along its front or sides, the number of feet frontage on which such previous assessment was laid shall be deducted from the number of feet of such lot or part of lot fronting the line of the proposed sewer, and the difference only shall be assessed for the proposed sewer. If the actual cost of any sewer laid along the center of any street, as a whole shall be less than one dollar per lineal foot, or if the actual cost of any sewer, laid along the side of any street, as a whole shall be less than fifty cents per lineal foot then and in either such case the abutting lots shall be assessed on a basis of such actual cost.

Assessments for sewer purposes how made.

SECTION 4. Upon completion of the work done under contract as provided in section 2, and the acceptance thereof in writing by the street commissioner and the committee on streets and bridges, the contractor shall be entitled to a certificate therefor which shall be signed and issued by the mayor and street commissioner and countersigned by the city clerk. Said certificate shall be for the respective amounts assessed against the several lots as hereinbefore provided; shall state the amount due for work done by such contractor, the nature thereof, a description of the lot or parcel of land upon which the same is chargeable, and shall be received by him at their face value, upon the payment of the contract price. Said certificates may be transferred by endorsement thereon and if the amount thereof is not paid before the time of making out the annual tax roll, the certificate may be filed with the city clerk and

Contractor entitled to sewer certificates in payment for work; form of certificates; collection of same.

the amount thereof shall be assessed upon the said lots or land respectively, as a special tax, and shall be collected for the benefit of the holder of the said certificate as other taxes on real estate are collected under this act. No informality or error in the proceedings shall invalidate such assessment.

Residue of contract price, and cost of sewers in street and alley crossings, etc., how paid.

**SECTION 5.** The residue of the contract price, the cost of all sewers in street and alley crossings, of all catch-basins for receiving the water from the gutters and of the overflow pipes connecting them with the sewers, of all temporary catch-basins and of the repairing and cleaning of sewers shall be paid for out of the general funds of the city. All cleaning and repairing of sewers and catch-basins and all temporary work necessary to be done as above stated shall be done by authority of the street commissioner as may be necessary.

Sewer not to be constructed until first ordered by common council.

**SECTION 6.** No sewer or drain shall be constructed on, along or under any street or alley in the city unless first ordered by the common council, and shall be constructed in such manner and of such material as the council in said order shall prescribe. No private drain or sewer shall be connected with any sewer built upon or along any street without a permit first obtained from the common council, nor shall such connection then be made except under the direction and supervision of the street commissioner. The council may pass ordinances with fines and penalties, enforce the provisions of this section, and may cause any connection made in violation hereof to be broken up and destroyed.

Ventilation and trapping of drains, soil pipes, etc.

**SECTION 7.** The common council of said city shall provide by ordinance for the proper ventilating and trapping of all drains, soil pipes and fixtures hereafter constructed to connect with or be used in connection with the sewerage or water supply of the city, and provide for the enforcement of all regulations and provisions of such ordinance by fines and penalties. The common council may also by ordinance, regulate the use of vent, soil, drain, sewer and water pipes, in all buildings in said city, specifying dimensions, strength and material of which the same shall be made, and may prohibit the introduction and use

into any building of any style of fixture, trap or connection, which shall be or become dangerous to health, or for any reason unfit to be used, and enforce the same by proper penalties.

## CHAPTER IX.

### SIDEWALKS.

**SECTION 1.** Sidewalks shall be constructed of such width, in such manner and of such materials, and in such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which said sidewalk shall be ordered. If the owner or owners of such lot or piece of ground shall not construct such sidewalks as aforesaid, in the manner, of the material, or at the time as so directed, the common council may cause the same to be constructed forthwith at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest, reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city for at least one week, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; provided, that no such contract shall be let until ten days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk by the publication of the same at least once in the official paper of the city.

Owners of lots to construct sidewalks when so ordered by council; proceedings on neglect or refusal of owners to construct same.

**SECTION 2.** After the contract for the construction of any sidewalk shall have been entered into, the common council shall make an assessment against all lots or parts of lots fronting or abutting on same, of the amount of the cost of such construction.

Assessment for construction of sidewalk.

**SECTION 3.** Upon the completion of the work done under contract as aforesaid, and the acceptance thereof, the contractor shall be entitled to a certificate therefor, which shall be signed and issued by the mayor and street commissioner, and

Contractor entitled to certificate upon approval of work done.

countersigned by the city clerk. Said certificate shall be the same in form and may be transferred in the same manner as is provided in this act for certificates issued to the contractor for building sewers, and the contractor shall receive said certificates at their face value in payment of contract price.

Cost of repair of sidewalks, how paid.

SECTION 4. The cost of keeping in repair all sidewalks of said city shall be a proper charge upon the whole city, and shall be paid out of the general fund thereof.

## CHAPTER X.

### GRADING AND PAVING.

Council may order grading and paving of streets, alleys, etc., and let contracts for same, when.

SECTION 1. The common council of the city of Fort Howard, shall have power to order and contract for the making, grading, paving and re-paving of streets and parts of streets, alleys, public grounds, reservoirs and gutters in the manner hereinafter provided; and to direct and control the person so employed, and to charge the expense thereof to lots or parts of lots or parcels of land abutting thereon, whenever a majority or more of the owners of the land liable therefor, shall petition in writing for the same, or without such petition, on an affirmative vote of two-thirds of all the aldermen elected to the common council, and provided that the ordinance for such paving shall lie over after being presented in the council at least one week before final action thereon.

Costs and expenses of surveys and estimating work to be paid by city; cost of grading, paving, etc., to be charged to lots.

SECTION 2. The costs and expenses of surveying streets, alleys and gutters, and of estimating work thereon in the execution of any public improvement shall be chargeable to and paid by the city. The costs and expenses of opening, grading, planking and paving of streets and alleys shall be chargeable to and payable wholly by the lots or land fronting on such street or alley, so that each lot and parcel of land shall pay for work between the front of such lot or parcel of land and the center of such street or alley; provided, however, that in all cases when improvements or work of any kind are chargeable by virtue of this section, upon lots benefited, all

such improvements across streets, alleys and public grounds shall be made and paid for by the city in proportion to the width of the streets and alleys or public grounds.

SECTION 3. Whenever the common council shall determine to make any public improvement as authorized by this chapter, they shall cause plans and specifications thereof to be made and filed in the office of the city clerk, for the inspection and guidance of bidders. Upon the filing of such plans and specifications the clerk shall immediately advertise for proposals for doing the same in such manner as the common council shall direct. Such notice shall state the nature of the improvement, the time within which it must be completed, that plans and specifications thereof are on file in the clerk's office, and shall also state when and up to what time bids will be received. All bids shall be opened in a general or special meeting of the common council. All contracts shall be let to the lowest reasonable, responsible bidder, but the council may reject any and all bids, and may require such contractors to perform such contracts within such time and under such conditions, and to give such security for the performance of such work as they shall direct; such contract when approved by the council shall be executed on the part of the city by the mayor and countersigned by the city clerk.

Plans and specifications to be filed in office of city clerk. Advertisements for proposals.

SECTION 4. After the contract for the construction of such improvement has been entered into, the common council shall make or cause to be made an assessment against all lots or parts of lots or parcels of land fronting or abutting on each side of the street where said proposed improvement is to be made, of the amount of the cost of said improvement along the entire front of each said lot or parcel of land, to the center of the street, which cost they shall carefully estimate, from the contract price, proportionate to the work done along the front of said lot or parcel of land.

Assessment of lots for cost of improvements.

SECTION 5. Whenever any work has been done under contract as provided in this chapter, and the work shall have been approved by the street commissioner and the committee on streets and bridges, in writing, the contractor shall be entitled to a certificate therefor, which shall be

On completion of work contractor entitled to certificate therefor; certificates, what to contain.



signed and issued by the mayor and street commissioner and countersigned by the city clerk. Said certificates shall be for the respective amounts assessed against the several lots as hereinbefore provided, shall state the amount due for work done by such contractor, the nature of said work, a description of the lot or parcel of land upon which the same is chargeable, and shall be received by him at their face value upon the payment of the contract price. Said certificates may be transferred by endorsement thereon, and if the amount thereof is not paid before the time of making out the annual tax roll, the certificate may be filed with the city clerk, and the amount thereof shall be assessed upon the said lots or land respectively as a special tax, and shall be collected for the benefit of the holder of the said certificate as other taxes on real estate are collected under this act. No error or informality in the proceedings unless such error shall be affirmatively and clearly shown to have substantially increased the amount chargeable to any lot of land, beyond the reasonable cost of the improvement shall invalidate such assessment or any assessment under this chapter, and then only to the extent of the excess over and above the fair cost of such improvement, and no action based upon any such error or informality shall in any case be maintained unless the plaintiff shall before commencing said action have tendered to the city treasurer the fair amount of the cost of such improvement.

Residue of cost  
to be paid out  
of general  
fund.

SECTION 6. The residue of the contract price of said improvements, not chargeable to lots or parcels of land as aforesaid, shall be paid for out of the general funds of the city.

Form of im-  
provement no-  
tice.

SECTION 7. As soon as the amount chargeable to the abutting real estate lots or parcels of land has been determined, whether before or after the completion of such improvement, the common council may, in their discretion, cause a notice to be published in the official paper of the city, substantially in the following form:

## CITY IMPROVEMENT NOTICE.

Notice is hereby given that a contract has been let for ..... (describe the work and street), and that the expense of said improvements chargeable to the abutting land and real estate, has been determined as to each parcel of said real estate, and a statement of the same is on file with the city clerk. It is proposed to issue bonds chargeable to the abutting real estate, lots or parcels of land, to pay the special assessments, and such bonds will be issued, covering all said assessments, except in case where the owner of the property shall file with the city clerk within thirty days after the date of the publication of this notice, a written notice that he elects to pay the special assessment on his property, describing the same on presentation of the certificates.

SECTION 8. After the expiration of thirty days from the date of publication of said notice the common council may issue improvement bonds covering all the assessments except such as the owners have filed notices of election to pay as stated in the preceding section. Said bonds shall be signed by the mayor and city clerk, be sealed with the corporate seal of the city and contain such recitals as may be necessary to show that they are chargeable to particular property, and specifying the number and amount of said bonds.

Issuing of im-  
provement  
bonds.

SECTION 9. Said bonds shall be semi-annual interest coupon bonds; one-third of said bonds shall be drawn payable in one year, one third in two years and one third in three years from their date, and shall draw interest at a rate not exceeding five *per cent. per annum*. When any of said bonds are paid they shall be filed with the city clerk and marked across the face with the words "Returned not to be re-issued," but shall not be cancelled until the special assessment for which they were issued has been paid by the owner of the lots or lands against which they were issued, but shall remain a lien upon said lot or land in favor of the city.

Form of and  
conditions of  
bonds.

SECTION 10. The city clerk shall carefully prepare a statement of the special assessments on which the bonds are issued and record the same, together with a copy of such bonds in his office,

Statement of  
special assess-  
ments on  
which bonds  
are issued to  
be filed with  
city clerk.

and said record shall be constructive notice to all persons of the lien of said special assessments until the same is fully paid, and shall be at all times open to the public for inspection.

Treasurer to pay interest and principal on bonds.

SECTION 11. The city treasurer shall pay the interest on, and principal of, said bonds as the same become due and charge the amount to the proper funds.

One-third of special assessments shall be extended on tax roll each year.

SECTION 12. In each year after the issuing of said bonds, when the tax roll of the year is prepared, one-third of the special assessment on each lot or parcel of land covered by said bonds, with five *per cent.* interest on said special assessment then unpaid, shall be extended on the tax roll as a special tax on said property, and thereafter these taxes shall be treated in all respects as any other taxes, and when collected the same shall be kept in a separate fund for the payment of the said bonds.

Owner of lot may make improvements opposite lot; in case of neglect or failure council shall let contract to lowest bidder.

SECTION 13. Whenever the common council shall deem it advisable they may, before advertising for bids for making any of the improvements hereinbefore mentioned, permit such of the owners of abutting lands as may desire so to do, to make the improvement opposite to their several lots or parcels of land, according to the plans and specifications on file, under the supervision of the street commissioner and committee on streets and bridges. In such case the common council shall cause a notice to the owners of said abutting lots or lands, to be published in the official paper, which notice shall set forth the nature of the improvements to be made and the location thereof, the time within which it must be completed, and that unless completed within said time the same will be let to the lowest bidder. At the expiration of the time limited for the completion of said work by the owners of the abutting lots or land, if any of said work remains to be done the council shall proceed to advertise and contract for the same in the manner provided in the preceding sections of this chapter.

After bonds issued, action not maintainable to avoid assessment.

SECTION 14. No action shall be maintained to avoid any special assessment or taxes levied pursuant to the same, after bonds have been issued, covering such special assessment, and such bonds shall be conclusive proof of the facts and of

the legality of all proceedings on which the same are based.

SECTION 15. The cost of keeping in repair all roads, streets, alley, gutters, sewers and public grounds except as in this chapter otherwise provided, shall be a proper charge upon the whole city and shall be paid out of the general fund thereof.

Cost of repair of roads, streets, alleys, sewers, etc., to be paid by city except as otherwise herein provided.

## CHAPTER XI.

### PUBLIC SCHOOLS.

SECTION 1. The board of education of the city of Fort Howard shall consist of seven school commissioners to be elected by the common council in the manner herinafter provided, one to be elected from each ward and one from the city at large.

Board of education, how constituted.

SECTION 2. All members of the board of education now in office shall hold their respective offices for the full term for which they were elected, and until their successors are elected and qualified. The school commissioners shall hold their office for two years and until their successors are elected and qualified. The common council shall at their first meeting in April of each year, elect three commissioners whose term of office shall be two years, and once in two years they shall elect one commissioner from the city at large to hold two years. The members of the board of education when elected shall choose their own presiding officer. The first regular meeting of said board in each year shall be upon the first Tuesday of June.

Terms of office of members.

SECTION 3. The school commissioners elected under the provisions of section 1, of this chapter shall form the "Board of Education of the City of Fort Howard," 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.

Filling of vacancies in board.

SECTION 4. The board of education shall, at their first meeting, in July of each year, or within

City superintendent of schools.

fifteen days thereafter, elect some suitable person having the necessary qualifications, as city superintendent of schools, whose term of office shall commence on the first day of August in each year, and who shall hold his office for one year and thereafter until his successor shall be elected and qualified, unless sooner removed by a two-thirds vote of all the members-elect of the board of education, or by a two-thirds vote of the council, for misconduct or other sufficient cause.

President of board of education; his powers and duties.

SECTION 5. The board of education shall, at its first regular meeting 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' and janitors' wages, and all other incidental and necessary expenses of said board of education. He shall declare all votes taken on questions coming before the board; provided, that on all questions requiring appropriations of money or the adoption of new text-books, the votes shall be taken by ayes and noes, and on any other question the ayes and noes shall be called when any member shall request it; provided, further, that in the absence of the president, the board shall elect a president *pro tempore*.

Meetings of board.

SECTION 6. The board of education shall have at least one regular meeting in each month, at such time and place as may be designated by them, and they may have special meetings at such other times as they may deem necessary, or when called together by the president; but no such special meeting shall be legal unless each member of the board shall have first been served with notice in writing, of the time and place of such meeting, or if not found, a copy of such notice shall be left at his usual place of abode, with some member of the family, of suitable age and discretion.

Salary of city superintendent of schools.

SECTION 7. The city superintendent of schools shall receive an annual salary, to be paid quarterly, the amount of which shall be determined from year to year, by the board of education.

Duties of board.

SECTION 8. The duties of the board of education shall be as follows:

- 1st. To elect at their regular meeting in July a city superintendent of schools; but if such election shall not then be had, the said superintendent shall be elected at some regular meeting thereafter. Elect city superintendent.
- 2nd. To decide upon the number of teachers to be employed, the grade of school to be kept by each and the amount of salary to be paid each, and to hire and make contracts with 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 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 the teacher. The teachers for the ensuing year may be appointed at any time after the first day of March, and shall be appointed before the first day of July. Contracts with teachers and grading of schools.
- 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 the text-books and to adopt and reject text-books at will. Terms and vacations and text-books.
- 4th. To establish rules and regulations for schools not to 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 for schools.
- 5th. To make contracts for fuel, stationery, and articles of furniture required for the use of the schools, to make all necessary repairs in school houses, and to contract for janitor work, such as lighting fires, sweeping school rooms, etc., and such contracts when executed shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by the president of the board of education and countersigned by the clerk of said board. Contracts for fuel, stationery, etc.; repairs, etc.
- 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 Statement to be made annually to mayor and council.

and become due during the year, and the amount of all other indebtedness accruing on contract or otherwise that has been made by order of the board; and for that purpose they shall cause entries to be made in a book or books to be provided by the city, of all contracts made by the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized, which book or books shall be subject to inspection in the same manner as the record of the proceedings of said board, and they shall, at the same time, submit for the consideration of the council, a statement of the estimate required for carrying on the schools for the ensuing year, specifying the amounts required for teachers' wages, and other items separately and specifically. Nothing in this section contained shall prevent the mayor and council from taking into consideration the amount to be received from the state from the income of the school fund and the amount to be received from the county school tax during the ensuing year.

School census.

7th. To cause a school census to be taken each year showing the number of children of school age and such other facts as may be required by law or the rules of said board.

Repairs costing to exceed three hundred dollars how made; building of additional school houses.

SECTION 9. Whenever repairs to a larger amount than three hundred dollars shall, in the opinion of the board, be required for any one school house, they shall cause a statement to be made showing the repairs required, and an estimate of the cost thereof, to be laid before the mayor and council; and whenever, in their opinion, another school house shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same, to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a majority vote of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made nor shall such site or sites be purchased, or building or buildings erected; and it shall be the duty of said

board to enter into contracts for making such repairs, or for the erection of such buildings, or for the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

SECTION 10. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasury, payable out of the school fund for teachers' and janitors' wages, and all other expenditures authorized by this act.

President and secretary to draw orders on city treasury for school purposes.

SECTION 11. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made in which any member of said board shall have such interest, shall be absolutely void.

Members not to be interested in contracts.

SECTION 12. The duties of city superintendent shall be as follows:

Duties of city superintendent of schools.

1st. To examine all applicants for teachers' licenses in the branches taught in the public schools of said city, and if approved, give them certificates authorizing them to teach in the city. He shall hold one public teachers' examination before the first day of August each year.

Examination of teachers.

2nd. 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.

Annul certificates, when.

3d. To visit each school department in said city as often as may be necessary for supervision.

Visiting schools.

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 report such alterations therein from time to time, as he may think most beneficial for the schools in said city.

Reports.

5th. To report to the board of education at such regular meeting, relative to the condition of the schools under his supervision, and particularly as to the average attendance at each school since the previous regular meeting; 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.

Reports.

6th. He shall make such reports to the state superintendent or otherwise as may be required by the general school laws of the state.

Reports.



Secretary of  
board of edu-  
cation.

7th. He shall attend all the meetings of the board of education, and act as secretary thereof, and then make any suggestions he may think advisable relative to the government of the schools in said city.

## CHAPTER XII.

### FIRE DEPARTMENT—FIRE LIMITS.

Council may  
fix fire limits.

SECTION 1. The common council, for the purposes 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 and re-building 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 damages.

Construction  
of chimneys,  
fire places,  
hearths, ovens,  
etc.

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 or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; and to prevent the deposit of ashes in unsafe places; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel 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.

SECTION 3. The common council shall have full power to purchase fire-engines, hose and all

other necessary 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. Each company shall not exceed fifteen able bodied men, between the ages of eighteen and fifty years, and may elect their own officers and form their own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every active member of said company hereby authorized to be formed, shall be exempt from highway work, poll tax and from serving on juries during the continuance of such membership; and any person having served for the term of ten years in either such companies, shall be forever thereafter exempt from poll tax and military and jury duty.

Purchase of engines, hose and other fire apparatus; organization of fire-engine, hook and ladder and hose companies.

SECTION 4. The city mayor shall nominate one fire warden for each ward of the city, and present their names to the common council at its first regular meeting in each year, and said council shall confirm or reject said nominations, and if rejected the mayor shall make other nominations in place of those rejected, and present their names to the council. Said fire wardens, when so appointed shall serve for a term of one year and shall perform such duties as the council shall prescribe.

Fire wardens.

SECTION 5. The net proceeds of all fines and penalties recovered and collected for breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid by the city treasurer to the fire department.

Fines and penalties collected for breach of ordinances, etc., to be credited to fire department.

SECTION 6. When any person shall refuse to obey the lawful order of the chief engineer, or the assistant chief engineer, fire warden or aldermen of the city, the mayor or chief of police, at any time when said company or companies or any of them are on duty as a company, either at the time of a fire, fire alarm, parade or inspection, it shall be lawful for the officer giving such order to arrest or direct orally the chief of police, constable or watchman, or any citizen to arrest such person and to confine him temporarily in any safe place until such companies return with their ap-

Person refusing to obey lawful order of officer at fire may be imprisoned.

paratus to their respective engine houses; and in the same manner such officers, or any of them may 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 such arresting, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Sack  
companies.

SECTION 7. The common council shall have power to organize a sack company, or to countenance 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 a special police in and for the city of Fort Howard, and are hereby vested with all the power and authority which now is, 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 may be necessary for the peace and good order of the same.

Annual meet-  
ing of members  
of fire  
companies;  
duties of treas-  
urer of fire  
department.

SECTION 8. There shall be a meeting of the members of the different fire companies on the first Tuesday of January in each year, at such place as may be designated by the chief engineer, when the active members of said companies shall nominate and recommend to the common council, for appointment, one chief engineer, one assistant engineer, one treasurer, and one secretary or clerk. The common council shall there-

upon confirm or reject such nominations, and the persons so appointed shall perform such duties as the common council may 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 the said council. 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 may 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, and countersigned by the clerk of said department.

SECTION 9. There shall be elected by members of such company, aforesaid, annually, at their annual meetings, a clerk or secretary, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the names of each member of their respective companies, and when a 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.

Election of officers of fire companies.

SECTION 10. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries as above described; and no person shall be exempt from jury duty unless the name is entered on such list. In case any member shall, for any 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 Brown, 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 for the annual meeting for the said board, and said board shall not place the names of any such persons on the jury list for the ensuing year.

City clerk to keep record of members of fire companies.

CHAPTER XIII.

ACTION TO RECOVER PENALTIES.

Actions to be brought in name of city.

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.

First process summons unless oath made for warrant.

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 cases of tort before justices of the peace, under general statutes of the state for the time being.

Form of summons.

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

County of Brown, }  
 City of Fort Howard, } ss.

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

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned ..... in and for said city, at his office in said city, on the ..... day of ....., 18...., at .... o'clock in the ...noon, to answer to the city of Fort Howard, to the damage to said city, two hundred dollars or under.

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

C. D., Justice.

Proceedings on return of summons.

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of the state for the commencement of actions before justices of the peace by summons; and all proceedings in the action, except as hereinafter

provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons and triable before justices of the peace.

SECTION 5. When the actions are commenced by summons, the complaint may be substantially in the following form: Form of complaint.

The city of Fort Howard against A. B. In justice court, before C. 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 Fort Howard to recover of the defendant the sum of ..... dollars. Wherefor the plaintiff demands judgment against the defendant for the sum aforesaid, besides the cost of this action.

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

The city of Fort Howard against A. B.,  
 in justice court, before C. D., justice, } ss.  
 County of Brown.

....., being duly sworn, complains on oath to C. D., justice in and for the city of Fort Howard, 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 the said city of Fort Howard therefor.

Sworn and subscribed to 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, or particular part thereof in the foregoing form of complaint, and said complaint may be sworn to

before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

Form of warrant.

County of Brown,  
City of Fort Howard, } ss.

The state of Wisconsin to the sheriff or any constable of said county, and to the marshal of the city of Fort Howard, 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 A. B., and bring him before me forthwith to answer to the city of Fort Howard, on the complaint aforesaid. J. P.

Proceedings on return of warrant.

Justice of the Peace.  
Upon the return of the warrant, the justice may proceed summarily with the case, unless it be adjourned by consent for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize, with security to be approved by the court for his 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 county jail of Brown county. The complaint as aforesaid shall be the only complaint required, and the answer of not guilty shall put in issue all subject matter embraced in the action.

Passage and publication of ordinance, by-law, etc., how proven.

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, or certified by the clerk of said city to have been so published, shall be *prima facie* evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

Witnesses, jurors, etc., to attend in all city cases without payment of fees in advance.

SECTION 8. Witnesses and jurors shall attend before the court in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon process duly served, and in

default thereof their attendance may be compelled by attachment.

SECTION 9. In city prosecutions the findings of the court 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 for non-payment, 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:

Judgment on finding.

County of Brown, }  
 City of Fort Howard, } ss.

Form of execution.

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

Whereas, The city of Fort Howard, on the . . . . day of . . . . ., 18. . . . , recovered a judgment before the undersigned, . . . . . in and for said city, against . . . . . for the sum of . . . . dollars and . . . . cents, costs of suit for the violation of (section . . . . of chapter . . . . of this act or section . . . . of an ordinance or by law or regulation of said city, describing it by its title): You are hereby commanded to levy distress of the goods and chattels of the said . . . . ., excepting such as the law exempts, and make sale thereof, according to law, to the amount of said sums, together with your fees, 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 Brown county; and said keeper is hereby commanded to receive and keep in custody in said jail, the said . . . . . for the term of



....., unless the said judgment, together with all the costs and fees, are sooner paid, or he be discharged by due course of the law.

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

J. P.,

Justice of the Peace.

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

**Appeals.**

**SECTION 10.** Any defendant, feeling aggrieved by the judgment of the justices 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 of the county of Brown, in the manner provided by the general laws of this state for appeals from justices' courts in criminal cases. 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 city may appeal from any such judgment as in other cases before justices of the peace.

To be for trial at next term of court.

**SECTION 11.** Said appeals 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.

Judgment of circuit court on appeal.

**SECTION 12.** If the judgment of the justice shall be affirmed, or if upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinances, resolution, by-law, or regulation under which he or they are prosecuted, and enter judgment upon 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.

Inhabitaney of city not to disqualify judge, justice, juror or witness.

**SECTION 13.** No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Ordinances now in force to remain in force until repealed.

**SECTION 14.** All ordinances and regulations now in force in the city of Fort Howard, 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.

SECTION 15. 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.

Actions heretofore accruing shall vest in 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 summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk so served, forthwith to inform the city attorney thereof, or to take proceedings as by ordinance or resolution of said council may be in such cases provided. Judgments against said city shall be collected in the same manner as judgments against towns.

Service of process, how made on city.

SECTION 17. All penalties and forfeitures recovered under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city, except as provided in chapter 13, of this act.

Disposition of penalties and forfeitures.

SECTION 18. No execution or attachment in any legal proceedings shall be issued or levied upon or against any property belonging to the city of Fort Howard. Nor shall private property in said city be subject to levy or seizure upon attachment or execution, issued to collect or satisfy any contract, debt, obligation, demand or judgment against said city.

Property of city exempt from seizure.

Private property not to be taken for city debt.

## CHAPTER XIV.

### MISCELLANEOUS PROVISIONS.

SECTION 1. All work for the city, including all printing and publishing, shall be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting the contract.

City work to be let by contract.

SECTION 2. No money shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

Money for what purposes may be appropriated.

SECTION 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged.

When judgment may be remitted or discharged.

charged, except by a two-thirds vote of the aldermen-elect.

**New surveys.**

**SECTION 4.** The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent landmarks, as they may deem necessary, and 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 deeds of the county of Brown.

Surveys and land marks so made and established prima facie evidence of lines, boundaries, etc., of streets, alleys, etc.

**SECTION 5.** The surveys 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.

Grade of streets, alleys, etc., may be established by council.

**SECTION 6.** The common council may, at such time as they 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 Brown county; and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor 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.

City may purchase and hold necessary real and personal property.

**SECTION 7.** The 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.

All real estate subject to special taxes.

**SECTION 8.** Real estate exempt from taxation by the laws of this state shall be subject to special taxation as other real estate under this act.

**SECTION 9.** Every individual or company of individuals or body corporate, owning a lot or tract of land within the corporate limits of the city of Fort Howard, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city adjacent to said lot or tract so platted; and before making such plat as required by law, it shall be the duty of such person or persons or corporation making such plats, to submit the same to the common council of said city for approval; and if such plat shall be approved by the common council, the said person or persons or corporation may cause said plat or plats to be recorded according to law; but except such plat be approved by a resolution adopted by said council, a copy of which, duly certified by said clerk, shall be affixed thereto or entered on such plat, it shall not be lawful for the register of deeds of the county of Brown to receive such plat for record, or to record the same, and the person or persons neglecting or refusing to comply with the requirements of this act shall forfeit and pay a sum not less than one hundred dollars nor more than one thousand dollars, and the register of deeds who shall record such plat without a copy of the resolution aforesaid approving the same, being entered on or affixed thereto shall forfeit a sum not less than fifty nor more than one hundred dollars.

Platting of city lots; duty of owner.

**SECTION 10.** When the city of Fort Howard 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 Fort Howard and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Form of deeds or leases of city.

**SECTION 11.** 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, to execute a deed or lease of such real estate or interest therein belonging to said city. The said deed or lease shall be signed by the mayor of said city, and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowl-

Mayor shall execute conveyances.

edged, as is provided for the execution of deeds and conveyances.

Copy of resolution authorizing transfer to be attached to conveyance.

SECTION 12. When any deed or lease is so executed, the city clerk shall attach to such 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.

Election not held at time herein prescribed may be held at some other time.

SECTION 13. 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 shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving such corporation, but such election or organization may be had on 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, and the same are not then done or performed, the common council may appoint another time at which said act may be done or performed.

General law contravening provisions of this act shall operate as repeal hereof unless expressly set forth. Limits of city shall not be changed without consent of people of said city.

SECTION 14. No general laws of this state contravening the provisions of this act shall be considered as repealing, annulling or modifying the same, unless such purposes be expressly set forth in such law as an amendment; and no general or local law of this state to divide this city or annex the same to any other city or town shall have effect, without the consent of the people of the city of Fort Howard first had, by submitting such division or annexation to a vote of the people of said city at a regular charter election of the city of Fort Howard aforesaid.

Board of health how constituted; its powers and duties.

SECTION 15. The board of health of said city shall consist of one member from each ward and one from the city at large. The members of said board shall be appointed by the mayor and confirmed by the common council. The member appointed from the city at large, shall be a practicing physician of said city, and shall be president of the board. Said board shall have and exercise all the powers conferred on boards of health by

the general statutes of the state, and such further powers and duties as the common council may prescribe.

SECTION 16. 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. Council may appropriate not to exceed three hundred dollars to any public purpose.

SECTION 17. The mayor and aldermen and members of the board of education shall serve without compensation. Salaries.

SECTION 18. 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 ordinance, 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 acts or any former acts incorporating the city of Fort Howard, or any amendments thereto; but they 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 been passed. Repealing clause.

SECTION 19. This act shall take effect and be enforced from and after its passage.

Approved April 24, 1891.

No. 858, A.]

[Published May 21, 1891.]

## CHAPTER 423.

AN ACT to amend chapter 162 of the laws of 1887, being the charter of the city of La Crosse, and the acts amendatory thereof.

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

SECTION 1. Subchapter 4, of chapter 162, of the laws of 1887, is hereby amended by adding thereto a new section to be known as section 9, as fol- Amends chapter 162, laws of 1887.