

crue, and not thereafter: *provided, however*, that this section shall not take effect until three months after the passage of this act.

Cancellation of unredeemed tax certificates.

SECTION 22. It shall be the duty of the city treasurer, before receiving the tax list and warrant for said years 1856 and 1857, to surrender to the common council, who shall cancel the same, all unredeemed and unsold tax certificates in his hands for those years, belonging to the city, accompanied by a complete list of the same.

Approved June 18, 1862.

CHAPTER 396.

[Published June 28, 1862.]

AN ACT to revise, alter, amend and consolidate "an act to incorporate the city of Sheboygan," approved April [March] 19th, 1853, and the several acts amendatory thereof.

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

CHAPTER I.

OF BOUNDARIES.

Boundaries unchanged.

SECTION 1. All that district of country, in the county of Sheboygan, known and incorporated as the "city of Sheboygan," shall be and remain a city by the name of "Sheboygan;" and the people now inhabiting, and those who shall hereafter inhabit within said district, shall be a body corporate and politic, by the name and style of the "city of Sheboygan," and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, and of answering and being answered unto, in all courts and places and in all matters whatsoever, with power of purchasing, receiving, holding, occupying and conveying personal and real estate, and shall have a common seal, and may change the same at pleasure, and shall be competent to have and exercise all rights, powers and privileges, and those

Style and powers.

only of a municipal corporation, and be subject to all the duties and obligations appertaining thereto, and none other.

SECTION 2. The said city shall be divided into four ^{Wards.} wards. The numbers designating each, and their respective boundaries, shall be and remain as now established by law.

CHAPTER II.

OF GOVERNMENT AND ELECTIONS.

SECTION 1. The government of said city, and the ^{Corporate powers—how vested.} exercise of its corporate powers and the management of its fiscal, prudential and municipal concerns, shall be vested in one mayor and in a common council, to consist of three aldermen from each ward of said city, and actually residing in the ward for which they are elected, and in such other officers as are hereinafter provided for; and not less than two-thirds of the aldermen of said city shall constitute a quorum to do business, and shall be styled the “common council.”

SECTION 2. The elective officers of said city shall ^{Elective officers.} consist of one mayor, one city clerk, one treasurer, three school commissioners for the city, and three aldermen, one assessor, one constable and one justice of the peace for each ward. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council. All elective officers, except justice of the peace and school commissioners, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified: *provided, however,* ^{Power to remove.} the common council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. Justices of the peace shall hold their offices for two years, and the school commissioners shall hold their offices for three years; all which officers shall hold their offices until their successors are elected and qualified.

SECTION 3. There shall be held annually on the first ^{Annual election.} Tuesday in April, of each year, in each ward of said city, an election for elective officers under this act, at such place in each ward as the common council shall

designate, and the polls of such election shall be kept open from nine o'clock in the forenoon till five o'clock in the afternoon, and ten days' previous notice shall be given by the common council of the time and place of holding such election, and the city and ward officers to be elected.

Aldermen—
their classifica-
tion.

SECTION 4. There shall be elected at the first election under this act, one alderman for each ward, who shall hold his office for two years, and two aldermen who shall hold their offices for one year; and at every annual election thereafter, there shall be elected one alderman for each ward who shall hold his office for two years, and one alderman who shall hold his office for one year. There shall be written or printed, or partly written or printed, at the head of the votes for alderman for two years, the words "alderman for two years," and at the head of the votes for alderman for one year, "alderman for one year." One of the school commissioners elected at the first election under this act, shall hold his office for one year, and one of said school commissioners shall hold his office for two years, and one of said school commissioners shall hold his office for three years; and the school commissioners who are to hold their offices but one and two years shall be designated on the ballot "for one year" and "for two years" respectively, so that at the next election thereafter there shall be elected one school commissioner, whose term of office shall be three years.

Vacancies.

SECTION 5. Whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by a new election, which shall be ordered and held 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.

Elections by
ballot.

SECTION 6. All election [elections] by the people, shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the

common council, at such time and in such manner as they shall direct. All persons entitled to vote for county or state officers, and who shall have resided in the city for six months previous [previously] to the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer entitled to be elected under this act, and to hold any office hereby created.

Qualification of voters.

SECTION 7. The election [elections] in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of elections, and shall take the usual oaths or affirmations, as prescribed by the general laws of this state to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks of such elections, and to administer the necessary oaths. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled, as required by the laws of this state regarding elections.

Manner of conducting elections.

SECTION 8. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspector, before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be,) that you are twenty-one years of age, and that you are a citizen of the United States, (or have declared your intention to become a citizen, conformably to the laws of the United States on the subject of naturalization;) that you have resided within the state of Wisconsin one year, within the city of Sheboygan six months, and within this ward ten days next preceding this election, and that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter, shall vote at any election, or if any person duly qualified shall

Illegal voting.

Oath.

Penalty.

vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to indictment, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes; and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect count and tallies of votes, each and every such inspector and clerk shall be liable to indictment, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the circuit court of the county of Sheboygan.

List of votes sworn in.

Penalty.

Inspectors to make returns.

SECTION 9. When an election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person for each and every office; and shall deliver or cause to be delivered such returns to the city clerk, within one week after any election. The common council shall meet and canvass said returns and declare the result, as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

Special elections to fill vacancies.

SECTION 10. Special elections to fill vacancies or for any other purpose, shall be held and conducted by the aldermen of each ward, 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.

Officers refusing to serve.

SECTION 11. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy, as herein prescribed.

SECTION 12. All officers elected in pursuance of the provisions of this act, shall, within ten days after notice of their election, qualify to perform the duties of their respective offices; and in default of such qualification, the person so elected to office and failing to qualify, shall forfeit and pay to the use of the poor of said city, the sum of ten dollars, to be sued for and collected in the name of said city.

When officers to qualify—penalty for refusing to qualify.

SECTION 13. The common council shall have power to enact, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of fires and for the benefit of trade and commerce, and for the health of the city, as they may deem expedient, declaring and imposing penalties and fines, and to enforce the same against any person who may violate such ordinances, rules or by-laws, and the same are hereby declared to be and have the force of law: *provided*, that they be not repugnant to the constitution and laws of the United States or of the state of Wisconsin; and for these purposes shall have authority by ordinance or by laws:

Powers of council.

1st. To establish rates for and license and regulate auctioneers, taverns, groceries and victualing houses, and all persons retailing or dealing in spirituous, vinous, strong, ardent or intoxicating liquors in said city; and the rate for vending such liquors shall in no case be less than ten nor more than one hundred dollars; and also to license and regulate the exhibitions of showmen or the exhibition of any natural or artificial curiosities, or of any circus or theatrical performance in said city. All moneys received for such licenses shall be paid into the city treasury, and belong to the poor fund.

Licenses.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gambling.

Gaming.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, houses of ill-fame, billiard-tables, ball-alleys or table, shows and exhibitions.

Riots, &c.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, slaughter house, barn, privy, sewer, or other unwholesome or nauseous houses or places, to cleanse,

Cleanse unwholesome places.

remove or abate the same, from time to time, as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the city or vicinity.

Slaughter-houses, markets, &c.

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

Encumbering streets, &c.

6th. To prevent the encumbering of the streets, sidewalks, lanes, alleys or public grounds with carriages, carts, wagons, sleighs, sleds, boxes, lumber, fire-wood or other materials or substances whatever.

Immoderate driving, bathing, &c.

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

Cattle, &c.

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

Dogs.

9th. To impose a tax on dogs, and prevent their running at large, and to authorize their destruction in a summary manner, when at large contrary to the ordinances of the city or the laws of this state.

Putrid carcasses, &c.

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

Pounds, pumps, lamps, hacks, &c.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs; to erect lamps, and to license and regulate hacks, cabs, drays, carts, and establish the rates of charges of draymen, hackmen, cabmen, warehousemen, wharfingers and piermen within the limits of the city.

Boards of health.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, and regulate the same, as well as the burial of the dead and the returns of the bills of mortality, and all grounds and places set apart for public use in said city.

General powers for protection against fires.

13th. To regulate the procuring of fire buckets and the purchase of fire engines, to establish fire limits, and prescribe and regulate the materials of which

houses may be built within the same, and the manner of erecting and securing chimneys, and to provide for removing chimneys which may be deemed dangerous, and to require and provide for the building of new chimneys when deemed necessary, at the expense of the owners or occupants of buildings, when the same may be required; to require the owners of buildings to provide and keep suitable ladders and fire buckets; and if any such owner neglects or refuses to provide suitable ladders or fire buckets, after a reasonable notice, the common council may procure and deliver the same to him, and require him to pay for the same, and in default thereof may bring an action against said owner, and be entitled to recover in such action the value of such ladders, fire buckets, or both, with costs of suit; to direct the construction of vaults for the safe deposit of ashes, to appoint fire wardens and prescribe their duties, to regulate the manner of putting up stoves and stove-pipes, to compel the owners or occupants of houses or buildings to have scuttles on the roofs of such houses or buildings; and for the purpose of arresting the progress of any fire, the mayor and common council, or any three members thereof, may direct any building or buildings to be removed, torn down or blown up with gunpowder, and to establish such other measures of prudence for the prevention or extinguishment of fires, as said common council may deem proper.

14th. To regulate the building of wharves and bridges, and provide for the protection and security of the same. Wharves and bridges.

15th. To prevent all persons riding or driving any horse, ox, mule or cattle, or other animal, on the sidewalks in said city, or in any way doing any damage to such sidewalks. Driving on sidewalk, &c.

16th. To prevent the discharge of firearms or crackers, except by special permission of the common council, and to prevent the exhibition of any fireworks in every situation which may be considered by the common council dangerous to the city or any property therein, or annoying to any citizen thereof. Firearms, fireworks, &c.

17th. To restrain drunkards, immoderate drinking, indecent exposure of the person or obscenity in the streets or public places, and provide for arresting, re- Drukenness, obscenity, &c.

moving and punishing any person or persons who may be guilty of the same.

Watchmen and firemen. 18th. To regulate the police of the city, to appoint watchmen and firemen, prescribe their duties, and punish their delinquencies.

Market regulations. 19th. To establish public markets, and make rules and regulations for the government of the same, and to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Hay, fuel, &c. 20th. To regulate the place and manner of weighing and selling hay, of measuring and selling fuel, and appoint suitable persons to superintend and conduct the same.

Removal of rubbish, &c. 21st. To compel the owner or occupant of any building or grounds to remove the snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and on default, to authorize the removal or destruction thereof, at the expense of such owner or occupant.

Trees, &c. 22d. To protect trees and monuments in said city.

Support of poor. 23d. To make all necessary rules and regulations for the support of the poor who are lawfully chargeable upon said city, not inconsistent with this act.

Public grounds, streets, &c. 24th. To lay out, widen, enlarge and open public grounds, squares, streets and alleys, in the manner hereinafter provided.

Officers that may be appointed by council. SECTION 14. The common council shall have power to appoint and at pleasure to remove, the following officers, viz.: one bridge tender, one fire warden for each ward, one superintendent of the poor for the city, one city attorney, one comptroller, one sealer of weights and measures, one or more surveyors, and so many measurers of fuel, grain, lime and other marketable articles, weighers of hay, pound masters, sextons and keepers of the burial grounds, and inspectors of lumber, as the common council may from time to time deem expedient, and prescribe their duties and the compensation of all officers named in this section, except the harbor master and overseer of the poor, and such officers as are prohibited from receiving any salary; and to require bonds for the faithful performance

of the duties of such of them as may be deemed expedient and necessary by said common council. But no such fire warden, sealer of weights and measures, measurer of fuel, lime or other article, weigher of hay, surveyor, pound master, sexton or keeper of any burial ground, shall receive from the city any compensation for his services, unless such services were required by the common council for the use of the city, but shall be paid therefor in all cases by the person requiring such services, or by such other person as shall be liable therefor, by law or under the ordinances of said city.

CHAPTER III.

OFFICERS AND THEIR DUTIES.

SECTION 1. The mayor shall be the chief executive officer and head of the police of the city. It shall be his duty to recommend, in writing, to the city council, such measures as he shall deem expedient. He shall sign all commissions, licenses and permits which may be granted by the common council, and keep a record of the same, and shall maintain peace and good order, and see that the laws of the state and ordinances of the city are observed and executed, and shall preside in all meetings of the common council at which he is present. Mayor—his duty.

SECTION 2. The common council shall, on the third Monday of April, in each year, elect one of their number as president, to preside in their meetings in the absence of the mayor. In case of a vacancy in the office of mayor, or of his being unable, by reason of sickness or temporary or continued absence, to perform the duties of his office, the president of the common council shall exercise all the powers and perform all the duties of mayor, until that officer shall resume his office, or the vacancy be filled by a new election. In case of the absence or inability of both the mayor and the president of the common council, the clerk shall be president *pro tem.*, and for the time being shall discharge the duties of the mayor. The presiding officer of the council, for the time being, shall only be entitled to the casting vote, and it is hereby made his duty to cast such vote. President.

SECTION 3. The common council shall have power Further powers of council

to preserve order and propriety in its proceedings, and to punish, in a summary manner, by fine or imprisonment, or both, all disorderly or disrespectful conduct in its presence, to compel by pecuniary penalties, the attendance of its members, to determine the rules of its proceedings, and to adopt by-laws for its own government, not inconsistent with the provisions of this act, a journal of which proceedings and rules and by-laws thereof, shall be kept and be open to the inspection of every citizen, at all reasonable times; and to prescribe the time and places of holding its meetings, not inconsistent with this act, which shall always be public.

Peace officers.

SECTION 4. The mayor, or acting mayor, each alderman, watchman, and each justice of the peace in said city, shall be conservators of the peace, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of said city, and for such purpose may command the assistance of all bystanders, and, if need be, of all citizens and military companies of said city; and if any person, bystander, officer or private of such military company, shall refuse to aid in maintaining the peace, when so required, such person shall forfeit to the use of the poor of said city, the sum of twenty-five dollars. When the civil power of said city may be required to suppress such riotous or disorderly conduct, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings, and all other persons shall be bound to obey his lawful orders.

Clerk—his duty.

SECTION 5. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. He shall draw and countersign all orders on the treasurer, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, receiving therefor the same compensation as clerks of towns; and all

chattel mortgages so filed shall be as valid and legal as if the same had been filed in the town clerk's office in any town. The clerk shall have power and authority to administer oaths or affirmations.

SECTION 6. The justices of the peace elected under this act, shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that their official bonds shall be approved by a majority of the common council, and in addition thereto, they shall have jurisdiction in all cases arising under the ordinances and laws passed by said city, unless therein otherwise provided. All constables elected by virtue of this act, shall have and exercise the same powers and duties, and be subject to the same liabilities as constables of towns.

Justices—their jurisdiction.

Constables.

SECTION 7. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by law or by the ordinances of said city. All moneys raised, received, recovered or collected by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, or which belongs to the said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order signed by the mayor or acting mayor, by order of the common council, and countersigned or attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when and the person from whom the amount of the several sums was received, which books shall at all reasonable times be open to the inspection of any person. He shall as often as the common council require, render to said council a minute account of the receipts and expenditures of his office, and at the expiration of his office he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be a collector of taxes, and for this service, except as herein otherwise provided, he shall have the same powers and be subject to the same liabilities, and be governed by the same law, as treasurers of towns. He shall pay all city orders in a manner prescribed by the common council.

Treasurer—his duty.

He shall, before entering upon the duties of his office, execute to the city a bond for the faithful discharge of his duties, in such sum and with such sureties as the common council shall direct. He shall keep the moneys required to be raised by the provisions of this act, separately, and shall not apply, on any occasion, one fund to pay the debts of another.

Assessors—their duty.

SECTION 8. The assessors shall assess all taxable property in said city, and shall make out the annual assessment roll for said city, in accordance with the general laws of this state relating to the assessment of property and the duties of assessors, except that, when any oath is required of the assessors, the same may be made by any three of them; and said assessment roll shall be equalized and notice thereof given by the said assessors, at the time and in the manner required by law; and the notice of the meeting of the board of equalization shall, in addition to the posting thereof required by law, be published in two newspapers, one printed in the English language and the other in the German, published in said city for two weeks previous [previously] to such meeting. Immediately after such assessment roll is equalized, the same or a copy thereof shall be deposited in the office of the city clerk.

Equalization—notice of meeting.

School board—their powers and duties.

SECTION 9. The said city shall be and constitute one school district. The three school commissioners hereinbefore provided for, shall constitute a school board for said city, and shall, as such board, exercise the same powers and perform the same duties as have heretofore been vested in and performed by superintendents of schools and by the school district boards, as provided by the general laws of this state, and shall, in all things, be subject to the general laws of this state, as they may from time to time be amended. Said board shall annually elect one of their number to serve as clerk and another as treasurer of said school district. The treasurer shall give a bond for the faithful discharge of the duties of his office, with sureties to be approved by the mayor. It shall be the duty of said board, between the first and fifteenth days of October, in each year, to make and transmit to the common council of the city of Sheboygan, a report in writing, bearing date on the first day of October, in the year of its transmission, stating,

Annual report.

Number of schools.

1st. The number of schools taught within the city,

and the length of time they have been taught by qualified teachers.

2d. The total amount of public money received for the use and benefit of such schools. Public money.

3d. The number of children taught in the common schools of the city, and the number of children residing in the city over the age of four and under the age of twenty years. Children taught.

4th. The manner in which the public moneys have been expended, and whether any and what part remains unexpended, and for what cause. How moneys expended.

5th. The amount of money raised in the city and paid for teachers' wages, in addition to the public money raised therefor, the amount of taxes raised for the purchase of school house sites, for building, hiring, purchasing, repairing and insuring school houses, for fuel, for district libraries, or for any purpose allowed by law in said city, since the date of the last preceding report. No person in the city of Sheboygan engaged in teaching any of the schools of said city, shall be eligible to the office of school commissioner in said city, and no member of the school board of said city shall be employed to teach any of the schools of said city. The common council of said city may make appointments of school commissioners to fill vacancies which may occur from any cause other than the expiration of the term of office of those elected. The commissioners so appointed shall hold their office until the next charter election. Any school commissioner in said city may be removed from office for official misconduct, by the common council thereof, by a vote of two-thirds of the members thereof; but said commissioner shall be granted a full and fair hearing before removal. Money raised by city.

Prohibition:

Removal of school commissioners.

SECTION 10. All officers elected or appointed under the provisions of this act, shall, within ten days after such election or appointment, take and subscribe an oath or affirmation to support the constitution of the United States and of the state of Wisconsin, and to discharge, faithfully and impartially, the duties of the respective offices to which they are elected or appointed, which oath shall be deposited in the office of the city clerk. Oath.

CHAPTER IV.

OF STREETS AND IMPROVEMENTS.

Laying out of streets, &c.—petition.

SECTION 1. Whenever ten or more freeholders, residents in the same ward, shall petition the common council to lay out a street, alley, square or any other public ground in their ward, specifying in said petition, with reasonable certainty, the metes and bounds of the lands necessary to be taken for the purposes mentioned in the petition, and the names and residences of the owners of such land, so far as the same can be ascertained, which said petition shall be accompanied with a plat of said proposed street, alley, public ground or square, the common council may, (if it appear that the public good will be promoted by granting such petition,) apply to the county judge of the county of Sheboygan for the appointment of a jury to ascertain the necessity for such proposed improvement, and for taking therefor the lands described in said petition. The time and place where such application shall be made, shall be published in two newspapers, one printed in the English language and the other in the German, in said city, for three weeks, at least once in each week, before the same shall be made.

Application to county judge for jury.

Appointment of jury.

SECTION 2. Upon presentation of such application and proof of due publication of the same, at the time and place appointed therein for that purpose, the said judge shall appoint twelve reputable and disinterested freeholders, residents of said city, but not of the ward wherein the lands proposed to be taken for such improvement are situated, who shall be a jury to ascertain and establish the necessity for such improvement, and for taking therefor the lands specified in such petition. The said judge shall thereupon issue his precept, directed to the sheriff of Sheboygan county, requiring him to summon said jurors, to meet at a time and place to be specified in said precept, not more than ten days from the date thereof, to view the lands so proposed to be taken, and to decide upon the necessity for such proposed improvement and for taking such land therefor, and to make due return of their verdict to the common council, within ten days from the time appointed for such meeting. Said precept shall be served by said sheriff on such [each] of the said jurors,

Precept to jury.

by reading the same to him at least two days before the time appointed for such meeting.

SECTION 3. In case any of said jurors shall fail to attend at the time and place appointed in said precept, the judge may, upon application of said sheriff, appoint other jurors, who shall be summoned as aforesaid, and who are duly qualified as hereinbefore specified, in place of those so failing to attend, which appointment shall be annexed to or endorsed upon such precept. When such jurors are all present, they shall be sworn by said judge or some other person authorized to administer oaths, faithfully and honestly to discharge the duties required of them by such precept; and the officer administering [administering] said oath shall certify the fact, which certificate shall be endorsed upon or annexed to such precept.

How vacancies may be filled.

Jury to be sworn.

SECTION 4. After the jury are sworn, they shall proceed to examine the lands proposed to be taken, and to enquire into the necessity for the proposed improvement and for taking such lands therefor, and shall return their verdict in writing, signed by each juror, to the sheriff, who shall immediately deliver the same, together with said precept, and all papers relating to such proceeding, to the city clerk, to be filed in his office, and such proceedings shall be laid before the common council at its next meeting by said clerk.

Jury to view lands and return written verdict.

SECTION 5. If the verdict of the jury shall be that the proposed improvement is necessary, and that it is necessary to take therefor the lands specified in the petition, or any part thereof, then the common council may proceed to lay out, widen or enlarge such street, alley, public ground or square, (as the case may be,) and open the same, and cause the damages and benefits to be assessed, collected and paid in the manner prescribed by this act.

If deemed necessary, council may lay out, &c.

SECTION 6. The sheriff shall receive two dollars for each case, and each juror one dollar per day for all services rendered by them, respectively, on each proceeding relating to laying out, widening or enlarging streets, alleys, public grounds or squares, under this act.

Fees.

SECTION 7. The assessment of all benefits and damages which may hereafter arise or accrue in laying out, opening or widening the streets in the city, shall be made by three special commissioners, who shall be ap-

Commissioners for assessing damages, &c.—their duty, &c.

pointed by the county judge. Such commissioners shall be residents of the city, but not of the ward in which such damages and benefits are to be assessed. It shall be their duty to assess all such benefits and damages upon the particular lots which will be benefited or injured thereby, and make a report, in detail, of their proceedings, to the common council, which report, immediately upon the making thereof, shall be filed in the office of the city clerk, and the common council shall thereupon approve or reject the same; and if such report be rejected by the common council, it shall forthwith order a new assessment to be made by other commissioners, and when such new assessment shall be ordered, the commissioners shall proceed, as in the first instance, and make their report to the common council, and when such report shall be approved by the common council, the assessment of benefits shall be a lien, from the time of approving such report, upon the several lots, parts of lots or parcels of land upon which they are assessed, and the collection thereof shall be enforced in the same manner as other taxes. The said commissioners, not less than ten days before they shall proceed to the discharge of their duties as provided in this section, shall cause notice to be given to all persons interested of the time when and the place where they will meet for the purpose of determining and awarding the amount of damages and benefits as aforesaid, by publishing such notice in two newspapers, one printed in the English language and the other in the German, in said city: *provided, however*, any person whose property is taken, or against whom an assessment is made, may, within ten days from the approval of such report by the common council, appeal from such assessment of damages or benefits, to the circuit court for Sheboygan county, by filing a notice of such appeal with the city clerk, where such appeal shall be tried by the court and jury as in ordinary cases. The common council shall have the same right of appeal. All damages awarded in pursuance of this section, shall be paid by the city.

Notice to persons interested.

Appeal.

Street improvements—how costs taxable.

SECTION 8. The common council may cause any street in said city to be graded, paved or McAdmixed, and such sidewalks as they shall determine, to be constructed or repaired in such manner as they shall determine, and shall direct the costs of such improve-

ments abutting on each lot, part of lot or parcel of land, to be ascertained, which costs shall be a lien upon such lot, part of lot or parcel of land, and shall be collected as prescribed in the next section. The common council shall, by ordinance, prescribe the manner of making such improvements and ascertaining the costs thereof, and the amount of such costs properly chargeable upon each such lot, part of lot and parcel of land; ^{Petition.} but no such improvements mentioned in this section shall be made, unless upon petition of the owners or their legal representatives, of a majority of the lineal frontage of the lots to be assessed, where such improvement is to be made.

SECTION 9. Whenever any improvement chargeable ^{Special tax for improvements.} to the property adjacent thereto, shall have been completed, the proportion of the costs properly chargeable to each lot, part of lot or parcel of land subject to contribute to the payment of the same, shall be ascertained, and the mayor and city clerk shall forthwith issue to each person occupying any such premises liable so to contribute, a certificate stating the amount assessed and chargeable to the premises occupied by such person, and the amount so chargeable to any particular lot or parcel of land shall be from the time it is so ascertained, a lien and charge thereon, and upon no other property, and shall be collected as a special tax upon such lot, and the collection thereof enforced in the same manner as other taxes. City scrip shall be issued for such expenditures, payable only from the fund arising from such special tax, which scrip shall be received in payment of the special tax out of which it is payable, and no other. The city shall not be liable for nor pay any expenses incurred under this and the preceding section, in any other manner than as herein specified.

SECTION 10. The said common council may ^{cause} ^{Survey and plat of streets, &c.} the public streets, lanes, alleys and public grounds in said city to be surveyed, described and permanently marked on a plat thereof, to be recorded by the clerk in a book to be kept by him for that purpose, in which book shall also be recorded a plat of any new street, lane or alley which may hereafter be established by the common council under the provisions of this act, and any change or alteration that may be made therein, and such survey and record shall be *prima facie* evi-

dence of the position and limits of such street, alley, lane, public ground or highway.

Aldermen to be street commissioners.

SECTION 11. The aldermen of the several wards shall be street commissioners in and for their respective wards, two of whom shall be a quorum. One of their number, or some person appointed by them, shall be clerk of the board of commissioners, who shall keep a record of all their acts and doings, and shall keep and preserve all contracts, receipts and papers of the board. The several boards of street commissioners shall make report, in detail, to the common council, of all their acts and doings as such commissioners, whenever required, and at the expiration of each year, and before their term of office shall expire, shall submit such report and all their books, records, papers, accounts, receipts and vouchers to the common council, for final settlement and adjustment. Any person deeming himself aggrieved by any act of the board of street commissioners, may at any time appeal to the common council, who shall inquire into, examine and correct the act or order complained of, as [it] shall deem just and proper, and the further action of the board, in this respect, shall be regulated accordingly.

Their powers.

SECTION 12. The said street commissioners shall have power to order and contract for the ordinary repairing and cleansing of streets, alleys, public grounds, reservoirs, gutters and sewers within their respective wards, and to direct and control the persons employed thereon; and the said street commissioners shall possess all the powers, perform all the duties, and be subject to all the liabilities of overseers of highways in towns, except as herein provided for. The said street commissioners shall, by the first day of May, of each year, or so soon thereafter as may be, determine upon a general system of improvement for the year then ensuing, and shall lay before the common council a detailed statement of the same by wards.

Work to be done by the lowest bidder.

SECTION 13. All work, except such cleansing and repairing which the urgency of the case may require to be done immediately, without time to give the requisite notice, chargeable to the several ward funds or to the city fund, shall be let by contract to the lowest bidder, with ample notice of the time and place at which such contract will be let. In the purchase of materials for ward and city purposes, when practicable, it shall be

necessary to invite proposals for the furnishing of the same, and the contracts shall be given to the lowest bidder. It shall be the duty of the common council, in all cases, to reject any bid for the doing of work, or the furnishing of material, which he [they] may deem unreasonable or exorbitant. All accounts for such work, or the furnishing of such material, shall, before being allowed by the common council, be audited by the finance committee, and all such accounts for work done or materials furnished under the supervision of the street commissioners shall be certified by them before being audited.

Auditing of accounts.

SECTION 14. Whenever application or petition shall be made to the common council to lay out a street, alley, square or any other public grounds, it shall be their duty, before entertaining such application or petition, to require the petitioners to execute to the treasurer of the city of Sheboygan, a bond in the penal sum of one thousand dollars, with sureties to be approved by the mayor, conditioned that they will prosecute their application to effect, and pay all costs and charges which the city may sustain in consequence of such application.

Bond for street improvements.

SECTION 15. The common council is hereby authorized, by ordinance, to make, designate and establish dock lines on Sheboygan river, within the boundaries of said city, corresponding, as near as practicable, to the original meander and survey thereof, wherever said river is not already docket [docked,] and to protect the banks of any and all creeks and streams of water emptying into said river, so as to prevent the washing away of said banks, and to prevent sand and other obstructions from washing into said river; and for the purpose of carrying into effect the foregoing provisions of this section, the common council shall have power to provide, by ordinance, for docking the banks of said river, and for filling the lots abutting thereon, and for protecting the banks of all gutters, creeks and streams of water emptying into said river within the bounds of said city, and to require the several owners of lots abutting on said river, or any creek or stream of water, to dock and fill the same, in such manner and within such time as said council may direct, and to make such other protection on any lot or lots within said boundaries, to prevent obstructions from working into said river, as to said common council may seem meet and

Dock lines.

Docking banks of river, &c.

proper; and if the owner or owners of such lot or lots shall refuse, within the time specified by said council, to build such docks or other protections, or otherwise comply with the provisions of such ordinances, the common council is hereby authorized and empowered to let the docking and filling of such lots or other specified protection for such lots, by contract, to the lowest bidder for the same; and when it shall be completed according to such contract, and accepted by the common council, the mayor and city clerk shall forthwith issue to the occupant of any and all such lots so filled or docket [docked] by contract, a certificate stating the amount for which each such lot occupied by him, was so docket [docked] or filled, which amount shall be and remain a lien and charge upon the said lot filled, until paid, and upon no other, and shall be collected as a special tax upon such lot or lots, and the collection thereof enforced in the same manner as other taxes. City scrip shall be issued to the contractor for the contract price, and be payable only from the fund arising from such tax, which scrip shall be received in payment of the special tax out of which it is payable, and no other.

Special assessment.

SECTION 16. The city clerk shall, on the first day of December, annually, add to the tax roll of the city, in a separate column, as a special assessment, opposite to the lots to be charged therewith, all outstanding certificates issued by him and the mayor in cases of special improvements, as provided in this act, and the same shall be collected by the treasurer as other taxes upon real estate are collected.

Obstructions to docks and harbor.

SECTION 17. It shall be the duty of the common council to provide for keeping the docks at the foot of the streets in repair, and to remove such obstructions from the harbor opposite to such streets, to the extent of fifty feet from said docks, as interfere with the free navigation of the harbor; but the expense of removing such obstructions last above mentioned, shall not exceed fifty dollars per annum.

CHAPTER V.

OF FINANCE AND TAXATION.

Taxes for payment of city and ward expenses.

SECTION 1. The common council of said city, in addition to the powers and duties imposed upon them,

shall levy an annual tax upon all the taxable property in said city, sufficient to pay the officers of said city, as in this act provided, and to cover the general expenses of the city; and the common council may annually levy upon the property liable to taxation in each ward, a tax to pay the indebtedness or defray the current expenses of such ward; but the amount of all such taxes shall not exceed the sum of four thousand and five hundred dollars in any one year.

SECTION 2. In no case shall the city be liable for any other evidence of debt issued, or upon any appropriation made, or upon any agreement or contract entered into by any board of officers of said city, or by the common council, beyond the sums which the said common council is by this act authorized to levy upon the taxable property in said city. Limit to liability of city.

SECTION 3. The common council shall, on or before the first Monday in August, in each year, levy upon the whole amount of the equalized assessment of the city, a per cent. sufficient to raise the amount of the several appropriations authorized by this act; and by vote of the common council it shall be the duty of the city clerk, under the direction of the common council, in accordance with such determination, to make a schedule of all the property, as contained in said assessment roll, annexing to each lot, part of lot or other item of property, in separate columns, the amount of tax which shall be chargeable thereon on account of each of the funds hereinafter mentioned, which schedule shall be called the tax list, and shall be recorded by the city clerk in a book to be kept for that purpose; and said tax list, or an authorized copy of the record thereof, shall be conclusive evidence of the amount of taxes assessed for the current year in which the same shall be made out; and the city clerk shall deliver said tax list to the city treasurer on or before the first day of September, annually, and make a record of such delivery in the book where such list shall be recorded, from which day the taxes shall become a lien upon real estate in preference to any other lien, until the same shall be satisfied, with all costs and charges which may accrue thereon, according to law. Tax list.

SECTION 4. Upon receipt of the tax lists as aforesaid, it shall be the duty of the treasurer of said city, who shall be the collector for the wards, to give public Treasurer's notice of receipt of tax list.

notice in two newspapers printed in said city, one printed in the English language and the other in the German, that such tax lists have been committed to him for the purpose of collecting the taxes thereon, and that he will receive payment of taxes at his office, in said city, until the last day of December then next ensuing, which notice shall be published at least six weeks, between the last day of September and the last day of December, in the year of said notice.

Collection of taxes.

SECTION 5. In case the taxes on any real estate in said tax list contained, shall remain unpaid after the last day of December next ensuing the publication of such notice, the treasurer shall, in all things, proceed with said tax list as town treasurers are by law directed to do with their delinquent or unpaid taxes, and the county treasurer shall collect the said delinquent city taxes in the same manner as [it is] provided he shall collect delinquent town taxes, and said delinquent or unpaid taxes shall in all things be proceeded with as town delinquent or unpaid taxes.

Collection of taxes on personal property.

SECTION 6. In case any person shall neglect to pay the taxes assessed to his personal or real property, after the publication of the notice herein mentioned, the treasurer shall proceed to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, or of any goods and chattels, on the real estate against which there is any tax unpaid. The treasurer shall give public notice of the time and place of the sale, with a description of the property to be sold, at least ten days previous [previously,] by advertisement in some newspaper, or to be posted up in three public places in the city of Sheboygan, and the sale shall be by public auction. If the property distrained shall be sold for more than the amount of the tax and legal charges thereon, the surplus shall be returned to the owner of such property.

Ibid.—warrant may issue or suit be brought in any other county.

SECTION 7. Whenever taxes on personal property have been or shall hereafter be included in any assessment roll in said city, and have remained or shall hereafter remain unpaid, in whole or in part, until the first day of February next after the same shall have been levied, the city treasurer may, at any time within three years thereafter, issue a warrant, under his hand, directed to the sheriff of Sheboygan county, commanding him to levy the amount of such unpaid taxes, and in-

terest and costs, together with his fees for collecting the same, of the goods and chattels, lands and tenements of the persons to whom such taxes were assessed, and to pay the same to the city treasurer, and to return such warrant within sixty days from the date thereof; or said treasurer may, at any time within said three years, sue for and recover such unpaid taxes, in an action to be brought in the name of the city of Sheboygan, against such person, in any county where he may be found; and the assessment roll and city treasurer's warrant and certificate of non-payment of said tax, or abstract therefrom, certified by the city treasurer, under the seal of said city, shall be *prima facie* evidence of such tax being unpaid, and of the amount which ought to be recovered in such action.

SECTION 8. Duplicate lists of all appropriations hereafter made by the common council, shall be delivered by the city clerk to the mayor, within two days after the allowance of the same, who shall approve or disapprove of the same within three days after such delivery, and return one to the city clerk with his approval or disapproval endorsed thereon, and file the other in his office. If he shall approve such appropriation, a warrant for the amount shall be drawn upon the treasurer in favor of the person entitled thereto. If he disapproves the same, no warrant shall be drawn therefor, unless the same shall be allowed by a vote of two-thirds of all the members composing the common council; and no ordinance or resolution passed by the common council shall be of any validity unless approved by the mayor within three days after the passage thereof, unless in case of his disapproval endorsed upon such ordinance or resolution, the common council shall again pass the same by two-thirds, as above provided, at the next regular meeting of the common council; and all appropriations of money made by the common council, shall be on call of the yeas and nays by the clerk, which shall be entered upon the journal, and a majority of all the members of the common council shall be necessary to an appropriation of money.

SECTION 9. The salaries of officers provided for by this act, shall be as follows: The city clerk, one hundred and fifty dollars per annum; the assessors, each twenty-five dollars per annum; the overseer of the poor, fifty dollars per annum; the harbor master or

Allowance of
claims, passage
of ordinances,
&c.

Salaries of off-
cers.

bridge tender, not to exceed fifteen dollars per month for actual service; watchmen, not to exceed one dollar per diem each, chargeable to the ward fund of the proper ward in which such watchman is employed; city attorney, one hundred dollars per annum; comptroller, seventy-five dollars per annum.

CHAPTER VI.

OF THE FIRE DEPARTMENT.

Council may authorize formation of fire companies, &c.

SECTION 1. The common council shall have power to authorize the formation of fire engine, hook and ladder, hose and sack companies, for the extinguishments of fires, by voluntary enlistment, and provide for their regulation, and may at any time disband any such company.

Officers and by-laws of such companies.

SECTION 2. Each such company may choose its own officers, and pass by-laws for its own government: *provided*, such by-laws be not inconsistent with the laws of this state nor with the laws and ordinances of said city.

List of members, copy of by-laws, &c. to be furnished city clerk.

SECTION 3. The chief officer of each such company shall keep a complete and full list of the members of his company, and the time when each member joined, and a journal of the proceedings of the company, containing a copy of the by-laws adopted by the company for its government, and shall also furnish to the city clerk a duplicate list of the members of his company, and a copy of every by-law passed by it; and in case of receiving new members or the resignation, expulsion or death of a member, or addition to or alteration of any by-law, he shall forthwith notify the city clerk of the same.

List, &c. to be kept by clerk.

SECTION 4. The clerk of said city shall keep a book in which shall be recorded a list of the members of each company in the fire department, and the by-laws of each company; and in case any new member shall be received in any company, or a resignation, expulsion or death occur, or any change shall be made in the by-laws of any company, the same shall be noted in such book, which book shall at all times be open to the public.

Exemption of firemen from jury and military duty.

SECTION 5. Every active member of any such company, and of any military company in said city, shall

be exempt from serving on juries; and every member of the fire department of said city shall, while such member, be exempt from military duty, except in case of war, invasion or insurrection; and when any member of the fire department of said city shall have been actually in service therein for five consecutive years, as a member of one or more of the companies belonging thereto, he shall, upon demand of the city clerk, be entitled to a certificate to that effect, signed by the clerk and mayor under the seal of the city, and thenceforth shall be exempt as aforesaid.

CHAPTER VII.

MISCELLANEOUS PROVISIONS.

SECTION 1. Any newspaper published in said city, purporting to contain any by-law or ordinance of said city, shall be *prima facie* evidence of such publication at the date of said paper. Printed notice prima facie evidence, &c.

SECTION 2. The style of all ordinances shall be, Style of ordinances. "The mayor and common council of the city of Sheboygan, do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct.

SECTION 3. The common council shall hold stated Stated meetings. meetings on the first Monday of each month, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their usual place [places] of abode. The common council shall determine the rules of its own proceedings, (to) [and] be the judge of the election and qualifications of its own members.

SECTION 4. The city treasurer shall, on the Saturday preceding each regular meeting of the common council, report to the board of aldermen the amount of money paid into the treasury since his last report, the names of the persons from whom the same was received, the date of the receipt thereof, and the fund upon the account of which the same was paid. The finance committee shall have a right, at all times, to examine all the records, books, papers, vouchers and accounts of the city treasurer, and it shall be their duty, from time to time, to compare his report therewith. If the city treasurer shall, in the opinion of the common Monthly reports of treasurer.

council, willfully neglect to make such report as is required by this section, or shall willfully make a false report, or shall refuse the finance committee access at reasonable times to the records, books, papers, vouchers and accounts in his office, the common council shall declare his office vacant, and appoint a city treasurer in his place, who shall hold his office till the next election.

No member of council or school board to be interested in contracts.

SECTION 5. No member of the common council or school board, nor other officer of said city, shall be a party to, or interested, directly or indirectly, in any contract or job with the city or any ward; and any contract in which any member of the common council, or other officer of the city may be so interested, notwithstanding this prohibition, shall be null and void, and of no force as against said city as a party thereto. And if any member of the common council, or other officer of the corporation, after his election or appointment, or while in office, shall become or cause himself to become interested, directly or indirectly, in any contract or agreement, written or verbal, to which the corporation or any ward shall be a party in interest, or to which any officer or board, under this act, shall officially be a party, or in any question, subject or proceedings pending before the common council, or on which said officer may be called on to act officially, with interest [intent] to gain, directly or indirectly, any benefit, profit or pecuniary advantage, he shall be removed from his office, and the same shall be declared vacant by the common council, and he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not more than one year, or by fine not more than two thousand dollars nor less than two hundred, or both, in the discretion of the court.

Annual settlement of demands against city.

SECTION 6. The common council shall settle all claims and demands against the city or any ward, settle with the treasurer annually, and make out and publish accounts of the receipts and expenditures of said city, with the report of the finance committee, before provided for.

Funds.

SECTION 7. All receipts into the treasury shall, as received, belong to the several funds in proportion to the several amounts for each fund; and no moneys raised or received on account of any special fund, shall

be appropriated to any other purpose than that for which they were raised; and the city clerk shall keep separate accounts of the receipts and disbursements of each fund. When interest shall be paid on the redemption of lands sold for the payment of taxes, such interest shall belong to the several funds on account of which such taxes were levied, in proportion to the amount of such taxes.

SECTION 8. Interest shall not be allowed upon any scrip issued by the city, and all warrants or scrip drawn in payment of any indebtedness shall correspond in amount with the amount allowed by the common council for which it was issued. ^{No interest on scrip.}

SECTION 9. All moneys received or collected in said city under and by virtue of chapter one hundred and seventy-five of the general laws of 1860, entitled "an act to regulate and license the keeping of dogs," shall be paid into the city treasury and belong to the "poor fund." ^{Funds.}

SECTION 10. In cases of emergency, the mayor may appoint a special police, and the common council shall provide, by ordinance, for such appointment and the duties to be performed by such police, in preserving the peace and good order of the city. ^{Special police.}

SECTION 11. It shall be the duty of the constables of the city, and they are hereby authorized and required, summarily to arrest and take before any justice of the peace of the city, any person who shall be found within the corporate limits of said city in a state of intoxication, or who shall be guilty of boistrous levity or obscenity, or any breach of the peace, by making any improper noise, disturbance or indecent exposure of his person, or by firing guns, or fighting or threatening to fight, or in any other manner shall be engaged in violating any ordinance of said city made for the preservation of the peace and good order thereof; and said justice shall have power to hear, try and determine all such offenses; and any person convicted of any offense specified in this act, where no other punishment is specified by law, or by any ordinance of said city, shall be punished by a fine of not less than two dollars ^{Summary arrests by constables.} nor more than fifty dollars, or by imprisonment in the county jail or city lock-up, not less than three days nor more than fifty days, in the discretion of the court; and in all cases the justice shall impose the payment ^{Power of justice.}

Defendant may be committed.

of the costs of prosecution upon the person so convicted as a part of the punishment; and in default of the payment of such fine and costs, the justice shall commit the defendant to such county jail or city lock-up, for such number of days, not exceeding thirty nor less than five, as he may think proper. But in case any person shall be committed for non-payment of any such fine or costs, he shall be discharged upon payment of the same, together with the costs and expenses of his imprisonment, to the sheriff or other officer having charge of such jail or lock-up.

Officers may arrest without process.

SECTION 12. Any officer making any arrest under the provisions of this act, may, if necessary, commit the person arrested to such jail or lock-up, without process, and such person shall be delivered up to such officer by the keeper of such jail or lock-up, without process: *provided*, that if such officer does not demand the person so committed within twenty-four hours, Sunday excepted, after such committal, the officer having charge of such prison shall discharge the person so arrested from confinement.

Discharge.

Fines to go to city.

SECTION 13. All fines collected in pursuance of this act, shall be paid into the city treasury by the person receiving the same, immediately after the receipt thereof.

SECTION 14. The following, or equivalent forms, may be used in proceedings under this act, or in proceedings for any violation of the charter or any ordinance of said city:

FORM OF COMPLAINT.

Form of complaint.

STATE OF WISCONSIN, }
Sheboygan county, } ss.
City of Sheboygan, }

A. B., being duly sworn and examined, makes complaint and says, that in said city, on the — day of —, A. D. eighteen hundred and —, one C. D. was guilty of (here state the nature of the offense,) in violation of law, and prays that the said C. D. may be apprehended, to answer therefor.

A. B.

Subscribed to before me this — day of —, 18—.

—, Justice of the peace.

Warrant may issue.

Upon such complaint being filed with the justice, he

may issue a warrant for the apprehension of the party complained of, which warrant may be in the following form: *provided, always*, that in any case where an offender may have been arrested without warrant, the said justice may proceed upon the complaint alone :

FORM OF WARRANT.

STATE OF WISCONSIN, }
 Sheboygan county, } ss.
 City of Sheboygan, }

Form of war-
 rant.

THE STATE OF WISCONSIN,

To the sheriff of Sheboygan county, or any constable of the city of Sheboygan :

Whereas, A. B. has this day complained to me, in writing, on oath, that in the said city, on the — day of —, A. D. eighteen hundred and —, one C. D. was guilty of (here state the nature of the offense:) Now, therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the said C. D., and bring him before the undersigned, one of the justices of the peace of the said city, to answer to the said complaint, and to be dealt with according to law.

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

J. P., Justice of the peace.

SECTION 15. All the general provisions of law concerning the trial of criminal offenses, the fees of officers, and proceedings in which, upon trial, the justice finds he has no final jurisdiction of the case, shall govern trials under this act, unless otherwise provided in this act: *provided*, that in all convictions under this act, where a punishment for the offense is prescribed in the general statutes of this state, or in any ordinances of said city, the penalty as prescribed by such statutes or ordinances, shall be imposed upon the person so convicted.

Application of
 laws.

SECTION 16. In all cases in which, by the provisions of this act, the common council have power to pass ordinances or by-laws, they may prescribe any penalty for the violation thereof, not exceeding fifty dollars for any one offense, and may also provide that, in default of payment of any judgment rendered for such violation or omission, the defendant may be imprisoned, not exceeding forty days, in the common jail or the lock-up of said city.

Penalty for vio-
 lation of ordi-
 nances, &c.

Fees of present officers.

SECTION 17. All the present officers of said city shall hold their offices until the first election shall be held under this act, and until their successors elected at such election shall be qualified; and all the existing ordinances of said city, not inconsistent with the provisions of this act, are hereby declared to be in full force until altered or repealed by the common council; and a printed copy of an ordinance published in a newspaper or pamphlet, by authority of the common council, shall be *prima facie* evidence of the passage and publication of such ordinance.

Ordinances.

Executions—
what to contain.

SECTION 18. Executions issued upon judgments obtained for violation or non-observance of ordinances or by-laws of the city, may contain a clause directing the imprisonment of the defendant for such time as shall have been provided by ordinance under which the judgment shall be rendered, in case of the non-payment thereof by the defendant; and all fines, penalties and forfeitures, when collected, shall be paid into the city treasury for the use of the city,

Ordinances, &c.
to be published.

SECTION 19. Ordinances, regulations, rules or by-laws imposing any penalty or forfeiture for the violation of their provisions, shall be published one week in some newspaper published in said city, before the same shall be in force; and proof of such publication, by the affidavit of the printer or foreman in the office of such paper where the publication was made, shall be conclusive evidence of such publication and promulgation of such ordinance, regulation, rule or by-law.

Poor committee
—their duty, &c.

SECTION 20. The aldermen elected in each ward for the term of two years, shall constitute a poor committee, and no person shall receive aid from the poor fund, either directly or indirectly, for more than thirty days, before their case is presented by the overseer of the poor to said committee; and if in the opinion of a majority of such committee, such person is entitled to or needs relief from the poor fund, such poor person shall be sent to the poor farm or other place provided by the city for the reception of paupers. And the overseer of the poor is hereby prohibited from furnishing aid to any poor person for more than thirty days from the time such aid is commenced to be furnished, before presenting the case to the poor committee; and for each and every violation of the provisions of this section, the person so violating the same shall forfeit to

Prohibition.

Penalty.

the use of the poor of said city, the sum of twenty-five dollars.

SECTION 21. Whenever, according to the provisions of this act, any building is in good faith blown up, torn down or otherwise destroyed by the proper officers of the city, to prevent the spreading of a conflagration, and it shall appear that such building would not have been destroyed by the fire then raging, the owner of such building shall be entitled to recover the value thereof of the said city, after deducting the amount received by such owner for insurance; and such value shall be determined by a committee of three, to be appointed by the common council. Either the party who claims damage from the city, or the city, may appeal to the circuit court of Sheboygan county, from the decision of the committee, by filing notice of such appeal with the clerk of the city within twenty days after the said decision shall have been filed with the said clerk. Upon the filing of the said notice of appeal with the said clerk, he shall forthwith transmit the same, together with a copy of the report of the committee containing the decision appealed from, to the clerk of the circuit court, together with one dollar for state tax, to be paid by the appellant, whereupon the court shall proceed to hear and try the same, as in other causes.

SECTION 22. All moneys raised or received for the support of the poor, shall constitute a separate fund, to be denominated the "poor fund." All moneys raised or received to pay the indebtedness or defray the current expenses in each ward, shall constitute a separate fund, and be denominated the "ward fund." All moneys raised, not herein appropriated to some other fund, shall constitute a separate fund, to be denominated the "general fund."

SECTION 23. All election expenses for city, ward and general election [elections,] shall be chargeable to the ward fund of the proper ward.

SECTION 24. All acts and parts of acts inconsistent with this act, are hereby repealed; and all offices created for said city by any other act, are hereby vacated from and after the election and qualification of officers under this act.

SECTION 25. This act shall take effect and be in force from and after the 20th day of March, eighteen hundred and sixty-three.

This act to be submitted to a vote.

SECTION 26. At the general election to be held on the Tuesday next succeeding the first Monday in November, in the year 1862, at all the places of holding elections in said city for the election of all officers required by law then to be elected, the question whether this act shall become a law and go into effect, or in any manner be in force, shall be submitted to the qualified electors of said city; and if the same shall be approved by a majority of all the votes cast on the subject, it shall go into effect; otherwise it shall not go into effect nor be in force.

Form of ballots, return, &c.

SECTION 27. The votes cast on the subject specified in the last preceding section, shall be by separate ballot, and shall have written or printed, or partly written or partly printed on each of them, the words "for amendments to and consolidation of the city charter," or "against amendments to and consolidation of the city charter," which words shall indicate the vote for or against the approval of this act; and the ballots so cast shall be canvassed and returned in the same manner as the votes cast for city officers are required by the city charter to be canvassed; and the common council shall immediately, on the completion of said canvass, publish a statement of the result thereof, in the official paper of said city.

Approved June 18, 1862.

CHAPTER 400.

[Published June 26, 1862.]

AN ACT to legalize the official acts of Geo. M. Bartholomew, a justice of the peace.

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

May file oath and bond within thirty days.

SECTION 1. It shall be lawful for George M. Bartholomew, a justice of the peace of the town of Lodi, in the county of Columbia, who was duly elected in April, 1862, for the term of two years, to make and file with the proper officer his official oath and bond, at