

third, 1849, at the rate of one hundred and fifty dollars per annum.

HARRISON C. HOBART,  
Speaker of the Assembly.  
J. E. HOLMES,

Lt. Governor and President of the Senate.

Approved, March 15, 1849.

NELSON DEWEY.

An act to amend an act entitled "an act to incorporate the city of Milwaukee" and acts amendatory thereto.

Chap 91.

*THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:*

SECTION 1. At each annual election hereafter to be held in the city of Milwaukee for city officers, a city treasurer shall be elected, who shall hold his office for the term of one year, and until his successor is elected and qualified; and the votes cast for treasurer shall be canvassed and returned as in case of an election for mayor of said city; and the treasurer so elected shall perform the same duties and be subject to the same liabilities, as if appointed by the common council, and if guilty of malfeasance or improper conduct in office, he may be removed in the manner provided by law for the removal of justices of the peace in said city.

To elect treasurer.

SEC. 2. The common council shall annually elect one alderman to be president of their board, who, in the absence of the mayor, shall be acting mayor of said city.

Alderman.

SEC. 3. The southeast quarter of the southwest quarter of section fifteen, of township seven north, of range twenty-two east, being the alma house farm, shall be included within the limits and bounds of the city of Milwaukee, and the south boundary of said city shall be so changed, that from the point therein in range with the south side of the south pier of the government harbor, the line shall diverge and run southeasterly in a direct line to and along the south side of said pier to the further extremity thereof, and five hundred feet beyond, and from thence due east to the eastern boundary of the state of Wisconsin, and from thence due north to the southeast corner of said city as heretofore established.

Alms house farm included in bounds of city.

SEC. 4. The common council of said city shall have and may exercise the power to pass ordinances or bye-laws regulating the piers or wharves extending into lake Michigan in said city, and to prescribe and regulate the prices to be charged for pierage or wharfage thereon.

May regulate prices, &c.

SEC. 5. So much of section six of the act to which this is amendatory, as requires three months residence in any ward as a qualification of an elector for city officers, is hereby repealed; and hereafter all persons who have resided in any ward ten days next preceding any election, and shall possess the other qualifications mentioned in said section, shall be entitled to vote in the ward where he resides at such election.

Qualification of voters.

SEC. 6. Those aldermen voting in favor of any expense to be

When aldermen individually liable.

paid out of the general city funds, or being upon a committee contracting to have a service performed, by which the said city shall become liable in any one year in the aggregate for more than the amount raised for preserving health, regulating police, or for supporting the poor, or revenues derived for those purposes, shall be liable to pay the excess in their individual capacity: *Provided*, that if from events beyond their control, such as insurrection or contagion, expenses shall be incurred in any year beyond the amount of revenue provided for city purposes in such year, then the aldermen shall not be liable for such excess.

When liable for ward purposes.

SEC. 7. Those of the aldermen in any ward voting for and incurring expense for ward purposes, in any one year, beyond the amount of tax levied in such ward and revenues received for ward purposes, shall be personally liable for the excess.

What sufficient evidence.

SEC. 8. Persons having rights by virtue of the foregoing sections, may enforce the same by an action on the case; and lawful possession of any draft, warrant or order, drawn during such year, together with proof that there is a greater amount of indebtedness than the taxes and revenues aforesaid, shall be sufficient to make out a prima facie case for the plaintiff.

Clerk to record chattel mortgages &c.

SEC. 9. The clerk of said city shall record an abstract of all chattel mortgages filed in his office, in a book to be provided for that purpose by the city; and when such mortgages are discharged, he shall make an entry of the fact in the margin of such record, as in the case of mortgages upon real estate, and such chattel mortgages shall not be filed or recorded at any other place in said city. The clerk shall be entitled to the same fees per folio for recording such abstract and discharge as are allowed by law to registers of deeds.

To redeem orders.

SEC. 10. It shall be the duty of the common council and of the several wards, to redeem the orders of the city and of the respective wards out of the funds, applicable to the purpose, first paid into the treasury, after this law shall take effect.

May compel the attendance of absentees.

SEC. 11. A majority of the aldermen present at any regular (or special meeting properly called) shall have power to enforce the attendance of absentees by compulsory process; and a resolution passed by a majority of such aldermen for the attendance of absentees, shall empower the marshal or other officer in attendance of the common council, to enforce the attendance of such absentees, the same as writs of attachment empower officers to compel the attendance of witnesses in courts of justice.

How suit may be brought.

SEC. 12. The city of Milwaukee shall not be sued, nor shall the property thereof be liable for any debt contracted by or in behalf of any ward; but any person, having a debt, claim, or demand against a ward, may sue such ward by its name of first ward, second ward, third ward, fourth ward, or fifth ward of the city of Milwaukee, as the case may be, and collect the amount of his judgment upon the goods, chattels, lands, tenements and hereditaments of such ward, and service of process upon a majority of the aldermen of such ward shall be sufficient notice.

Acts repealed

SEC. 13. Sections one, two and five of an act entitled an act to amend an act entitled "an act to incorporate the city of

**Milwaukee,"** approved February 4, 1847, and also the proviso at the end of section three of the act additional to an act to incorporate the city of Milwaukee, approved August 10, 1848, and all other acts and parts of acts contravening the provisions of this act are hereby repealed.

**SEC. 14.** The justices of the peace in the several wards, now in office, shall continue to hold their respective offices, unless removed by the competent authority, for the term of two years from the time of their election, and until their successors are duly elected and qualified; and hereafter justices of the peace shall be elected at the time and in the manner and for the term heretofore prescribed by the act incorporating said city, notwithstanding the change from a territorial to a state government.

Justices to continue in office.

**SEC. 15.** This act shall take effect from and after the first Monday of April next.

HARRISON C. HOBART,  
*Speaker of the Assembly.*

JOHN E. HOLMES,

*Lt. Governor and President of the Senate.*

Approved, March 12, 1849.

NELSON DEWEY.

An act to enable the city of Milwaukee to aid in the construction of a railroad from that city to the Mississippi river. **Chap 92.**

*THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** That the common council of the city of Milwaukee shall have authority to subscribe, in behalf of that city, to the capital stock of the "Milwaukee and Waukesha Railroad Company," incorporated February 11, 1847, by the legislature of Wisconsin territory, or to the capital stock of any other company, which is now or may hereafter be incorporated for the purpose of constructing a railroad from the city of Milwaukee to the Mississippi river, to the amount of one hundred thousand dollars: *Provided*, however, that if, in the opinion of said common council, the interests of said city should hereafter require it, it shall have authority to increase its subscription to the said stock, from time to time, until the aggregate amount of the subscriptions shall equal the amount of two hundred and fifty thousand dollars.

Authorized to subscribe for railroad stock.

**SEC. 2.** In order to provide for the payment of the installments on the stock subscribed as aforesaid, the said common council may borrow, on the faith of the city, any sum or sums of money not exceeding in the aggregate the whole amount of the instalments to become due on such stock, at a rate of interest not exceeding ten per cent. per annum, and for a term not exceeding ten years; and in order to provide for the payment of the instalments becoming due on such stock, in case the same shall not have been provided for by law or otherwise, and also in order to provide for the payment of the interest and principal of any loan made in pursuance of this act, the said common council shall levy annually a tax on the real

May borrow money.