

No. 121, S.]

[Published March 28, 1891.]

CHAPTER 62.

AN ACT to revise and amend an act entitled
 “An act to incorporate the city of Two Rivers,
 Wisconsin.”

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

CHAPTER I.

SECTION 1. The district of country in the county ^{City of Two Rivers.} of Manitowoc, contained within the limits and boundaries hereinafter described, shall be designated the city of Two Rivers, and the people inhabiting said district of country shall constitute a municipal corporation, the name of which shall also be the city of Two Rivers. Said corporation shall have the general powers usually possessed by municipal corporations at common law and given by the statutes of this state, and in addition thereto shall possess the powers herein specially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts; and receive by bequest, gift, grant and devise, and may purchase real and personal estate and hold and convey the same as its purposes may require; shall have a common seal and may change and alter it at pleasure. The corporate authority of said city shall be vested in a mayor and a board of aldermen, consisting of two aldermen from each ward, who, with the mayor, shall constitute the common council, together with such other officers as are hereinafter mentioned, or may be created under this act. The territory lying in the county of Manitowoc, and being all of section one in township nineteen ^{Boundaries.} north, of range twenty-four east, all of the south half of section thirty-six in township twenty north, of range twenty-four east, and the west half of the south west quarter of section thirty-one

in township twenty north, of range twenty-five east, shall comprise the territory and limits of the city of Two Rivers.

Wards and their boundaries.

First ward.

Second ward.

Third ward.

SECTION 2. The city shall be divided into three wards, as follows: The First ward shall be all that portion of said city embraced within the limits of said city lying east of Jefferson street and north of the West river, extending on the present line of said Jefferson street to the north boundary of said city. The Second ward shall be all that portion of said city embraced within the limits of said city lying north of said West river and between said West river and the said Jefferson street, extending as aforesaid to the north boundary of said city. The Third ward shall be all that portion of said city embraced within the limits of said city, lying west and south of said West river, but the common council shall have power to change said lines of division as they may deem convenient and proper.

CHAPTER II.

ELECTIONS.

Annual municipal election.

SECTION 3. The annual election of ward and city officers shall be held on the first Tuesday in April of each year at such place or places within the city limits as the common council shall designate, and the polls of such election shall be kept open from nine o'clock A. M. to five o'clock P. M. Ten days' notice of the time and place of such election shall be given by the city clerk by publication in the official paper of the city, and by posting a written or printed notice of the same in a conspicuous place in each ward; provided, however, a failure to give such notice shall in no way invalidate such election. Said notice shall specify the officers to be elected at such election. All elections under this charter shall be conducted in the same manner and governed by the same rules as are the general elections of the state, and the returns thereof be made to the city clerk within twenty-four hours after the closing of the polls, and the qualifications of voters shall be the same as at such general elections.

Each ward officer shall be a qualified elector for the ward in which he is elected, and each city officer shall be a qualified elector in the city. In all municipal elections a plurality of votes shall constitute an election. In case 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 the common council may direct. Within one week after an election the council shall meet and canvass said returns, and declare the result as it shall appear from the same. The clerks shall thereupon immediately give notice to the persons elected of their election.

SECTION 4. The officers to be elected by the qualified electors of said city shall be a mayor, treasurer, assessor, police justice, two aldermen for each ward in said city, one of said aldermen from each ward to be designated as alderman supervisor, and shall be entitled to represent his ward in the county board of supervisors, one constable and one justice of the peace for each ward, and at the municipal election to be held April 7, 1891, five school commissioners, one from each ward in said city and two from the city at large. The commissioner from the First ward shall be elected for one year; the commissioner from the Second ward shall be elected for two years; the commissioner for the Third ward shall be elected for three years, and after the expiration of their terms of office, each ward shall elect a commissioner for the term of three years. Of the commissioners to be elected at large at said election of April 7, 1891, one shall be elected for one year and the other for two years, and at each succeeding election, one commissioner at large shall be elected for two years. All other necessary officers shall be appointed by the common council. All elective officers, including supervisors, except justices of the peace, shall, unless otherwise provided by this act, or unless elected to fill a vacancy, hold their respective offices for one year, and until their successors are elected and qualified. Justices of the peace shall hold their offices for two years and until their successors are elected and qualified.

Elective officers and their terms of office.

Resignations
and vacancies.

SECTION 5. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect, and his office shall be deemed vacant, from the time such resignation shall be accepted by the common council. Whenever a vacancy shall occur in the office of mayor, justice of the peace, or police justice, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur; any vacancy in any other office, shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof, for the unexpired term, and with the same rights and subject to the same liabilities, as the person whose office he shall be elected or appointed to fill. Any officer removing from the city, or any alderman or supervisor removing from the ward in which he was elected, or any officer who shall neglect or refuse for ten days after his election or appointment, to qualify, and enter upon the discharge of his duties, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES

Manner of
qualifying as
officer.

SECTION 6. Every person elected or appointed to any office under this act, except justice of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the clerk of the city; and the clerk, marshal, constables 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 Two Rivers a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bond shall contain such penal sum and such conditions as the common council may deem proper. The treasurer, before entering upon his duties, shall also

execute a bond, with at least two nor more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities or exemptions, and the aggregate of such amounts shall at least exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds from the treasurer or other officers of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace and the police justice shall qualify in the same manner as in towns except that their bonds shall be approved by the common council.

SECTION 7. The mayor shall, when present, preside over the meetings of the common council. 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 common 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 in case of a riot or other disturbance he may appoint as many special or temporary constables as he may deem necessary. He shall have the authority to remove the marshal for inefficiency or neglect of duty, and to appoint a marshal in place of the one he may remove, but the term of office of a marshal who may be appointed by the mayor shall not commence until his nomination has been approved by a majority of the common council. The mayor shall have a vote in the council only in case of a tie. When the council shall be engaged in the election of an officer, the mayor shall have a vote the same as an alderman.

The mayor: his powers and duties.

SECTION 8. At the first meeting of the common council after their election in each year, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his

President of the council; his powers and duties.

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. In case both the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled acting mayor, and any acts performed by them shall have the same force and validity as if performed by the mayor. But the president of the council, as acting mayor, shall sign no order, warrant or other proceeding whatever, which the mayor has refused to sign and communicated such refusal to the council.

The city clerk;
his powers and
duties.

SECTION 9. The clerk shall keep the corporate seal and all 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 originals were produced; he shall draw and countersign all orders on the treasury in pursuance of any order and resolution of the common council, and keep a full and accurate account thereof in books to be provided for that purpose. He shall perform the same duties upon the board of review of said city, as are or may be required of town clerks by law in relation to boards of review or equalization in towns. He shall file in his office all chattel mortgages, and renewals thereof, with the same effect upon the rights of parties and the validity of such mortgages as is or may be provided by the general laws of this state, in relation to the filing of chattel mortgages in the offices of town clerks, and he shall receive for such service the same compensation as is, or may be provided by law, for town clerks for the same. Whenever the clerk shall be absent from any meeting, the common council shall appoint a clerk *pro tem*. The city clerk shall have power and authority to administer oaths and affirmations, and may appoint a deputy in writing, under his hand, and file such

appointment in his office, and such deputy in case of absence or disability of the clerk, shall act in his place.

SECTION 10. The city treasurer shall perform all the duties required of him by law and the ordinances of said city, collect all city, county, insurance, school and state taxes and pay over all moneys in his hands belonging to the city according to law. He shall keep an account of all moneys received and of all moneys paid out by him for and in behalf of the city, and said account shall be at all times open to the inspection of the voters of the city. He shall make reports quarterly or as often as the common council may require, rendering an itemized account to the common council of all sums received and from whom the same were received, and also of all moneys by him paid out, when and to whom paid, which account or statement shall be filed with the city clerk; and all moneys raised, received, recovered or collected by means of any tax, license, penalty, forfeiture, fine or otherwise belonging to said city under the authority of this act, shall be paid into the treasury of said city and shall not be drawn therefrom except by an order issued by authority of the common council and signed by the mayor or acting mayor and countersigned by the city clerk. The treasurer shall have the same powers and be subject to and governed by the same laws and liabilities as treasurers of towns in this state, and shall receive such fees as are hereinafter stipulated or otherwise provided by the laws of this state.

The city treasurer; his powers and duties.

SECTION 11. The marshal shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and safety, and the collection of license money and fines. He shall possess all the power and authority of constables of towns and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed, and when necessary in criminal cases or for the violation of any ordinance of said city or law of this state may pursue the person named therein and serve such process in any part of this state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and remove all obstructions in the streets or alleys of said city, and to

The city marshal; his powers and duties.

abate all nuisances in said city; to apprehend, with or without warrant, any person in the act of committing any offense against an ordinance of said city, or the laws of this state, and within a reasonable time bring such person before competent authority for examination, and for such services he shall receive such fees as are allowed by law to constables for like service in this state. All fees earned for such services rendered within the city limits, he shall turn over to the city treasurer to the use of the city, together with all fines and license moneys that may come into his hands by virtue of any law or ordinance of said city. He shall do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city and such special duties as the common council may require. He shall have power to appoint one or more deputies subject to the approval of the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. Such deputies shall also take and subscribe the proper oath of office, which shall be filed in the office of the city clerk, and when duly qualified as aforesaid, such deputies shall possess all the power and authority of and be subject to the same liabilities with the marshal. He shall receive such compensation or salary as the common council shall deem prudent to fix.

Additional duties may be imposed upon city officials.

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 fix the compensation of all officers appointed by them where the compensation is not fixed by the statute or this charter. The council shall, at least ten days before the annual charter election in each year, fix by resolution, the salary which shall be paid to the officers of said city under the charter or ordinances entitled to the same for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected, neither shall extra compensation be granted, except by unanimous vote of the council, which vote shall be approved by the mayor.

SECTION 13. The common council at their first meeting after their election, or as soon thereafter as practicable, shall designate a newspaper printed in the city of Two Rivers, or within the county of Manitowoc, in which shall be published all ordinances, the minutes of the proceedings of all meetings of the common council and such other matters as the common council may order, or are required by this act or by the by-laws and ordinances of this city to be published in a newspaper.

Official city paper.

SECTION 14. The affidavits of the printer or publisher of such newspaper, or its foreman, of the publication of any notice, ordinance, regulation, resolution or by-law passed by the common council, filed with the city clerk, together with a printed copy of such publication attached thereto, shall be conclusive evidence of the facts in such affidavit contained. And a printed copy of such notice, ordinance, regulation, resolution or by-law passed by the common council, and published in a newspaper, or in pamphlet, or in book form, purporting to be published by authority of the common council, or certified by the city clerk to have been so published, shall be presumptive evidence of its passage and publication, and shall be received in evidence in all courts.

Proof of publication of ordinances, etc.

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 of every description in his possession 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 deliver the same; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

Outgoing officer to deliver books, etc., to successor.

SECTION 16. No mayor, alderman or street commissioner shall be interested in any contract with the city or any of the wards thereof, and any such contract shall be null and void when either are so interested; and in case any money has been paid out on any such contract the common council may sue for and recover in the name of the city

City contracts in which mayor or aldermen interested, void.

the amount so paid from the parties to such contract or from any or either of them.

Officers of the peace; who are, and their powers.

SECTION 17. The mayor or acting mayor of the city, the sheriff and the deputy sheriffs and under sheriff of Manitowoc county and each and every alderman, justice of the peace, police justice, marshal, constables and watchmen shall be officers of the peace with the usual powers of peace officers, and may suppress in a summary manner all riotous and disorderly behavior within the city limits and for such purpose may command the assistance of any person or of any or all bystanders, and if any person or bystander shall refuse to aid in maintaining the peace when so required, every such person so refusing shall be guilty of a misdemeanor and shall pay a fine of fifty dollars upon conviction thereof.

Surveyor.

SECTION 18. The common council may elect a city surveyor, who shall be a practical surveyor and engineer, and shall prescribe his duties, and fix the fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the surveyor, or filed with the city clerk when ordered by the common council; and be open to the inspection of the parties interested; and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office, to his successor or to the common council. The certificate of such surveyor shall have the same force and effect in all courts as the certificate of a county surveyor.

Fines collected by justices of the peace to be paid over to city treasurer, except fines for refusal to do road work, which shall be paid to the street commissioner.

SECTION 19. All fines, penalties and forfeitures collected by any justice in the cases arising within the city, shall be paid over to the city treasurer, except those for refusing to work upon the streets and highways, which shall be paid over on demand to the street commissioner. Each justice shall render to the common council on the first Monday in January, April, July and October, in each year, a statement of all such fines, penalties and forfeitures collected by him and pay over the same to the city treasurer, except as otherwise provided.

City officer not to be surety on official bonds.

SECTION 20. No alderman or other city officer shall be accepted as surety upon any bond, note

or obligation made by the city, nor shall any officer required to give bonds as aforesaid enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by this act provided.

CHAPTER IV.

THE COMMON COUNCIL—ITS POWERS AND DUTIES.

SECTION 21. 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 Two Rivers do ordain," etc. The common council shall meet at such time and place as they shall fix upon. A majority of the aldermen shall constitute a quorum, but a smaller number may adjourn from time to time.

Common council how composed.

SECTION 22. The common council shall hold its first annual meeting in each year, on the third Tuesday of April, and thereafter stated meetings at such times as it shall appoint, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have the power to compel the attendance of absent members. No member of the common council shall receive any compensation for his services as such.

Meetings.

SECTION 23. The common council shall have the management and control of the finances, and all other public property in the city, except school moneys; and shall likewise, in addition to the power herein vested in it, have full power and authority to make, enact, ordain, establish, publish, alter, enforce, 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 trade, commerce and health thereof, and so enforce the same as it shall deem expedient; declaring and imposing penalties and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such or-

Powers of common council.

dinances, rules and by-laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority by ordinance, resolution or by laws:

To grant licenses.

1. To license and regulate or prohibit the exhibition of common showmen or shows of any kind, natural or artificial curiosities, concerts or other musical entertainments, or the exhibitions of caravans, circuses and theatrical performances, skating rinks and all other exhibitions and amusements; billiard tables and bowling alleys, and to provide for the abatement and removal of the same under the ordinances of said city and the laws of the state; and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate groceries, taverns, victualing houses and the vending or dealing in spirituous, vinous or fermented liquors, and to revoke licenses for the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state.

Hawkers, peddlers, etc.

2. To license, regulate, restrain or suppress hawkers, peddlers, auctioneers, so called "Cheap Johns," transient dealers and persons who travel from place to place to sell goods, wares or merchandise, and sales by any or all such persons above mentioned, within the limits of said city; and when licensed, to fix the amount to be paid for such license, and no one or any of such persons above mentioned except such ex-union soldiers, sailors and marines as are exempt from the payment of any license by the laws of this state, shall sell or offer for sale within the limits of said city, any goods, wares or merchandise, except farm, dairy, nursery, garden and green-house products, without having first obtained a license therefor according to this act, the laws of the state and the ordinances of said city; and any person who shall in any manner violate any of the provisions of this subdivision or of the ordinances or laws herein referred to, shall, upon conviction thereof, be punished as provided in the laws of this state and the ordinances of said city on that subject. And after the common council shall have passed an ordinance requiring a license

of the persons herein described, no state license alone shall be sufficient to authorize or empower the license therein named, or the holder thereof, to make any of the sales herein inhibited.

3. To license, regulate and restrain runners and solicitors for boats, vessels, cars, stages, public houses and other establishments, and other runners and solicitors for mercantile houses from other cities or towns for the sale of goods, wares and merchandise by sample, order or otherwise, and keepers or proprietors of gift book stores, gift concerts and other gift enterprises; to license and regulate auctioneers, distilleries, brewers, bill posters, pawn brokers, keepers or proprietors of junk shops and places for the sale and purchase of second hand goods, wares and merchandise.

Runners and solicitors for hotels, boats and for mercantile houses.

4. To license and regulate hackmen, draymen, cartmen, porters, omnibus drivers, cabmen and carmen, whether in the employment of any corporation or otherwise, and with or without vehicles, and to prescribe their compensation and to establish and change from time to time, stands for hacks and other vehicles.

Hackmen, draymen, etc.

5. To regulate the time, place and manner of holding public auctions and vendues and to license the same; and to require the payment into the city treasury of a certain percentage of amount received from sales by auctioneers and transient dealers.

Public auctions.

6. To provide for licensing the keeping of dogs, to require a badge or token to be worn by each licensed dog, and the secure muzzling of such licensed dog; to prohibit 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.

Dogs.

7. To restrain and prohibit all descriptions of gambling, games of chance and fraudulent devices and practices, and to authorize the destruction of all instruments used for such purpose.

Gambling, etc.

8. To prevent and suppress any riots, noise, disturbance or disorderly assemblages and to suppress and restrain disorderly houses and houses of ill-fame

Riots.

9. To prohibit and punish the abuse and cruel and inhuman treatment of animals.

Cruelty to animals.

Drunkards. 10. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Vagrants, etc. 11. To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to authorize the arrest, fine and imprisonment at hard labor of vagrants or persons who, not having visible means to maintain themselves, are without employment, idly loitering or rambling about, or staying in groceries, drinking saloons, houses of ill-fame, houses of bad repute, gambling houses, railroad depots or fire-engine houses, or who shall be found trespassing in the night time upon the private premises of others, or begging or placing themselves in the streets or other thoroughfares or public places to beg or receive alms; also keepers and exhibitors of, or visitors at any gaming table, gambling house, house of fortune telling, house of ill-fame or bad repute, or place of cock, dog or other fighting, and all persons who go about for the purpose of gaming, or who shall have in their possession any article or thing used for obtaining money under false pretences; also any person or persons who shall disturb any place where religious worship or public or private schools are held either on week day or Sunday.

Carrying of concealed weapons.

12. To prohibit the carrying of concealed weapons and to provide for the confiscation and sale of such weapons.

Indecent and abusive language; bathing and swimming.

13. To restrain and prohibit the use of indecent, obscene, blasphemous and abusive language, and any obscene or indecent exposure or conduct, and to regulate and determine the times and places of bathing and swimming in the waters within and adjoining the city.

Destitute children.

14. To authorize the taking up and to provide for the safe keeping and education of all children who are destitute of proper parental care and growing up in mendicancy, ignorance, idleness or vice.

Ringling bells, etc.

15. To regulate or prohibit the ringling of bells, blowing of horns and bugles, crying of goods and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks, by auctioners or others, for the purpose of

business, amusement or otherwise, and to regulate the use of steam whistles.

16. To direct or prohibit the location and management of houses for the storing of gunpowder and other dangerous and combustible materials, to license the vender thereof, and to regulate the storage, keeping and conveying of the same; and to regulate the use of lamps, candles, lanterns and other lights.

Storing of gunpowder, etc.

17. To prevent shooting of fire-arms or fire-crackers, air-guns, toy pistols, spring guns, sling shots, or any other mechanical device, weapon or toy dangerous to person or property, and exhibition or use of any fire-works at any time in any manner or in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof.

Shooting of fire arms and fire-crackers.

18. To prohibit horse racing, immoderate driving or riding in the streets.

Horse racing, etc., on streets.

19. To prohibit and regulate the rolling of hoops, flying of kites, the use of slings, playing of ball, the riding of bicycles, or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

Riding of bicycles, etc.

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

Driving of cattle on sidewalks.

21. To prohibit the encumbering of streets, sidewalks, lanes, alleys, public grounds, wharves, docks and other public places, with cars, carriages, carts, wagons, sleighs, sleds, wheelbarrows, boxes, lumber, firewood, timber, posts, signs, awnings, or any substance or material, or in any manner whatsoever, and provide certain squares, markets, streets or places for teams, wagons, sleighs and other vehicles loaded with wood, hay, grain or other products for sale, and to cause their removal to the places so provided; and to compel persons to fasten their horses, oxen or other animals whether attached to vehicles or otherwise, while standing or remaining in any street, alley or public grounds.

Encumbering of streets.

22. To regulate, restrain or prohibit the running at large of cattle, horses, mules, swine, sheep, poultry, geese or other animals, and to authorize

Running at large of cattle etc.

the distraining, impounding and sale of the same for the penalty incurred and the cost of proceedings; and also to impose penalties on the owners of any such animals for violation of any such ordinances.

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

23. To compel the owners or occupants of buildings or grounds to remove and keep ice, snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupants to remove from the lots owned or occupied by them, all such substances the board of health or the common council may direct and in default, to authorize the removal or destruction of the objectionable substance by some officer of the city, at the expense of such owner, or occupants or property.

Regulation of lumber yards within fire limits.

24. To regulate the keeping of any lumber yard and the placing, piling or selling of lumber, timber, wood or other combustible material within the fire limits of said city.

Regulation and inspection of steam engines and boilers; guards at railway crossings.

25. To provide for the inspection and regulation of stationary steam engines and boilers; to regulate by ordinance the use of railroad locomotive and traction engines within the city, to regulate the speed of railway trains within the city, not conflicting with any general law relating thereto; to direct and control the location of railroad tracks in the streets, and to require railway companies to erect and maintain at their own expense at street crossings and along the line of their track such guards, bridges, viaducts and other conveniences as the public welfare may demand.

Building of chimneys, smoke stacks, etc.

26. To control and regulate the construction of buildings, chimneys and smoke stacks and to prohibit the erection or making of any insecure or unsafe building, stack, wall or chimney in the city, and to declare them to be nuisances and to provide for their summary abatement.

Hew doors of buildings used for large assemblages to be constructed.

27. To regulate or prohibit the use of any hall, theater, opera house, church, school-house or building of any kind whatsoever to be used for the assemblage of people unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled in case of any alarm.

Policemen and watchmen.

28. To provide for the appointment of watchmen and policemen, and to make rules and ordi-

nances for their government and regulation, and to prescribe their duties.

29. To establish and regulate boards of health and to provide and establish hospitals and cemetery grounds.

Boards of health, hospitals and cemeteries.

30. To provide for the abatement or removal of all nuisances under the ordinances, the statute and the common law, and the punishment of the authors thereof or persons continuing the same, and to define and declare what shall be deemed nuisances, but nothing herein contained shall deprive any court of its jurisdiction under the general laws of this state over any nuisances in this city.

Abatement and removal of nuisances.

31. To prevent persons from bringing, depositing or having within said city, or placing in the waters adjacent to said city, any putrid carcass or any 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 or skins of any kind, or in default to authorize the removal thereof by some competent officer at the expense of such person or persons.

To prevent depositing of putrid carcasses or unwholesome substances within city.

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

Abatement and removal of nuisances.

33. To direct the location, management and construction of, and regulate, restrain, abate or prohibit within the city and within the distance of one mile from the city limits, of distilleries, slaughter houses, tanneries, glue factories, establishments for cleaning or rendering lard, tallow, offal, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Distilleries, slaughter houses, tanneries, etc.

34. To direct the location and management of public markets and packing houses, to regulate butchers and butcher shops, and breweries, and to regulate and restrain the sale of tainted or unwholesome game, poultry, meat, vegetables, fish, butter, fruit and other provisions within the city, and to appoint an inspector or inspectors of food

Location of public markets and packing houses.

and to prescribe their duties, and to cause the seizure and destruction or other disposition of tainted or unwholesome meat, butter, vegetables, fruits or other provisions.

Landing of persons infected with contagious diseases from boats, cars, stages, etc.

35. To regulate, prevent and control the landing of persons from boats, cars and stages, wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the inhabitants of said city, and also to make regulations to prevent the introduction of contagious or infectious diseases into the city, or the spread of the same therein; to make quarantine laws or regulations and enforce the same within the city, and to do all acts and make all regulations needful or expedient for the preservation of health and the suppression of disease.

Construction of drains and sewers.

35. To prescribe and regulate the construction of all sewers and drains within the city.

Preservation of harbors, landings, wharves and docks.

37. To provide for the preservation of any harbor, landing, wharf or dock within the city or bordering thereon; to prevent any use of the same or any act in relation thereto inconsistent with or detrimental to public health, or calculated to render the water of the same or any part thereof impure or offensive, or tending in any degree to fill up or obstruct the same; to prohibit and punish the casting or depositing therein of any earth, dead animals, ashes, filth, logs, floating matter or other substance; to regulate and prescribe the mode and speed of all vessels, rafts, boats or other crafts and floats entering and leaving the same, and the disposition of the spars, anchors and appurtenances thereto while entering, leaving or abiding therein, and to make such rules and regulations for the use thereof and the location therein, of every such vessel, boat, raft or other crafts and floats as may be necessary to promote order therein, and the safety and equal convenience, as near as may be, of all such vessels, boats, rafts or other crafts and floats, and to impose penalties for any offense against such rules and regulations, and to charge such penalties, together with such expenses as may be incurred by the city in enforcing this section upon the vessel, boat, raft or other craft or float.

Council to have jurisdiction over waters bordering on city.

38. The common council shall have jurisdiction over the entire waters bordering on the city

so as to prevent any deterioration of the same, or any nuisance being cast therein, by which the health of the inhabitants of the city or the purity of the water shall be impaired.

39. To make such regulations and provisions for the support of paupers, which the city shall be required by law to support, as they may deem expedient, and may charge the county of Manitowoc with the expense of keeping, supporting, maintaining and relieving all poor persons for the support and relief of which said county is now chargeable, and said county shall pay the city therefor, but this provision shall not in any manner prevent the authorities from abolishing the distinction between town and county paupers, and said city shall be considered a town in relation to town and county paupers.

Paupers.

40. To aid, and to offer, hold out and make such inducements and to grant such privileges as are not repugnant to the constitution of the state, and as in any manner the said city or common council should be lawfully authorized to do, to any person or persons, companies or corporations, for the erection and maintenance of charitable, educational and scientific institutions, manufacturing industries and all other institutions and industries as in the opinion of the common council may be of great public benefit or tend to materially increase the wealth, growth and prosperity of the city; provided, however, that no appropriation shall be made, debt created, nor liability incurred against the city for any of such purposes, without the same having been first sanctioned by a vote of the electors of said city.

To induce location in city of manufacturing industries and educational, scientific and charitable institutions.

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

Public buildings and building sites.

42. To lay out, make, open and keep in repair, alter or discontinue any highway, streets, lanes and alleys, to keep them free from incumbrances, and to protect them from injury, to name or change the name of any street, to establish and alter the grade of streets, to regulate the manner of using the streets and pavements in said city, and to protect them from injury by vehicles or other things used thereon.

Opening and repair of streets, alleys, etc.

43. To provide for sprinkling the streets at the cost of the city, or of the lots or parts of lots

Street sprinkling.

fronting thereon, and to provide for lighting the streets, public grounds and buildings, with gas or otherwise, and to make and let contracts for such purpose.

Public pounds, pumps, wells, cisterns, etc.

44. To make and establish public pounds, parks, pumps, wells, cisterns and reservoirs, and to provide for the erection, maintenance and operation of water works for the supply of water to the inhabitants of said city, and for protection from fire and for other purposes, and to make contracts with any person or persons, company or corporation for a supply of water for such purposes, and may grant the full power and privilege to use the streets and alleys of the city for laying and maintaining pipe lines and hydrants for water, gas and other purposes, under such regulations and restrictions as may be deemed proper.

Ornamental trees.

45. To direct and regulate the planting and preserving of ornamental trees in the streets, highways and public grounds.

Numbering of buildings.

46. To compel the owners and occupants of all houses, stores and other buildings to number the same in such manner as the common council may from time to time prescribe.

Standard of weights and measures.

47. To provide by ordinance for a standard of weights and measures which shall conform to those established by law in this state, and for the punishment of persons using false weights and measures, and to provide for the appointment of inspectors, weighers and gaugers, and regulate and prescribe their duties and fees.

Size and weight of bread.

48. To regulate the sale of bread in the city, prescribe the size and weight of bread in loaf and the quality of the same, and to provide for the seizure and forfeiture of the same when baked contrary to such regulations.

Sealing of weights and measures.

49. To require every merchant, retailer, trader and dealer in merchandise or property of any description, which is sold by measure or weight, to cause his weights and measures to be sealed by the city sealer, and be subject to his inspection.

Weighing and selling of hay, coal, lime, etc.

50. To regulate the place and manner of weighing and selling hay and measuring and selling fuel, coal, lime and other gross commodities.

Construction of piers, wharves, etc., and prices of pierage and wharfage.

51. To establish dock lines, regulate the construction of piers and wharves, to prescribe and control the prices to be charged for pierage or

wharfage thereon; to regulate, prescribe and control the prices to be charged for dockage and storage within the city, and to lease the wharfing privileges of the rivers at the end of streets.

52. The common council shall regulate the taking of ice from the rivers and harbors in said city, to designate the localities therein from which ice may be taken and to prohibit the taking of ice from any other localities therein than as are thus designated.

Cutting of ice from rivers and harbors.

53. The common council shall have power to insure the public property of said city.

Insurance of public property.

54. They shall have power to direct in the prosecution and defense of actions in which said city may be a party or otherwise interested and to employ counsel for that purpose.

Prosecution and defense of city cases.

SECTION 24. No appropriation shall be made, nor shall any debt be created, or liability incurred against the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions, shall be passed by an affirmative vote of a majority of all the members of the common council; and all ordinances, before the same shall be in force, shall be signed by the mayor, and all resolutions or measures for the appropriation of money, whereby a debt shall be created against or liability incurred by the city, shall be approved by the mayor before the same can be in force; provided, that in case the mayor shall refuse to sign any ordinance, or any certificate of the appropriation of money, or shall refuse to approve any resolution or by-law creating a debt or establishing a liability against the city, it shall be his duty to file his objection thereto with the clerk within ten days after its passage, who shall forthwith call a special meeting of the common council. A majority of the members of the council voting in the affirmative shall have power to pass such ordinance, resolution, by-law or certificate, notwithstanding the objections of the mayor, and all ordinances shall be published in the official newspaper of said city before the same shall be in force; and within fifteen days thereafter, they shall be recorded by the city clerk in a book to be provided for that purpose; but before any of said laws, ordinances, regulations and by-laws shall be recorded, the publication thereof respectively,

Appropriation not to be made nor debt contracted except by majority vote of members of council. Ordinances, how passed.

within the same time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

Suits to abate nuisances not barred, by provisions of charter granting power to council to abate same. Certain places declared to be public nuisances.

SECTION 25. The power conferred upon the said common council to provide for the abatement or removal of nuisances, shall not bar nor hinder suits, prosecutions or proceedings according to law. Gambling houses, houses of ill fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time are hereby declared and shall be deemed public or common nuisances.

Accounts of clerk, treasurer, etc., to be audited by council.

SECTION 26. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and all other officers and agents of the city, at such times as they may deem proper; also at the end of each year, and before the term 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, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of said duties in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

Examination and investigation by council of official acts and transactions of any city officer.

SECTION 27. The common council shall have power and authority to investigate and examine into any and all official acts and official transactions of every person who holds or shall have held any office under the city government and for that purpose the mayor, acting mayor, president of the council, any member of any commit-

tee of the common council, or any member of any board created by this act, or by said common council, shall have power to issue subpoenas to compel the attendance of witnesses, to compel the production of such books, papers or documents as they may desire, and to administer all necessary oaths or affirmations. Every person served with such subpoena or process is hereby required to obey the same without payment of fees, and any person refusing or neglecting to obey the same without sufficient excuse shall be deemed guilty of contempt, and may be fined or imprisoned, or both, by order of the common council, but the punishment therefor shall not exceed the punishments which justices of the peace are allowed to inflict under the general laws of the state for like offenses. For due cause, and after opportunity for a fair hearing, the common council may expel any of its own members and remove from office any officer or agent of the city government, except justices of the peace; but such expulsion or removal of an elective officer shall only be made or done by a two-thirds vote of all the members of the common council, and an appointive officer by a majority of the common council, and a written notice in every case shall be given to the officer complained of, at least five days before the hearing, to appear before the common council and answer to complaint made. Such notice shall be served in the same manner as a summons in circuit court. In case the officer complained of shall fail to appear before the common council and answer to the charges against him, then the common council may declare such office vacant. Any officer may be suspended until the disposition of the charges preferred against him.

CHAPTER VI.

PUBLIC SQUARES, GROUNDS, PARKS, STREETS, LANES, ALLEYS, SIDEWALKS, SEWERS, DRAINS AND GUTTERS.

SECTION 28. The common council shall have the general care and superintendence of public squares, grounds, parks, streets, lanes, alleys, side-

Council to have general care and superintendence of streets, grounds, etc.

walks, sewers, drains and gutters in said city, and shall appoint a street commissioner for each ward of said city, and may by resolution prescribe the duties of such commissioners.

Proceedings
to take lands
for public use.

SECTION 29. Whenever ten or more freeholders residing in said city shall, by petition, represent to the common council of said city that it is necessary to take certain lands within said city for public use, for the purpose of laying out public squares, grounds or parks, streets, lanes or alleys, or to enlarge or widen the same, or to take and use certain lands within the city for the purpose of constructing and repairing sewers and drains in said city, specifying therein as near as practicable the property to be taken or used as aforesaid, and the several lots or tracts of land or parcels thereof through, over or along which the same may pass, giving therein the names and residences of the owners thereof, if known, and if unknown, to so state, and also giving therein the names of the occupants thereof, if any, and whether any of the owners or occupants thereof are infants or persons laboring under legal disability, thereupon the common council shall, if it deem it expedient and necessary to take and use such lands for the purposes specified in said petition, cause a notice describing therein as near as may be the premises proposed to be taken and used to be given to all owners or occupants thereof, that on a day therein to be named, not less than ten days from the service of such notice, or not less than ten days from the expiration of the publication of such notice when service thereof is made by publication as herein provided for, application will be made to a court commissioner of Manitowoc county giving his name and place of residence or to a justice of the peace of said city, for the appointment of twelve jurors to view said premises and determine if it will be necessary to take the same for the purpose specified in said petition. No such court commissioner or justice of the peace or juror shall act in any such matter or proceeding in which he shall be personally interested. No street or alley or part thereof shall be vacated, except upon the petition of the owners of three-fourths of the front upon such street or alley in the block, in or along which such street or alley runs;

but the boundaries of streets may be changed upon petition to the council, by the parties interested, and in all other respects the common council shall proceed to vacate streets and alleys as provided by section 904, of the revised statutes relating to villages.

SECTION 30. Such notice shall be served personally or by copy left with or at the usual place of abode of each owner or his agent or his guardian, or the occupant of such lots, lands or parcels thereof, and shall be posted up in three public places in the ward or wards where such lots, lands or parcels thereof are situate, and also in three other public places in said city at least ten days before the time of such application. If the owner thereof be known and a resident of said city, such notice shall be served upon him. If such owner is not a resident of said city, such notice shall be served upon his agent, if a resident of said city, otherwise such notice shall be served upon the occupant of said premises if occupied, and if not, then such notice shall be served by publishing a copy thereof in the official paper of said city for two successive weeks. If such owner or occupant be a minor or labor under any legal disability, said notice shall be served upon the guardian of such party.

Service of notice.

SECTION 31. When any known owner of lots, lands or parcels thereof or tenements affected by any proceedings under this act, shall be a minor or labor under legal disability, any officer authorized by law to appoint guardians in such cases, shall upon the application of the mayor or of any member of the common council of said city, or of such party or of his next friend appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Appointment of guardian for infant owner.

SECTION 32. When such application shall be presented to such court commissioner or justice of the peace, such officer, upon being satisfied that the notices required in this chapter to be given proof of, which may be shown by affidavit or otherwise, as may be required, such officer shall proceed to appoint twelve reputable freeholders, residents of the city but not residents of the ward in which the premises may be, or interested in the result of such application. Such officer shall thereupon issue his precept directed to

Appointment of jury to determine necessity of taking; issuing of precept.

said jurors, requiring them within ten days to view the premises specified in said precept, and to make return under their hands to the common council of said city, whether in their judgment it is necessary to take said premises for the purposes specified in such petition.

Service of
precept.

SECTION 33. The marshal or any constable of said city or the sheriff of Manitowoc county shall serve said precept immediately on the jurors therein named by reading the same to every one that can be found, and to deliver a certified copy thereof to at least one of said jurors, and immediately after such service he shall return the said precept to the officer who issued the same together with his doings thereon.

Vacancies in
jury how filled.

SECTION 34. If any of the jurors so appointed cannot be found or shall be disqualified from acting or shall refuse to act, such officer shall appoint others in their places, and a memorandum of the substitution shall be endorsed upon the precept.

Jurors to be
sworn.

SECTION 35. The said officer or any justice of the peace shall thereupon administer an oath to said jurors before entering upon the discharge of their duties, that they are freeholders of said city and not interested in the premises described in the precept, and that they will faithfully and impartially discharge the trust reposed in them, which oath shall be filed in the office of the city clerk.

Jury to view
premises and
take testimony.

SECTION 36. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oath to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for public use, which said report, testimony and precept shall be returned to the common council within the time limited in the precept; should the jurors report that it is necessary to take the premises for the purposes

Report to coun-
cil.

mentioned in the petition and precept, the common council shall enter an order among their proceedings confirming said report, and directing the same jurors, within twenty days thereafter, or within such future time as shall be necessary to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return within the time limited such damages to the common council. In case any juror shall refuse to serve in ascertaining the amount of compensation as above, the common council shall have power to, and shall appoint a new juror in his place and stead for that purpose. All such jurors before entering upon the discharge of their duties in that behalf, shall severally take an oath before some competent officer that they are freeholders in said city and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Council may confirm report and order jury to assess damages.

Vacancies.

SECTION 37. If there should be any building or other artificial obstruction in whole or in part upon the lands to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of such building or other artificial obstruction to the owner, aside from the value of the land and the injury to him in having such building or obstruction taken from him; and secondly, the value of such building or obstruction to him to remove. •

Value of buildings on lands, how determined.

SECTION 38. At least ten days' notice of such determination shall be given to the owner, or his agent, if known, and a resident of the city; if not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper of said city for two successive weeks. Such notice shall specify the building and the award of the jurors, and it shall require the parties interested to appear by a day named therein, and give notice of their election to the common council, either to accept the award of the jurors, and allow such building or other obstructions to be taken with the land appropriated, or their intention to remove such building or other obstruction and they shall have such time to remove such building or other obstruction as the common

Notice of determination of value of buildings to be given; what to contain.

council may allow, if they agree to remove the same.

Building may be sold, when; disposition of proceeds.

SECTION 39. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building or other obstruction at public auction, for cash, giving ten days' notice of such sale and the proceeds shall be paid to the owner, or deposited to his use.

Jury to appraise real estate.

SECTION 40. The said jurors, within the time limited, shall view and examine the premises proposed to be taken and used, and all such premises as will in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and determine and appraise to the owner or owners the actual value in money, of the real estate proposed to be taken and used; and the injury arising to them respectively, in consequence of the taking and use thereof, which shall be awarded to such owners respectively as damages. In the estimation of the damages to the lands, the jurors shall include the value of the building or buildings or other obstructions (if the property of the owners of such lands), as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings, or other obstructions. The damages shall be assessed to every person separately. In estimating the damages sustained by any person by reason of the taking of such premises the benefits which such person may receive thereby shall be taken into consideration. If any highway, street, lane or alley, sewer or drain shall at the same time be discontinued and set to a lot, tract or parcel of land through which, or any part thereof a new or altered highway, street, lane or alley, sewer or drain shall be laid out and opened, the same may be taken into consideration in estimating the damages sustained by the owner thereof.

Benefits to be considered in estimating damages.

Injury to incumbered property; how assessed.

SECTION 41. If the lands or buildings, or other obstructions belong to different persons, or if the

land be subject to lease, judgment or mortgage or other incumbrance, or if there be any estate in it less than an estate in fee, the injury done to such person or interests respectively, shall be awarded to them by the jurors. When only part of a lot or tract of land, or other premises so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same upon the confirmation of the report, shall be absolutely discharged, as to the part thereof taken or used, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more shall be paid or recoverable for or in respect to the same.

Confirmation of report to discharge contracts, etc., when.

SECTION 42. The award of said jurors shall be signed by them and returned together with the testimony taken, and the precept, to the common council within the time limited in such precept.

Award to be signed and returned to common council.

SECTION 43. Any person whose property is taken or used, or against whom any assessment is made, may within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Manitowoc county, by causing a written notice of such appeal to be served upon the clerk of said city, and by executing to said city, and filing with said clerk a bond with two or more sufficient sureties, in the penal sum of five hundred dollars, conditioned that the appellant will pay to said city all costs that it may sustain by reason of such appeal in case the assessment of damages appealed from shall not be raised upon the trial of such appeal, and it shall be tried by the court and a jury as in ordinary cases. The common council shall also have the right to appeal by filing a notice thereof with the city clerk within ten days as aforesaid. Within ten days after any appeal shall have been perfected as herein after provided, the clerk of said city shall transmit to the clerk of the circuit court of Manitowoc county, a certified copy of the award and assessment of damages and proceedings thereon of said jurors and common council, and of the notice of appeal and of the bond, when a bond is required,

Appeals from jurors' decision, when and how taken.

which said copies shall be certified under his hand and the corporate seal of said city, and the clerk of said court shall, on receipt of said certified copies, file the same in his office, and upon the same being so filed by him, the said court shall have jurisdiction of said appeal. Within ten days after a judgment shall have been entered on such appeal, the clerk of said court shall cause a certified copy of such judgment to be filed with the clerk of said city; and upon the filing of a certified copy of such judgment with the clerk of said city, the amount of damages therein awarded to the appellant shall be taken and considered as the amount of damages to be paid by the city to such appellant, the same as if the said jurors had originally fixed such damages at that sum in their award and assessment of damages.

Damages to be paid or tendered before lands are taken.

SECTION 44. The land required to be taken or used for the purposes mentioned in this act, shall, not be appropriated until the damages awarded therefor shall be paid or payment tendered to the owner or party entitled thereto, or his agent, or in case the said owner or party entitled thereto, or his agent, cannot be found, or is unknown, deposited to his or their credit, in some safe place of deposit, and then and not before. such lands may be taken, used or appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city.

Proceedings void unless damages are paid or tendered within one year.

SECTION 45. The damages assessed shall be paid or tendered or deposited as herein provided, within one year after the assessment of said jurors shall have been made and filed as aforesaid, or in case an appeal has been taken from said assessment, within one year from the time a certified copy of the judgment of the court shall have been filed with the city clerk as hereinbefore provided; and if not so paid, tendered or deposited all proceedings therein under this act, shall be void.

Survey to be made and filed.

SECTION 46. Whenever any public grounds, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey thereof to be made and filed in the office of the city clerk.

SECTION 47. The common council may, whenever the convenience of the public demands, order

the construction of sidewalks and sewers along any of the platted lands in said city in the same manner and with the like effect as if the said common council had been petitioned by two-thirds of the lot owners so to do as provided for in section 50 of this charter, and assess the costs thereof to the abutting lots, which may be inserted in any subsequent tax roll and collected the same as other taxes against such abutting lots.

Sidewalks and sewers may be ordered without petition; costs.

SECTION 48. Upon application in writing of the resident owners of two-thirds of the lots upon any street or upon that part of any street in which the grade is proposed to be changed, the common council shall have power to cause a new survey to be made, and to alter such grade or establish a new one in such street or part of street set out in such application, as the public good may seem to require. Any person not being a signer of such application, who shall claim to have sustained damages by such change of grades shall have his right of action against the city for the recovery of the same. The signing of such application shall be taken and construed as a release of all claims for damages of every such signer.

Street grade, how changed; right of action for damages, when.

SECTION 49. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses within the city are duly observed and kept, and direct and control the persons employed therein. The street commissioner shall have a general supervision over all work let by contract for the improvement of streets or sidewalks in the city, unless the common council shall otherwise provide.

Street commissioner to enforce ordinances; supervision over improvements.

SECTION 50. Upon a petition to the common council of two thirds of the owners of lots in front of which any sidewalk or gutter is proposed to be built, such sidewalk or gutter, not less than a block in lineal frontage shall by the common council be ordered to be constructed upon the proper established grades of any street in said city, of such width, in such manner, 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

Sidewalks or gutters ordered on petition; contracts, how let upon failure of owner to construct. Special tax levied, when.

of ground, in front of which such sidewalk or gutter shall be ordered. If the owner or owners of any such lot or piece of ground, shall not construct such sidewalk or gutter as aforesaid, the common council may cause the same to be constructed, at the expense of such owner, owners or property. The contract for the construction of any sidewalk or gutter shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city for at least ten days prior to the time, of the place and manner of opening such bids. The common council shall levy a special tax upon such lot or piece of ground in front of which any sidewalk or gutter shall be constructed by contract, sufficient to pay the cost of constructing the same; provided, that no such contract shall be let until thirty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk or gutter, by the publication of the same.

Repair of sidewalks and gutters, how ordered; street commissioner to construct, when. Costs, how paid.

SECTION 51. The proceedings for ordering the repair of sidewalks and gutters, and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided, as in the case of constructing a new sidewalk or gutter. Whenever a sidewalk or gutter shall be out of repair, and so remain for the space of twenty-four hours, which, in the opinion of the street commissioner, will not cost to exceed the amount of ten dollars, in front of any one lot, to repair the same, he shall be authorized after giving personal notice to such owner, if a resident of the city, or if not such resident, to the occupant thereof, to fix and repair the same, and if such owner or occupant refuse or neglect to fix and repair the same, it is hereby made his duty to cause the same to be immediately repaired; and when the same is completed he shall make out an itemized bill of the costs of such repair, specifying the lot and block or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk; and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Two Rivers, for payment; and if the owner of such lot, piece or parcel of land shall refuse or ne-

glect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon such lot, piece or parcel of land, to pay the same in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land, does not reside in the city of Two Rivers the said street commissioner shall return said account to the common council with his certificate stating that fact, and the council shall thereupon levy a special tax to pay the same.

SECTION 52. The common council shall at their first or at a subsequent meeting on or before the second Monday in May assess the highway tax for street and highway purposes for the ensuing year to an amount not less than one mill on a dollar on the valuation of real and personal property in said city for the current year, and the city clerk shall, under the direction of the common council, set opposite to the name of each person and corporation and to each description of taxable property the amount of such tax charged to each, respectively, in the annual tax roll of the city, and such taxes shall be collected in all respects as other taxes are collected. Said taxes when collected shall be held by the city treasurer and paid out as directed by the common council. Said moneys shall be expended under the direction of the common council on such streets, in such places and under the supervision of such persons as the council may designate.

Street and
highway tax,
how assessed.

SECTION 53. The common council of the city of Two Rivers shall have power to require the owner of any lot or grounds in said city, to set out shade trees in the street or streets in front of the same and to protect and preserve them, and in default thereof to cause the same to be done, and to levy a special tax upon such lot or ground to pay the expense of the same. They shall also have the power to determine the lines on which the trees shall be set, the places where they shall be set, the kind and size of the trees to be set and the manner of protecting them, and for re-planting them when they have died or been so injured as to fail to answer the purpose for which they were set out. Said council shall also have full power and authority to do all other needful acts

Shade trees.

as to them may seem just and proper to give this section full scope and effect.

Street commis-
sioner to report
expenditures
under oath.

SECTION 54. The street commissioners shall on or before the first Monday in November in each year render an account under oath to the common council showing the amount of money that has been expended by them, specifying the work for which it was expended and by whom performed, and such account shall be rendered as often as the common council shall require.

CHAPTER VII.

FINANCE AND EXPENDITURES.

City funds to
be under the
control of com-
mon council;
how drawn
upon.

SECTION 55. All funds in the city treasury except school, state and county funds shall be under the control of the common council, and shall be drawn upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner, and all orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city. All orders shall be payable to the person in whose favor they may be drawn, or to the bearer thereof.

City debt, how
authorized.

SECTION 56. No debt shall be contracted against the city or certificate of indebtedness drawn upon the city treasury, unless the same shall be authorized by a majority of all the members of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever except such as is expressly authorized by this act.

Forfeitures
and license
moneys made
a part of gen-
eral fund.

SECTION 57. All forfeitures and penalties accruing to the city for a violation of this act or of any of the ordinances, by-laws rules and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury and become part of the general fund to be used for all general city purposes, except as otherwise provided by this act.

Compensation
of election in-
spectors, etc.,
to be fixed by
common
council.

SECTION 58. The common council shall fix the compensation to be paid to inspectors and clerks of elections, and members of the board of health

and board of registry, and board of equalization, but in no case shall any such compensation exceed the sum of three dollars per day for each member.

SECTION 59. It shall be the duty of the common council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall have power to negotiate temporary loans at the legal rate of interest for the supplying of funds to meet any deficiency in the treasury.

City orders to be promptly paid; council may negotiate temporary loans, when.

SECTION 60. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact at the first regular meeting of the council; thereupon the council shall direct its finance committee to examine the accounts of the treasurer, and if all funds in its hands have been paid out, then the council shall take such action as will enable the city to preserve its credit.

Treasurer to report inability to pay city orders to council; action thereon.

SECTION 61. No account, demand or claim against the city shall be paid until it shall have been itemized and verified by affidavit annexed thereto, that the same is just and correct, and no part thereof has been paid or allowed, except as therein stated, and the same has not been before audited and allowed, and an order drawn on the treasury therefor. The common council may adopt such rules or regulations as to the further disposition and record of such accounts, demands and claims as they may deem proper.

Claims to be itemized and verified.

SECTION 62. When the common council shall think best they may select some banks, or banking association within the city, with which all the funds in the treasury of the city, or which shall be thereafter collected or received by the treasurer, shall be deposited; provided, however, that such bank, banks or banking associations so selected, shall, before receiving such funds, give security to any amount fixed by said council, and in the same manner as is now required by the treasurer of said city, conditioned upon the safe keeping and proper distribution of such funds, which security shall be approved by the common council.

Council may select depository for city funds; security how fixed and approved.

SECTION 63. The city treasurer shall daily deposit with the bank, banks or banking associations so selected, all moneys collected or received by him during the day, it or they giving proper

Treasurer to deposit daily.

vouchers therefor. From the time of so depositing such funds the said treasurer shall be relieved from all liability to the city arising from the failure of the bank, banks or banking associations safely to keep said funds. Such funds shall be drawn out only by the check of said treasurer countersigned by the city clerk.

Interest to be mutually agreed upon.

SECTION 64. The common council may, before or after 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 so to be deposited 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 or banks as they may select under the law.

Bonds, how issued.

SECTION 65. The common council of said city may issue bonds to accomplish any purpose within the lawful power of such city, and in accordance with the provisions of the general statutes of the state and under the restrictions of the state constitution.

Final meeting of council.

SECTION 66. The common council shall meet on Monday evening, two weeks previous to the holding of the charter election, for the purpose of disposing of its unfinished business, and shall not thereafter, during their term of office, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of their terms.

CHAPTER VIII.

ASSESSMENT AND TAXATION.

Assessment of taxes; assessor, his powers and duties.

SECTION 67. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual 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 hereinafter provided. The assessor elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the forms of as-

assessment roll, and more fully define the duties of assessor, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may from time to time deem advisable.

SECTION 68. On or before the first day of June of each year, the assessor shall make out an accurate and complete assessment roll, which shall contain a description, as near as may be of all lands, lots or parcels of land within the city, sufficient to identify the same, and also of all persons or bodies politic, liable to pay taxes on personal property; and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite the name of each person or body politic shall be affixed the value of personal property assessed to each. When there are any buildings, or any lots or tracts of land, the value of the same shall be set forth separately when so desired by the owners thereof. The assessor may assess any lot or tract of land in such parcels or subdivisions as he may deem proper, but it shall be necessary to enter the name of the owner opposite to every tract, lot or parcel of land.

Assessment roll, when to be completed and what to contain.

SECTION 69. The mayor, city clerk, the assessor and the alderman supervisor, of each ward, shall constitute a board of review; said board shall meet annually on the last Monday of June; a majority shall constitute a quorum. Notice of the time and place of said meeting shall be posted up by the city clerk in at least one public place in each ward, and at least four days prior to such meeting. The city clerk shall be the clerk thereof, and shall keep an accurate record of all its proceedings. The board may adjourn from day to day until its business is completed. Said board of review so constituted shall have the same powers, and shall be subject to the same restrictions as town boards of review under the laws of the state. Immediately after the final adjournment of the board of review in each year, the assessor shall return the assessment roll to the common council by depositing the same with the city clerk. The common council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from and otherwise revise and correct the same, but shall not have the power to increase the amount of said roll, except

Board of review, how constituted; powers, etc.

by the value of such real or personal property as may have been omitted by the assessor.

Taxes, when and how levied.

SECTION 70. On the last Monday in November in each year, or within ten days thereafter, the common council shall determine the amount of taxes to be levied for general city purposes and also the amount necessary to be levied for special purposes, and shall by resolution levy the same, but no such resolution shall be adopted except by a vote of two-thirds of the members-elect, which shall appear in the proceedings of the common council.

Abstract of assessment roll, city clerk to transmit.

SECTION 71. The city clerk shall transmit an abstract of the assessment roll to the county clerk of the said Manitowoc county, within the time such duty is required of town clerks, who shall lay the same before the board of supervisors at its annual meeting.

Equalizing assessment.

SECTION 72. The county board of supervisors shall have the right to regard the city of Two Rivers as a town in equalizing the assessment rolls of the several towns in said Manitowoc county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

Tax levied by county board to be certified to city clerk; assessment roll, how made and what to contain.

SECTION 73. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns or town clerks. Upon receiving the statement of the amount of taxes so levied the city clerk shall make out upon the assessment roll in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city and other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council since the making out of the last annual tax list in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein, which statement shall be called "the tax list of the city of Two Rivers," and shall be preserved by said clerk as a record in his office;

and shall have the same legal force and effect as the records of the common council.

SECTION 74. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in this state that every act or thing required by law to be done, relating to the assessing or levying taxes, from the election of officers to the completion of the tax list inclusive, has been done regularly and correctly as required by law.

Tax list *prima facie* evidence in court.

SECTION 75. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer requiring and commanding him to collect the taxes and assessment specified in said duplicate copy of the tax list in the manner provided by law, and the clerk shall, on or before the first day of December of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection and make a record of such delivery on the tax list preserved in his office.

Duplicate of tax list to be delivered to treasurer for collection.

SECTION 76. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one *per centum* fees upon all taxes paid to him before the first day of January and three *per centum* fees upon all taxes collected after that time, to be added to the amount of taxes, and collected with the same, and one *per centum* upon all other money collected and paid into the treasury, and one *per centum* upon all moneys disbursed by him upon city and school orders, or which he is otherwise required by law to disburse, but not to include any money received by him from his predecessor, or paid over to his successor in office, or to the county treasurer, which shall be in full for all services performed by said treasurer under this act or the ordinances of the city, except that in case of a distress and sale made by him of goods or chattels for the payment of any taxes, he shall receive and retain such fees as are

Collection of taxes; requirements of treasurer.

allowed to constables for similar services, and such other fees as may be paid to him by individuals for work performed by him as such treasurer for their benefit, and which he is entitled to charge for by law.

Return of delinquent taxes to county treasurer, when.

SECTION 77. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Manitowoc county a list of all lands, lots and personal property upon which taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers; and all the provisions of the general laws of this state in reference to the collection of taxes by town treasurers shall extend to and may be enforced to collect any delinquent personal property tax, of whatever year, due to said city.

Delinquent lands, how sold.

SECTION 78. The county treasurer shall sell all delinquent lands and lots returned from the city of Two Rivers at the same time and in the same manner as other delinquent lands are sold in the county.

No exemption from special taxes.

SECTION 79. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes as other real estate under this act.

Unplatted lands, how assessed and taxed.

SECTION 80. All lands lying within the city limits not divided and laid out into lots, or lots and blocks, and all out lots, not subdivided and numbered by such subdivisions which may be used, occupied, reserved or held for agricultural purposes, shall be assessed as farming lands, and shall not be subject to any special taxes for sidewalks or sewers.

Informality not to vitiate assessment.

SECTION 81. No error or informality in the proceedings of any of the officers in assessing property, or in any proceedings to charge any property with a special tax, levying or collecting taxes, or making returns of unpaid taxes, not affecting the substantial justice of the tax itself, shall invalidate or vitiate or anywise affect the validity of the assessment, proceeding or tax; provided, that this section shall not be so construed as to dispense with the requisite two-thirds vote of all the members of the council in the levying of a tax.

SECTION 82. In addition to the amount herein limited for taxes for general city purposes, special taxes may be levied for the purchase of fire engines, cemetery grounds, public squares, gas purposes, and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the common council, and afterward submitted to a vote of the people and approved by them. Whenever the council shall recommend such tax, they shall specify the amount to be raised and the object thereof, and to cause notice thereof, and of the time and place of voting thereon to be published in the same manner as in case of the annual city election.

Special taxes,
for what levied.

SECTION 83. The city treasurer shall receive nothing but the lawful currency of the United States for taxes, license or other dues of the city, and is prohibited from receiving county, city, school or other orders in payment for city dues.

Taxes to be
paid in lawful
currency.

SECTION 84. After the tax roll shall have been delivered to the treasurer, it shall not be lawful for the common council to remit, annul or cancel any tax specified therein, except in the following cases:

Taxes, when
and how re-
mitted.

1. When a clerical error has been made in the description of the property or in the extension of the tax.
2. When improvements on lots were considered in making the assessment roll, where the improvements did not exist at the time fixed by law for making the assessment.
3. When the property is exempt by law from taxation.
4. When a person has been assessed the same year for the same property in more than one ward or place.

SECTION 85. 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, and upon all personal property of any person or body politic assessed for personal taxes, from the date of the warrant for collection thereof, until such taxes shall be paid, and no sale or transfer of such real and personal property shall effect such lien; any personal property belonging to the person taxed may be taken and sold for the payment of taxes

Same a lien
until paid.

upon personal property, and for a poll tax if one be levied.

CHAPTER IX.

FIRE DEPARTMENT.

Purchase of fire-engines, and apparatus; organization of companies.

SECTION 86. The common council shall have power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to prescribe the membership and number thereof, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and to prohibit their meetings as such when disbanded. Each company shall be officered and governed by its own by-laws, provided such by-laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city. Every active member of any company in said city shall be exempt from serving on juries and military duty, except in case of war, invasion or insurrection; and whenever a member of a fire, hook and ladder, bucket and hose company shall have served therein for ten years, he shall be entitled to a discharge signed by the mayor, and shall thereafter be exempt as aforesaid.

Council may prescribe fire limits.

SECTION 87. The common council shall have power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof may be erected, repaired or removed, and to direct that all and any buildings within the limits prescribed, shall be made and constructed of such fire-proof material, and in such a manner as it may ordain, and to prohibit the removal of buildings into such fire limits, or the removal of any building or buildings situated or located within such fire limits, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty *per cent.* of value thereof, and to prescribe the manner of ascertaining such damages.

Construction of chimneys, etc.

SECTION 88. The common council shall have power to regulate the building, 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; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactories dangerous in causing and 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 suspicious persons, and to compel all bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and enforce the provisions of this chapter and the ordinances under it by suitable penalties.

CHAPTER X.

SUPPORT OF THE POOR.

SECTION 89. The laws of the state for the relief and support of the poor in towns shall apply to said city, and the common council shall appoint one or more of their number to act as overseer of the poor of the city, who shall perform all the duties of overseer of the poor in towns.

Support of
poor.

CHAPTER XI.

PUBLIC SCHOOLS.

SECTION 90. The district of country herein described as within the limits of the city of Two Rivers, or which may hereafter be embraced within the limits of Two Rivers, shall form and constitute one district for school purposes, and shall be a part of the county system of public schools.

City to constitute a single school district.

School com-
missioners.

SECTION 91. The school commissioners elected at the annual municipal elections, as provided for in section 4 of chapter 2 of this act, shall constitute the board of education of the city of Two Rivers, and a majority of said board shall form a quorum for the transaction of business.

Board of edu-
cation; officers
and meet-
ings of.

SECTION 92. The board of education shall, at the first regular meeting in May of 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, and in all suits brought by or against the school district, he shall appear in behalf of the district, unless some other provision is made by the 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 questions 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*.

Duties of board
of education
defined.

SECTION 93. The board of education shall at least have one regular meeting in each month, at such time and place as may be directed 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 a notice in writing of the time and place of such meeting.

SECTION 94. The duties of the board of education shall be as follows:

Teachers;
number and
salary.

1. To decide upon the number of teachers to be employed, the grade of the school to be kept by each, and the amount of salary to be paid each, and to hire and make contracts with the teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract with such board, which contract shall be signed by such teacher and by the president and clerk of said board of education.

Such contract shall be made in duplicate, and one copy thereof filed with the clerk, and the other copy delivered to such teacher.

2. To arrange and determine terms and vacations in all public schools, to establish uniformity in the school system, and to require and secure uniformity in text-books, and to adopt and reject text-books at will, but no change of any one text-book shall be made oftener than once in three years.

Terms and vacations; change of text-books.

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

Council may annul regulations.

4. To make contracts for all fuel, stationery, and articles of furniture required for the use of the schools; to make all necessary repairs on school houses, not exceeding five hundred dollars in value for any one school house; to make contracts for all incidentals required for carrying on the schools, such as lighting fires, sweeping school rooms, etc.; and such contract, 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, etc.

5. The said board shall annually, on or before the first day of November in each year, submit a statement to the mayor and council, showing the amount of teachers' wages that have accrued and become due during the year, and the amounts of all other indebtedness accruing on contract or otherwise, that have been made by order of the board, and for that purpose they shall cause entries to be made in the book or books, to be provided by the city, of contracts made with the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said board at the time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said common council, and they shall at the same time submit for the consideration of the council a statement

Annual report to show indebtedness and contain estimates.

of the estimates required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages and other items separately and specifically. 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. The said board of education shall have power to allow the children of persons not residents of said city to attend in either of the schools therein, under the care and control of said board, upon such terms as said board shall by resolution prescribe, fixing the tuition which shall be paid therefor; all moneys so received for tuition shall become a part of the school fund of said city.

Statement of repairs and buildings required; reported to council, when same, how authorized.

SECTION 95. Whenever repairs to a larger amount than five 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 or school houses 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 two-thirds 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 such building or buildings be erected; and it shall be the duty of said board to enter into contracts for making 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; provided, that no such tax shall be levied for the purchase of sites or new school buildings,

until such question shall have been submitted to the legal voters of the city for their approval, at a general or special election called according to law.

SECTION 96. 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.

SECTION 97. 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. Board not to be interested in contracts.

SECTION 98. The city clerk, shall, in addition to his other duties, act as secretary of the board of education. City clerk to be secretary.

CHAPTER XII.

JUDICIAL.

SECTION 99. The city of Two Rivers in its corporate name, may sue for and recover any and all fines, penalties and forfeitures under this act, or under the ordinances, by-laws, police or health regulations made in pursuance thereof, or now in force and not inconsistent with this act, and such actions shall be commenced by complaint, substantially in the following form: Judicial powers; code of procedure.

COMPLAINT.

State of Wisconsin }
City of Two Rivers. } ss. In police court of Complaint.
said city.
..... complains on oath to the
police court of the city of Two Rivers that
..... did, as the deponent verily
believes, on or about the day of
A. D., 18. . ., at said city, violate an ordinance of
said city to-wit: (Here insert the title and date
of the ordinance or the chapter and section of the
general ordinance) in that he did then and there
contrary to said ordinance (here insert the act or
omission complained of); wherefore the complain-

ant prays that said be arrested and dealt with according to law.

.....,

Complainant.

Subscribed and sworn to before me this day of, A. D., 18..

.....,

It shall be sufficient to give the number of the section or sections, or subdivision of the section or proviso of the section, and the title of the ordinance, by law or resolution violated in the complaint, the time or about the time of the alleged offense and the act or omission complained of and such complaint may be sworn to before any officer authorized to administer oaths in this state. Upon the filing of such complaint in the office of the police justice of the city, such police justice shall issue a warrant thereon, substantially as follows, to-wit:

WARRANT.

Warrant.

State of Wisconsin, } In police court of
City of Two Rivers. } ss said city.

The State of Wisconsin, to the chief of police or any police officer of said city, or the sheriff or any constable of the county of Manitowoc. You are hereby commanded to arrest and bring before said court as soon as may be, and safely keep subject to the order of said court, the body of charged with violating one of the ordinances of the city of Two Rivers.

Dated

.....,

Police Justice.

Upon the return of the warrant the court may proceed summarily with the case, unless it be continued by consent, or for cause, or by the order of the court. If the case be adjourned the defendant, if required by the court so to do, shall recognize with sufficient sureties for his appearance, in such sum as the court shall direct, or in default thereof may be put in charge of the officer who made the arrest, or be committed to the common jail of Manitowoc county, or to such other place of confinement as may be provided by the common council. The complaint made as aforesaid shall stand in lieu of a declara-

tion, and the plea of "not guilty" shall put at issue all subject matter of the complaint.

SECTION 100. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in an official newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on the trial of all cases cognizable before the courts of this state.

Printed copy
to be *prima
facie* evidence.

SECTION 101. The police justice of the city of Two Rivers shall have jurisdiction to try and determine all actions to recover penalties, and offences against the charter, ordinances and regulations lawfully imposed by the city of Two Rivers. He shall keep a record book in which shall be recorded the proceedings with reference to each such case. In case of conviction in any such case, the sentence in addition to the fine, shall require as part of the punishment, the payment of the costs of prosecution, and in all such cases the following costs only shall be taxed or charged: Police justice's charges, four dollars; for making arrest, one dollar; one dollar per day for board and keeping, but no fractions of a day shall be charged. Also damages to the city property while in confinement, caused by the accused and the witness' fees prescribed by law in cases before justices of the peace. All sums for fines and costs so collected, exclusive of witness' fees, shall be paid over to the city treasurer as hereinafter provided. At the end of each month the police justice shall make and file in the office of the city clerk a report, in a form to be prescribed by the common council, showing each case presented during the preceding month, the amount of fines and costs recovered in each such case in detail, the amount to which any officer is entitled, and such other matters as may be required by the form prescribed. The report shall have attached thereto the receipt of the treasurer, showing payment to him of the amount collected, exclusive of witness fees. If the justice neglects to file said report for ten days after the close of the month, he shall forfeit the sum of five dollars to be retained out of his compensation. The report shall be examined by the common council, and otherwise be treated

Police justice,
powers and
duties.

Costs of prosecution.

Report monthly
to city clerk

Compensation.

as other accounts are against the city, and when final action is had thereon by the council, an order shall be drawn on the treasurer for the amount to which the justice is entitled as his compensation, under this charter, and an order shall also be drawn in favor of each person entitled to any sum as determined by the council on said report. Said orders shall be paid by the treasurer on presentation. Any person feeling himself aggrieved by the action of the council, may appeal to the circuit court as in other cases of claims against the city.

Court room,
etc., to be pro-
vided.

SECTION 102. The city shall provide the police justice with a suitable room for the court in the city building, warm and light the same, free from rent, and shall furnish the justice with the necessary blanks for doing the city business in his court. He shall be allowed for all services by him rendered to the city, three-fourths of the amount paid to the treasurer collected for police justice charges; provided, however, in lieu of this the council may pay the justice a salary of dollars per year, payable quarterly on the first days of January, April, July and October in each year. If the council determine to pay such salary as aforesaid, for any year they shall determine the same prior to the first day of the year.

Unclaimed wit-
ness' fees to be
reported.

SECTION 103. In the December report for each year, the justice shall report all witness' fees unclaimed, and shall pay the same to the city treasurer, and attach the treasurer's receipt showing such payment, to his report.

Payment of
witness' fees in
advance not
required.

SECTION 104. Witnesses shall attend before any justice of the peace and before the police justice in and for the city of Two Rivers in all actions for the violation of any ordinance, by-law or regulation of said city, 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. In civil prosecutions for the violation of any provisions of this charter or any ordinance, by-law or regulation of said city, no jury shall be allowed either party, and the findings of the court shall be guilty or not guilty; if guilty the court shall render judgment thereon, against the defendant, and adjudge that the defendant pay a fine, penalty or forfeiture contained in the ordi-

Jury not allow-
ed in civil pros-
ecutions.

nance, by-law, resolution or regulation for the violation of which the defendant shall have been found guilty, and for the costs of the suit upon such conviction, and in default of payment of such judgment, fine, penalty or forfeiture and the costs, the court shall adjudge and determine and enter upon the docket that such defendant be imprisoned in the county jail within and for the county of Manitowoc, or such other place as the common council of said city shall by ordinance designate, for a term which in no case shall exceed six months in the discretion of the court rendering judgment, and such court shall further adjudge, determine and sentence such defendant to be kept at hard labor during the term of his or her commitment, either within or without said jail or place of imprisonment, and the said court shall thereupon issue a commitment, inserting therein such time of imprisonment, and every person so convicted and committed shall be kept at hard labor in the common jail of Manitowoc county, or at such place as the city of Two Rivers may provide for the benefit of said city, under the watchguard and supervision of whomsoever the mayor and the common council shall appoint, for the period of time for which such person shall have been so committed, unless said judgment, fine, penalty or forfeiture and costs are sooner paid. The commitment may be substantially in the following form:

Imprisonment, where and when; employment during.

County of Manitowoc, }
 City of Two Rivers. } ss

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

Form of commitment.

Whereas, at court, held at my office in said city, for the trial of for the offense hereinafter stated, the said , convicted of having on the day of, A. D. 189.., at said city, in said county, violated section, of chapter, of a general ordinance of the city of Two Rivers, entitled, "An ordinance", which said ordinance was then in force or did violate section, or subdivision, of section or the proviso of section

....., of chapter, of the charter of the city of Two Rivers, as the case may be) and upon conviction the said court did adjudge and determine that the said pay a fine of dollars, together with dollars costs, that in default of payment of said fine and costs, he be imprisoned in the county jail of said county, or in the city prison for the term of days, at hard labor for the benefit of the city of Two Rivers; therefore, in the name of the state of Wisconsin, you are commanded forthwith to take the of the and convey and deliver to the keeper of the common jail, in and for Manitowoc county, or of the city prison; and the said keeper is hereby commanded, in the the name of said state, to receive and keep in custody in said jail, the said for the term of, at hard labor for the benefit of said city, unless the fine, together with all costs and jail fees are sooner paid, or be discharged by due course of law.

Given under my hand, this day of , A. D. 189..

Prisoners may be employed on public streets upon mayor's order.

SECTION 105. If the mayor of the city shall at any time, deem it for the interest of the city, he may employ and work the prisoners so committed, outside of the jail or yard, at hard labor on the public grounds, streets or alleys of said city, and may cause them to be secured in such manner as in his judgment will prevent their escape, and the keeper or custodian of the common jail of said county shall, upon the order of the mayor of said city deliver the prisoner or prisoners in such order named or described, in the keeping and custody of such person or persons in said order directed, and receive and securely confine such prisoner or prisoners when returned by such person or persons as aforesaid, and said order shall remain good and be in force until revoked by the mayor or common council of said city.

Defendant may appeal, when and how.

SECTION 106. In all cases the defendant may appeal from such judgment to the circuit court of Manitowoc county; provided, such defendant, within twenty-four hours, shall pay to the police justice the costs and one dollar for his return and one dollar state tax, and two dollars clerk's fees for clerk of court appealed to, and make and

file with him an affidavit that the appeal is made in good faith and not for the purpose of delay, and enter into a recognizance, with one or more sufficient sureties, to be approved by the police justice from whose judgment the appeal is taken, conditioned to appear before the circuit court for the county of Manitowoc at the next general term thereof and from term to term thereafter, and abide the judgment of said court therein. 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 warrant and return affidavit or complaint upon which the same was issued, 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 said court; and the city may appeal from any such judgment as in other cases before justices of the peace.

SECTION 107. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to or by either party.

Appeal to stand for trial without notice.

SECTION 108. If the judgment of the court appealed from shall be affirmed, or if, upon the trial the defendant shall be convicted, the court shall inflict the fine, penalty or forfeiture provided by this act, or the ordinances, by-laws, resolutions or regulations under which he or they are prosecuted, and enter judgment against him or them for such fine, penalty or forfeiture, together with the costs in the appellate court; and in default of payment, of such fine, penalty or forfeiture and costs, to be committed as provided in section 104 of this chapter. If the fine, penalty or forfeiture is paid, it shall be paid to the clerk of the circuit court, and by him to be, within ten days thereafter, paid to the police justice from whose judgment the appeal was taken; and the same shall be by him accounted for to the city in his next report.

Judgment on appeal.

SECTION 109. In case of the breach of the conditions of the recognizance, hereinbefore mentioned, by the escape or non-appearance of the defendant at the circuit court, as hereinbefore provided, the same shall be prosecuted in the name of the

Breach of recognizance.

city of Two Rivers as plaintiff, in the circuit court for Manitowoc county; and the amount of recovery shall be twice the amount of fine, penalty or forfeiture imposed, together with the costs and fees that accrued in the case subsequent to the appeal, all of which shall be paid to the police justice and be by him accounted for to the city in his next report. If the action is brought in the circuit court, the police justice shall satisfy the record in that court. Such judgment shall be enforced as in actions of tort.

Residence not to work incompetency.

SECTION 110. No person shall be an incompetent judge, juror or witness by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Charter not to repeal ordinances.

SECTION 111. All ordinances, by-laws, resolutions and regulations now enforced in the city of Two Rivers 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, and shall have the force of law.

Rights vested in and to be prosecuted by corporation.

SECTION 112. All rights, actions 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.

Suit not to be brought unless claimant shall file claim for council's action; appeal when.

SECTION 113. No suit of any kind on any claim of any character shall be brought against said city, until the claimant shall file his claim with the city clerk for the action of the council thereon, and if he feels aggrieved by their determination he may appeal to the circuit court in the manner hereinbefore provided. If the council neglects to take final action within sixty days after the claim is filed, the same, for the purposes of an appeal by the claimant, may be taken as disallowed. In case an appeal is taken the city clerk shall immediately notify the mayor of the city, and shall make and deliver to him a copy of all papers and proceedings relating to the matter in his possession. He shall also notify the common council of such appeal at its next meeting.

Fines and penalties; how disposed of.

SECTION 114. All fines, penalties and forfeitures recovered and collected under and by virtue of this act, not hereinbefore provided for, shall be paid into the city treasury for the use and benefit of said city.

SECTION 115. No execution shall at any time be issued on any judgment against the city, but the judgment shall be levied on the taxable property of the city and placed in the next tax roll for collection, and on or before the first day of May thereafter the amount of such judgment shall be paid to the judgment creditor.

Execution not to be issued on judgment against city.

SECTION 116. The mayor shall have power to grant pardons or commutations after conviction, for all offenses against the ordinances, by-laws, resolutions or regulations of the city, upon such conditions as he may deem proper, but he shall not have power to pardon any person convicted of violating any provision of this charter. He shall communicate any such action to the common council at its next meeting, with the reason therefor.

Mayor may grant pardons.

CHAPTER XIII.

HARBORS AND RIVERS.

SECTION 117. The harbor of Two Rivers shall include the Mishicott and Neshoto rivers from Lake Michigan to the city limits, and Lake Michigan along the east side of said city to a distance of one mile from the shore thereof.

Harbor boundaries.

SECTION 118. The common council of said city shall have power by ordinance, to establish dock and wharf lines upon the banks of the rivers in said city. Whenever the same are not established to restrain and prevent encroachments upon said rivers and obstructions thereto, and to construct, alter and maintain, or cause to be constructed, altered and maintained, at the expense of the city, docks or wharves along the banks of said rivers, where the same are not by law required to be constructed and maintained at the expense of the owners of the lots bounding on said rivers.

Council to establish dock and wharf lines, etc.

SECTION 119. The common council shall have power to dock and require the docking of the rivers within the limits of said city, and to protect and require the protecting of the banks of any stream or creek emptying into said rivers, so as to prevent the washing away of such banks, and to prevent sand and other obstructions from washing into said rivers, and may by ordinance,

Construction and repair of docks; on owners neglect same to be let to lowest bidder.

require the docking of the banks of said rivers, and the repairing of any docks, and the filling of any lots abutting thereon, and the protecting of the banks of any creek, gutter or water-runs emptying into said rivers, by the owner or owners of the pieces or parcels of land, lots or docks adjoining or abutting on said runs, gutter or water course in such manner and within such reasonable time as the common council shall prescribe. And if any owner or owners of such lots, lot, piece or parcel of land so adjoining or abutting, shall neglect or refuse to build or repair such docks or other protection, or to comply with any of the requirements of such ordinance, the common council may let such docking, repairing, filling or protecting by contract to the lowest responsible bidder for the same; and when it shall be completed according to such contract the whole expense of such work shall be charged and levied against and collected from each particular lot or parcel of land in front of or along which such work has been done in the same manner as provided in sections 50 and 51, chapter 6, of this act.

Dredging to be done by abutting property owners; proceedings upon neglect.

SECTION 120. Said city council shall have power to provide by ordinance for dredging the rivers within the city limits and to require of the owners of lots or lands abutting on said rivers to dredge the same opposite such lots to the width of twenty feet, in such manner and to such depth and within such time as the council may direct; and the earth excavated from the bed of said rivers may be deposited upon such lot or lots or be otherwise disposed of. And if the owner or owners of such lot or lots shall refuse or neglect, within the time specified by said council, to do such dredging, the common council may let such dredging by contract to the lowest responsible bidder for the same; but the common council may at the same time cause the rivers to be dredged to the same depth in front of streets and other places in said rivers where such dredging shall be chargeable against the city, contiguous to the points required to be dredged by such ordinance within the limits prescribed in such ordinance. And when the dredging in front of such lots shall be completed according to such contract and accepted by the council, the ex-

pense of such dredging shall be charged and levied against the particular lots of land in front of which such dredging has been done in the same manner as provided in sections 50 and 51 of chapter 6 of this act, for the contract price of the work.

SECTION 121. The common council may annually appoint a harbor master, on whom may be conferred the duties of bridge tender. The duties and compensation of such harbor master and bridge tender shall be prescribed by the common council, by ordinance. His term of office shall be one year, and until his successor is appointed and qualified; but he shall be subject to removal at any time by the common council.

Harbor master; his powers and duties.

CHAPTER XIV.

MISCELLANEOUS.

SECTION 122. All powers conferred upon towns or cities of this state to vote, levy and collect special taxes shall be of full force and effect in said city.

Special taxes, city to have same power as towns.

SECTION 123. If any election by the people or common council shall not, for any cause, be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for suspending, arresting or absolving said corporation, but such election or organization may be had on any subsequent day, by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by-laws of the city to be done by any officer, at any time specified and the same are not done and performed, the common council may appoint another time at which said acts may be done or performed. The general laws for the preservation of bridges and the punishment by such laws provided for willful and malicious injuries done thereto, are hereby extended to and shall include all of said bridges, and shall apply to any willful and malicious damages which may be done to either of them by any person or persons whatever; and the common council may, from time to time, make such by-laws or ordinances as they may

Elections not held at prescribed time may be held subsequently, how.

Preservation of bridges; general laws to apply.

deem necessary for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage done to any of said bridges by any vessel or water-craft, or by the master or any person in command thereof, such vessel or water-craft may be proceeded against under the law, in the same manner as is provided for the collection of demands against boats and vessels.

Liquor licenses to be signed by mayor and city clerk and sealed; when issued.

SECTION 124. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the mayor and the city clerk and sealed with the corporate seal, but no such license shall be issued by said mayor and clerk, until the person applying for the same shall have deposited with the city clerk the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the applicant shall have filed his receipt as aforesaid, together with bonds as required by the laws of this state, which bonds shall be approved by the mayor, and a sum not less than the minimum sum, nor greater than the maximum sum fixed by the laws of this state to be paid for such license, shall be paid to the city treasurer in money. It shall be the duty of the mayor and city clerk to report to the council, at each regular meeting thereof the licenses theretofore issued by them and not before reported and the common council shall by vote approve or disapprove of the same. If the common council disapprove thereof, it shall be the duty of the city clerk forthwith to notify the person holding such license, that the same has been revoked by action of the common council, and such license shall thereafter be void, and the council shall refund the license money paid therefor, except a fair proportion thereof for the time said license was in force.

Members of council not eligible to election or appointment; otherwise restricted.

SECTION 125. No member of the common council shall be elected or appointed to any office, agency or place of public trust or profit by the council, except as provided by this act; neither shall the common council sell or authorize the sale of any city order or certificate of indebtedness for the purpose of raising money for the pay-

ment of any debt for less than the amount expressed upon the face thereof.

SECTION 126. The common council shall have power to appropriate a sum not exceeding two hundred dollars annually, for the purpose of repairing and maintaining highways leading into the city, which shall be expended under the direction of the common council.

Appropriation
for highways.

SECTION 127. No general law contravening the provisions of this act, shall be considered as repealing, amending or modifying the same unless such purpose is expressly set forth in such law.

General laws
contrary
hereto not to be
considered as
repealing this.

SECTION 128. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

Public act,
and to be
liberally
construed.

SECTION 129. All acts and 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 effect, injure or invalidate any contract, actions 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 act incorporating said city, or any of them, but the same shall exist and be enforced and carried out, and be completed as fully and effectually to all intents and purposes as if this act had not been passed.

Previous acts
repealed;
contracts
not to be
invalidated.

SECTION 130. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1891.