

Chap. 313

An Act to appropriate to the County of Rock, the sum herein named

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

Sum appropri-
ated.

SECTION 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of one hundred and six dollars and eighty cents, to be paid to the treasurer of the county of Rock, in full for keeping and maintaining Thomas H. Dodson, a state convict, for the term of forty-two weeks, prior to and up to the twelfth day of November, one thousand eight hundred and fifty.

FREDERICK W. HORN,

Speaker of the Assembly.

DUNCAN C. REED,

President pro tempore of the Senate.

Approved, March 15th, 1851.

NELSON DEWEY.

Chap. 314

An Act to incorporate the City of Milwaukee.

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

Boundaries.

SECTION 1. That the district of country included within the following limits and boundaries in township numbered seven, of range numbered twenty-two east, in the county of Milwaukee, to wit: Beginning on the lake shore, in the northerly part of Milwaukee Bay, where it is intersected by the section line running east and west on the north side of section numbered twenty-two, thence west along said line $5 \frac{31}{100}$ chains to the quarter section post between sections fifteen and twenty two, thence north on quarter section line, twenty chains to the north-east corner of the south-east quarter of the south-west quarter of said section fifteen, thence west to the north-west corner of said quarter quarter section, thence south to the south-west corner of said quarter quarter section, so as to include the Alms House farm, thence west along said section line and the north line of section twenty-one and section twenty, to the quarter post on the north line of section twenty, thence south along the quarter section line to the centre of said section numbered twenty, thence west along the quarter section line in said section numbered twenty, and section numbered nineteen, to the west line of said township and range, thence south along the said range line to the north boundary line of township numbered six, thence east along said north line to the lake shore in the southerly part of Milwaukee Bay, thence from a point

therein in range with the south side of the south pier of the government harbor, the line shall diverge and run south easterly 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 in Lake Michigan, thence north to a point opposite the place or point of beginning, thence west to the place or point of beginning, shall be a city, by the name of "Milwaukee," and the people now inhabiting, and those who shall hereafter inhabit within the district of country hereinbefore described, shall be a municipal corporation, by the name of the "City of Milwaukee," and shall have the general powers possessed by cities, at the common law; and in addition thereto shall possess the powers hereinafter specifically 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 of law and equity; and shall have a common seal, and may change and alter the same at pleasure.

SEC. 2. For the better government of the said city, the district of country comprised in the limits described in the first section of this act, shall be divided into five wards, as follows: All that part of said district which lies east of the middle of Milwaukee river and north of the middle of Wisconsin street, shall be the first ward; all that part of the said district which lies west of the middle of Milwaukee river, and north of the middle of Cedar street, and its extension to the west line of the city, shall be the second ward; all that part of the said district which lies east of the middle of the said river, and south of the middle of Wisconsin street, shall be the third ward; all that part of the said district which lies west of the middle of said river, south of the middle of Cedar street, and within sections numbered twenty-nine and thirty, shall be the fourth ward, and the residue of said city shall be the fifth ward.

SEC. 3. On the third Tuesday of May next, and on the first Tuesday of April in each year thereafter, the male persons who are qualified by the constitution of this State to vote for State and county officers, and who have resided within the city one year, and within the ward where they shall propose to vote ten days next preceding any election, may, within their wards, at such places as may be designated by the present Common Council for the said first election to be held on the third Tuesday of May next, and by the Select and Common Councils for the elections thereafter, vote for one Mayor, one Treasurer, one Marshal, and one Attorney for the city; and for the ward in which they vote, one Alderman, to represent said ward in

and to be a member of the Select Council of said city, three Aldermen to represent said ward in and to be members of the Common Council of said city; one Constable, one Street Inspector, and three Assessors of Taxes for said ward; and at the election to be held on the first Tuesday of April, in the year of our Lord one thousand eight hundred and fifty-two, and at the election to be held each second year thereafter, in and for each ward one Justice of the Peace.

Aldermen to be inspectors of elections.

SEC. 4. The elections in said city shall be held and conducted by the Aldermen of the Common Council of each ward, who shall be the inspectors of elections, and shall take the usual oaths or affirmations as prescribed by the general election laws of this State to be taken by the Judges and Inspectors of elections, and shall have power to appoint Clerks of such elections, and to administer the necessary oaths. Said election shall be held and conducted in the same manner and under the same penalties, and vacancies in the boards of Inspectors thereof filled as required, directed and specified in the laws of this State regulating elections.

Elections—how conducted.

When oath to be taken.

SEC. 5. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspector before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age, that you are a citizen of the United States (or have declared your intention to become a citizen conformably to the laws of the United States, on the subject of naturalization) that you have resided within this city one year and within this ward ten days next preceding this election and that you have not voted at this election;" and if the person offering to vote shall take such oath his vote shall be received. And if such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person, who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to an indictment and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars or less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid and who shall swear in their votes; and if any inspector shall knowingly and corruptly receive the vote of any person not duly authorised to vote, or shall make out false returns

Penalty for illegal voting.

Inspectors to keep a list of challeng'd votes

of an election, or any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect count and tallies of votes, each and every such inspector and clerk shall be liable to indictment and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars and not less than one hundred dollars. All such indictments shall be tried in the circuit court of the county of Milwaukee, and all the penalties imposed by this section shall be for the benefit of the poor of said city.

SEC. 6. When an election shall be closed and the number of votes for each candidate or person voted for, shall be counted and ascertained, the said inspectors shall prepare and make under their respective hands and seals duplicate returns thereof stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered such returns to the select and Common Councils at the times and places appointed for them respectively to meet and receive the same; and within twenty-four hours after the election of Aldermen the inspectors holding such election shall give notice in writing to each of said Aldermen elected of their respective elections.

SEC. 7. The person receiving the highest number of votes at an election for any office created by this act shall be declared duly elected to said office; and in case of a tie or even number of votes having been given to two persons for the same office a new election shall be ordered and held. Every person elected or appointed to office in pursuance of this act shall hold his said office and discharge the duties thereof, for one year, (except Justices of the Peace who shall hold for two years) unless removed therefrom, and until his successor shall be duly elected or appointed and qualified. Persons elected or appointed to fill vacancies shall hold their said offices and discharge the duties thereof for the term of and according to the conditions, with the same rights, and subject to the same penalties as the person whose office they may be elected or appointed to fill.

SEC. 8. Special elections to fill vacancies in any office or for any other purpose shall be held and conducted by the Aldermen of the Common Council, in and for each ward in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance.

SEC. 9. The Select Council of said city shall be composed of one Alderman from each ward, and the Common Council shall be composed of three Alderman from each ward.

SEC. 10. The Aldermen elected to the Select and Com-

Separate Councils—time of meeting, &c.

mon Councils shall meet at such place in said city as the said Councils, each for its own body, may after the first election agree upon, and afterwards at such place as by ordinance duly passed may be fixed for that purpose, between the hours of ten and twelve of the clock in the forenoon on the Monday following each and every election of Aldermen, and after organizing each council temporarily, by selecting one for Chairman and one for Secretary, shall then and there receive the returns of their election as aforesaid, and shall forthwith proceed to examine the same and to judge and determine thereon; and for that purpose the said Aldermen elected to the Select and Common Councils respectively, or a majority of them, shall be judges of their own elections, and shall have full power and authority to approve thereof or to set aside the same.

Aldermen to be judges of Election.

Aldermen to take oath, &c.

SEC. 11. Each and every Alderman elected to the Select and Common Councils, returned and chosen in the manner aforesaid, and whose election shall be so as aforesaid approved of, shall, before he enters on the execution of his office, take a solemn oath or affirmation before some person competent to administer oaths, "well and faithfully to execute the office of Alderman of the Select Council, or of the Common Council, (as the case may be,) of the city of Milwaukee;" and shall thereupon enter upon the duties thereof.

Each Council to elect necessary officers

SEC. 12. When the elections of the said Alderman, or of a majority thereof, in each Council, shall be so as aforesaid approved, each of the said Councils shall elect one member thereof to be the President thereof; and each Council shall elect a Secretary and such other officers as may be deemed necessary: Provided, that the same persons may be elected the Secretary and other officers of both Councils. And in case of a vacancy in any of said offices at any time, or in case of the absence or inability of the said officers to act, the said vacancy may be filled by the election of another person to such vacant office, either permanently or temporarily as the case may require.

Proviso:

Vacancies—how filled.

Duties of Council in Convention.

SEC. 13. The said Select and Common Councils, when organised as aforesaid, shall on the same or some subsequent day meet in convention, and add up and pass upon the returns from the several wards of the votes given at the previous election for the offices of Mayor, Treasurer, Marshal and Attorney of the city, and also for all the officers authorised by this act to be elected in and for the several wards. And as such Judges of such elections shall pass upon and decide the legality or illegality of the same, and shall declare the person having the highest number of legal votes for any particular office, to be duly elected to such office. And the like proceedings shall be had after any special election to fill any vacancy in any of

the offices created by this act, or for any other purpose, at such time or times as the said Councils shall direct.

SEC. 14. The said select and common councils shall at all times have a separate and distinct organisation. They shall not hold their sessions for the transaction of business on the same day, unless for extraordinary causes, which shall be entered upon their respective journals. Each council may authorise and appoint as many joint committees, standing committees and special committees as may be deemed necessary or expedient. Each council may adopt rules for its own government and proceedings. One council shall not adjourn for a longer term than four weeks without the consent of the other. A majority of each council shall be a quorum for the transaction of business, but a smaller [number] may adjourn. Their sessions shall be open and public. Their proceedings shall be recorded, and all their papers, and all election returns shall be filed by their Secretaries; and the same may be examined at any time in the presence of the Secretary. Each member may have one vote on any one question and no more. The yeas and nays may be required at any time by one member, and on all questions, ordinances or resolutions for assessing taxes, or for the appropriation or disbursement of money, the vote shall be taken by yeas and nays and duly entered on the journal of proceedings. Each council may punish by fine its members, or other persons present for disorderly behavior; and may dismiss a member for neglecting his duties as such member, or for unnecessary absence from the sessions of council. At all elections by either council, or in convention of councils the vote shall be given *viva voce*, and shall be duly recorded on the journals of each council. When the members of the councils meet in convention the President of the select council shall be the presiding officer of the convention and the Secretaries of the councils shall be the Secretaries thereof, and they shall duly record the proceedings of the convention on the journals of each council.

Councils to have separate organization.

Secretaries to record proceedings.

When vote to be by yeas and nays.

At elections vote to be given *viva voce*.

Council may elect and remove certain officers.

SEC. 15. The members of the select and common councils in convention assembled, shall elect by the vote of the majority present, for the term of one year, unless sooner removed, the following officers, and such others as may be necessary to carry out the powers conferred by this act on said municipal corporation, and also in the same manner and by the same vote remove them at pleasure, to wit: one city surveyor, one city clerk, school commissioners, one collector of taxes for each ward, one chief engineer of the fire department, and as many assistant engineers as they may from time to time deem expedient; one sealer of weights and measures; measurers of fuel, grain, lime

and other articles ; weighers of hay, pound masters, sextons or keepers of burial grounds, inspectors of flour and provisions, one harbor master, and one superintendent of the alms-house ; and prescribe their compensation and duties, and impose and enforce such penalties as may be prescribed by ordinances for any malfeasance or improper conduct of any of said officers.

Council may dis-
miss certain of-
ficers.

SEC. 16. A majority of the members of each council in convention assembled shall have the power to dismiss from office any person elected or appointed to any office in said city, except Aldermen and Justices of the Peace ; and the said council shall provide by ordinance the manner of hearing and disposing of complaints against officers. And in cases of a tie vote, or a failure in making an election of an officer or Alderman, or in case of the dismissal of an officer or Alderman, or where any officer elected or appointed for the city moves his residence without the limits of the city, or where any Alderman or officer elected or appointed in and for a ward moves his residence without the limits of such ward, or whenever a vacancy may occur in any other manner in any office to be filled

When Mayor to
issue proclama-
tion to fill va-
cancies.

by an election by the people, the Mayor shall by proclamation order a special election, giving five days' notice thereof, for the election of a person to supply said vacancy. And where a vacancy may occur in any office to be filled by a vote of councils in convention, the same proceedings shall be had for the election of a successor as are herein directed for elections by the members of said councils in convention assembled.

Other vacancies
— how filled.

General powers
of Select and
Common Coun-
cils.

SEC. 17. The power of the corporation of the said city shall be vested in said select and common councils, who shall in separate and distinct council assembled have full power and lawful authority to make, ordain, enact, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce, and health thereof, as they shall deem expedient ; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of law : Provided, that they be not repugnant to the constitution and laws of the United States, or of this State, and for those purposes shall have authority by ordinances, resolutions or by-laws.

Proviso.

Specific Powers
of Councils. Es

I. To establish rates for and license and regulate taverns, groceries and victualling houses, and all persons retailing or dealing in spirituous, vinous, or fermented liquors, and to license and regulate the exhibitions of common showmen or shows of

any kind, or the exhibition of any natural or artificial curiosity, caravans, circusses, or theatrical performances, and to provide for the abatement or removal of all nuisances, under the ordinances or at common law: Provided, That the license in this section mentioned, shall in no case be granted for a less sum or sums than is prescribed in an Act entitled "An Act licensing the sale of intoxicating liquors," approved March the eighth, one thousand eight hundred and fifty-one. Proviso.

II. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said city.

III. To prevent any riots, noise, disturbance, or disorderly assemblages, suppress and restrain disorderly houses or groceries, houses of ill fame, billiard tables, nine or ten pin alleys or tables, shows and exhibitions, and to authorise the destruction of all instruments used for the purpose of gaming.

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

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

VI. To prevent the incumbering of the streets, sidewalks, lanes or alleys, with carriages, carts, wagons, sleighs, sleds, boxes, lumber, firewood or any other materials or substances whatever.

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

VIII. To restrain the running at large of cattle, swine, sheep, poultry, and geese, and to authorise the distraining and sale of the same.

IX. To prevent the running at large of dogs, and to authorise the destruction of the same in a summary manner, when at large contrary to the ordinance.

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

XI. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants of said city or any ward therein, to erect lamps, and regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city. And to provide for lighting the streets, public grounds, and public buildings of said city, with gas, or otherwise.

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

XIII. To regulate the procuring of fire buckets, and the purchase of fire engines, and to preserve said city from injuries by fire, and to prescribe and regulate the materials of which houses may be built within the fire limits, and the manner of erecting and securing chimneys, and to provide for removing chimneys which may be deemed dangerous and to require and provide for the building of new chimneys where deemed necessary, at the expense of the owners or occupants of buildings when the same may be required.

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

XV. To establish fire limits.

XVI. To regulate the building of wharves, bridges, mill races, and canals, and provide for the security and protection of the same.

XVII. To prevent all persons riding or driving any horse, ox, mule, cattle or other animal on the side walks in said city, or in any way doing any damage to such side walks.

XVIII. To prevent the shooting of fire arms or crackers, and to prevent the exhibition of any fire works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying any citizen thereof.

XIX. 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.

XX. To restrain and regulate runners or solicitors for boats, vessels, stages, public houses or other establishments; to regulate the police of the city, to appoint firemen, prescribe their duties and to punish their delinquencies.

XXI. To establish public markets and make rules and regulations for the government of the same, to appoint suitable of-

ficers for overseeing and regulating such markets and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

XXII. To license and regulate butcher's stalls, shops and stands for the sale of game, poultry, butcher's meat, butter, fish and other provisions.

XXIII. To regulate the place and manner of weighing and selling of hay, and measuring and selling of fuel and lime, and to appoint suitable persons to superintend and conduct the same.

XXIV. To compel the owners or occupants of buildings or grounds to remove snow, dirt, or rubbish from the side walk, street, or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and in his default to authorise the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

XXV. To lay out new streets, highways, lanes, alleys and public walks, and to vacate such streets, highways, lanes, alleys and public walks as in their opinion shall not be of public utility; to extend, or widen streets, highways, lanes, alleys and public walks; to regulate the grade, pitch or elevation, and the paving, repairing and improving, of streets, side walks, lanes, alleys and public walks, making the persons injured thereby adequate compensation.

XXVI. To regulate the construction of piers or wharves extending into Lake Michigan within the limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon.

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

SEC. 18. All laws, ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the select and common councils respectively, and shall be signed by the President of each council, and shall be published six days in one daily newspaper in said city before the same shall be in force, and within fifteen days thereafter they shall be recorded by the City Clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations, resolutions or by-laws, shall be recorded, the publications thereof respectively within the said time shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

Laws, Ordinances, &c., to be published prior to being recorded.

SEC. 19. The powers conferred upon the said councils to

Certain houses to be deemed and declared nuisances.

provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions, or proceedings in the Courts according to law. Depots, houses or buildings of any kind wherein more than thirty pounds of gunpowder is deposited, stored or kept at any one time, gambling houses, houses of ill fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Select Council to audit accounts of city officers

SEC. 20. The select council shall examine, audit and adjust the accounts of the Mayor, Clerk, Treasurer, School commissioners, Street commissioners, Collectors, Marshal, and all other officers and agents of the city, and of every ward thereof at such times as they may deem proper, and also at the end of each year, and before the term for which the officers of the said city are elected or appointed shall have expired. And the said select council shall require each and every such 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 said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his account or accounts, or present his books and vouchers to said council, it shall be the duty of the select and common councils to declare the office of such person vacant. And the select council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts or in the discharge of his official duties; and shall make a full record of all such settlements and adjustments.

Proceeding in case of neglect to exhibit vouchers.

Mayor elect to take oath, &c.

SEC. 21. When the councils shall have ascertained from the returns, and declared the person duly elected to the office of mayor as hereinbefore directed, the person so elected to said office, shall make and subscribe, before some person authorised by law to administer oaths, an affidavit, "well, impartially and faithfully to discharge the duties of the office of mayor of the city of Milwaukee, and also to support the constitution of the United States and of this State," whereupon he shall be fully authorised to enter upon the duties of his office.

General Powers and Duties of Mayor.

SEC. 22. The Mayor shall be the chief executive officer and magistrate of said city. He shall preserve the peace and good order of the city, and shall see that the laws of this State, and the ordinances, laws, rules, regulations, resolutions, and by-laws of the city be observed and executed. He shall from time to time recommend in writing to the councils, such measures as he may deem expedient for the good government and welfare of the city. He shall have and may exercise the power and au-

thority to administer oaths, to take and subscribe affidavits and depositions, and acknowledgments or proofs of deeds for the conveyance of lands and other instruments of writing. He shall grant and issue all licenses authorised or required by law, or by the ordinances of said city, upon the presentation of the City Treasurer's receipt of the payment of the amounts or sums of money required therefor. He shall appoint as many assistant marshals as he may deem expedient, not exceeding one for each ward of said city, and bridge tenders and watchmen, and one Captain of the Watch; and may remove the marshals and assistant marshals, and bridge tenders and watchmen, and Captain of the Watch, or any of them, for violation or neglect of duty or other good cause; and to suppress a riot or mob, or to preserve the peace and quiet of the city he may appoint as many temporary and special constables as he may deem necessary.

Sec. 23. It shall be the duty of the Mayor to keep his office open daily, except Sundays and Christmas Days, where he shall hear and dispose of breaches, infractions, and violations of the laws, ordinances, rules, resolutions, regulations, by-laws and orders of said city; and all complaints, informations, and cases of breaches of the peace, quiet or good order of the city; and impose and enforce the prescribed penalties therefor; and also for all violations of the laws and ordinances regulating licenses; and all such other duties as may appertain to his said office of Mayor.

General Powers
and Duties of
Mayor.

Sec. 24. The Mayor shall have power to issue warrants, attachments, subpoenas, executions and all other writs, process and papers necessary to carry out and enforce the powers and jurisdiction here conferred; and he shall have the same power to require and enforce the observance and execution of the said writs, process and papers as the Courts of this State. All writs, process, licenses and papers issued by the Mayor shall be signed by the Mayor and sealed with the seal of the city. Suits or proceedings before the Mayor shall be prosecuted in the name of the city of Milwaukee, and shall be commenced by warrant or *capias*, upon information in writing under oath, or upon his own observation, or that of the Marshal, assistant marshals, watchmen or constables of said city; and he may proceed to hear and dispose of all cases in a summary manner; and enter judgments, decrees, and sentences as may be just and proper; and issue commitments and executions to enforce the same, together with legal costs. And executions issued upon such judgments, decrees or sentences shall authorise and command the officer to whom the same may be issued, to levy the same of the goods and chattels of the defendant or defend-

General Powers
and Duties of
Mayor.

Suits before
Mayor—how
commenced.

When defend-
ant may be im-
prisoned.

Mayor may
grant appeals to
Court of County

Certain city au-
thorities to be
officers of the
peace.

County jail to be
used by the city
Expense of keep-
ing, &c.,—who
to pay.

Duties of City
Clerk.

ants therein named ; and in case the said defendants have no such goods and chattels whereof to levy the same, or in case of the non-payment of the amount of such writ or execution and costs, to imprison the said defendant or defendants in the common jail of the county of Milwaukee, for such time as may be prescribed by the law or ordinance under which the judgment, decree or sentence shall have been rendered, but not exceeding sixty days. The Mayor shall also have power to commit or bind over to the Courts of the State, such persons as may be found upon examination before him to be indictable ; and may have and exercise the same power and authority to punish for contempts as the Courts of this State ; and he shall grant appeals from his final judgments, decrees and sentences, in the same manner as Justices of the Peace, in criminal cases to the Court of Milwaukee county having jurisdiction of such appeals from Justices of the Peace ; and he shall have and receive for his services such fees as are allowed Justices of the Peace or other officers for similar services, in addition to such annual salary as may be allowed by the councils, which shall not be reduced during his term of office.

SEC. 25. The Mayor, Sheriff, Under Sheriff, and Deputy Sheriff of the county of Milwaukee, each and every Alderman, and Justice of the Peace, Marshal and assistant marshals, constables and watchmen, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior, within the limits of said city ; and for such purposes may command the assistance of all by-standers ; and the Mayor, if need be, may command the assistance of all citizens and military companies ; and if any by-standers, citizens, military officer, or private of such company shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay such fine as may be prescribed by ordinance in such case provided.

SEC. 26. The common jail of the county of Milwaukee shall be used by said city for the imprisonment of any person therein by virtue of any process, commitment or execution issued by the Mayor, or by virtue of an order of the Mayor or any other officer of said city ; and all persons committed to said jail in pursuance of any such process, commitment execution or order, or by the marshal or assistant marshal, or constable, or a watchman, or any other officer of said city, shall be under the charge of the Sheriff of said county as prisoners of the said county, but the city shall pay the expenses of keeping and maintaining them.

SEC. 27. The city clerk shall attend at the office of the Mayor daily when required during office hours, and shall write

down and duly record in books to be provided by the city for that purpose, all orders, judgments, decrees and sentences, and other proceedings of the Mayor; and he shall make and record a list of all licenses, stating to whom issued and for what purpose, with their dates; he shall also keep an office, which shall be open during the usual office hours, except when in attendance at the Mayor's office; and he shall file in his office all official affidavits except the aldermen's all official bonds, and all ordinances, laws, regulations and by-laws of the councils, with the affidavits of publication annexed, and shall record the said ordinances, laws, regulations and by-laws, in a book or books to be provided by said city. Chattel mortgages and other papers authorised by law to be filed or recorded in a town clerk's office may be filed or recorded by the city clerk in his office. He shall do and perform all the duties required by law to be done and performed by town clerks, so far as such duties can be performed by a city clerk. He shall make all tax lists and issue all warrants for the collection of taxes as prescribed by law. He shall make and certify, when required, under the seal of the city, copies of all records or papers in the office of the Mayor, or in his own office, and all such copies shall be received as evidence in the Courts of this State as fully and effectually as the said original records or papers. The said clerk shall be allowed the same fees as are allowed to registers of deeds and clerks of the board of supervisors, and town clerks for similar services, in addition so such salary as may be granted by the councils. For recording the proceedings of the Mayor, as aforesaid, he shall be paid by the folio the same as registers of deeds, which shall be taxed in the bill of costs in each case or proceeding. The ordinances, rules, regulations, resolutions and by-laws of the councils, with the affidavits of publication thereto annexed and filed or recorded in the city clerk's office, or a certified copy thereof under seal, shall be conclusive evidence thereof, and a printed paper or pamphlet containing the same shall be prima facie evidence thereof.

Rule of Evidence.

SEC. 28. The Marshal shall serve all process, writs and notices issued or ordered by the Mayor, or the councils or aldermen, and for that purpose he may pass through and into any county of the State. He shall attend at the Mayor's office when business may require and shall also be present at the sessions of the councils when required. He shall report to the Mayor daily all breaches of the peace and order of the city and all violations of the laws and ordinances of the city, and all persons trading or dealing in any way without such license as may be required therefor. He shall suppress riots, mobs and breaches of the peace and may call to his assistance in the discharge

Duties of Marshal.

of any of his duties, all State, county and city officers, and citizens, and he shall assist all such officers in the discharge of their duties when required. In serving and executing process and making sales of property upon executions or otherwise, he shall be governed by the laws of the State regulating and providing for the service of process and sales of property by constables, and he shall be entitled to the fees allowed constables. The Marshal shall also do and perform all such duties as may be prescribed by ordinances or resolutions of the councils. The councils may prescribe a tariff of fees for the Marshal not exceeding the rates of constables fees and may also allow him a salary. Assistants Marshals may do and perform all the duties specified herein, or that may be specified by the councils in their ordinances and resolutions to be done and performed by the Marshal and shall be entitled to the same fees; and all such acts and services shall be as valid and effectual as if done by the Marshal.

Council may regulate fees of Marshal.

Councils may provide night watch.

SEC. 29. The councils shall have the power to provide for the appointment, organisation and support of a good and sufficient night watch.

Duties of watchmen.

SEC. 30. It shall and may be lawful for the watchmen or any of them and they are hereby empowered and required to apprehend all night-walkers, malefactors, rogues, vagabonds and disorderly persons, whom they shall find disturbing the public peace or shall have cause to suspect of any evil design and to carry the person or persons so apprehended as soon as conveniently may be before the Mayor of the said city to be examined, tried and dealt with according to law. The watchmen shall be at their respective stands and keep watch and ward at the hours and during the times specified, and shall observe, perform and execute all such matters and things as by the ordinances, resolutions, rules, orders, regulations and by-laws of the councils shall be from time to time enjoined them. And in case of any fire breaking out or any great necessity, they shall immediately alarm each other, and the inhabitants in their respective rounds, which when done, they shall repair to their respective stands, the better to discover any other fire that may happen as well as to prevent any burglaries, felonies, breaches of the peace, outrages and disorders, and to apprehend any suspected persons who in such times of confusion may be feloniously carrying off the goods and effects of others. And it shall be the duty of the watchmen to report daily to the Mayor all cases of disorder or breaches of order or of the ordinances of the councils that come to their knowledge, and to do such other duties as may be specified by the councils or directed by the Mayor.

SEC. 31. The city Surveyor shall be a practical engineer and shall do and perform the duties of surveyor, engineer and regulator. The councils shall provide an office for the city Surveyor, and shall prescribe his duties, and also a tariff of fees and compensation for his services, and the services of his assistants. The councils shall provide for the making of drafts of the city, designating therein the several streets and sections of the city and showing the regulations, heights, ascents, descents and grades of the streets, water courses and sewers and locations of reservoirs heretofore established and constructed and as the same from time to time may be established and constructed, and for the making of maps, charts, diagrams, profiles of streets, lanes, alleys and of surveys, and the recording thereof and for the preservation of the records, papers, filed notes and other documents in and appertaining to the office of city Surveyor; and that the same shall be the property of the city and be open to the proper inspection of the inhabitants thereof. The councils shall also prescribe the number of assistant Surveyors from time to time and their duties, and they shall be appointed by the city Surveyor.

Duty of Councils in relation to Surveyors.

SEC. 32. The city Surveyor upon application to him made shall have full power and authority to regulate party walls and partition fences within said city, and may enter upon the land of any person in order to set out the foundations, and regulate the walls to be built or constructed between party and party, as [to] the breadth and thickness thereof and location thereof; the foundation of said party walls shall be laid equally upon the lands of the persons, between whom such party wall is to be made or built; and the first builder shall be reimbursed one moiety of the charge of such party wall, or for so much thereof as the next builder shall have occasion to make use of, before such next builder shall in anywise use or break into the said wall. The charge of value thereof to be set by the city Surveyor. Where the adjoining parties do improve or enclose their lots such partition fences shall be made in the manner generally used, and kept in good repair at the equal cost of the parties or owners of the adjoining lots, unless they shall otherwise agree; and if either party between whom such partition fence is to be made, or is, or shall be made, shall neglect or refuse to make his part thereof, or to repair his part thereof, or to pay his share or moiety for such making or repairing, then the other party may make, or repair the said partition fence and shall have an action at law, against the other party so neglecting or refusing for the recovery of his share of the expenses of such making or repairing.

Power of Surveyor to regulate division walls, &c.

SEC. 33. If any person shall lay the foundation or begin to

Surveyors to mark out, foundation and division lines. lay the foundation of any party wall, or any wall, or build any fence adjoining or upon the line of any public street, lane, or alley within the said city, before the lines and boundaries of the lot or piece of land whereupon the said foundation shall be so laid, or begin to be laid, or fence built, shall be adjusted or marked out by the said surveyor, every such person, as well employer, as master builder, shall forfeit and pay such sum as may be prescribed by ordinance for the use to be therein mentioned.

Power to enter upon Lands.

SEC. 34. The city surveyor and his assistants, and the aldermen may at all reasonable hours, enter upon any lot or lands within said city, and survey or measure the same in order to perform the service and duty required.

Surveyor to be governed by original surveys

SEC. 35. The city surveyor shall be directed and controlled in all cases where practicable, by the original surveys and land marks of streets, alleys, and lots as marked, described and laid down by the original proprietors. And where the owners or proprietors of buildings or fences shall fail to comply with the provisions of this act, in having such previous survey and regulation as herein required, and buildings or fences shall be erected in such manner as to stand partly on the adjoining lot; no length of possession whatever by means of such building or fence of any part of an adjoining lot so encroached upon shall be available, or bar legal proceedings against the owner, or owners of such buildings or fences.

Surveyor to make record of surveys, &c.

SEC. 36. The city surveyor shall make a record of all orders, directions, awards and surveys by him made concerning party walls or partition fences, and every such order, direction, award, and survey, if made with reasonable notice beforehand to the parties interested therein; shall conclude and bind all parties, unless the same be set aside upon appeal. And if any party should be dissatisfied with any order, direction, award or survey of said city surveyor, he may appeal to the select council, who shall finally adjust and settle the same, which shall conclude and bind all parties, the costs of such appeal to be paid as the said select council shall direct, or as may be directed in and by an ordinance.

Parties may appeal to Select Council.

Surveyor not to change, but to establish permanent land marks.

SEC. 37. It shall not be lawful for the city surveyor to change the boundaries or land marks of lots as laid out and sold by the original proprietors, for the purpose of equalising said lots or correcting said surveys or land marks. And where streets or alleys have been built upon, and in ignorance of the true line thereof, in such manner as to increase or diminish the original width of said street or alley, unless, in the opinion of the councils, the diminution should be so great as to effect the use of said street or alley, or the convenience of the inhabitants

or the regularity of the plat or plan, the line or boundaries of said street or alley shall be limited by said buildings, and the city surveyor shall establish permanent land marks in each ward, and within each original plat—survey or addition of said city.

SEC. 38. The Aldermen elected to the common council shall be street commissioners in and for their respective wards. Two of whom shall be a quorum for the transaction of business. One of their own number or some person appointed by them, shall be the clerk of the board, and shall keep a fair record of all the acts and doings of the board, draw, prepare, file and preserve the contracts, agreements, receipts, vouchers and papers of the board. The several boards shall make reports in detail of their acts and doings to the select council when required, and at the expiration of each year and before their term of office shall expire, shall submit all their acts, doings, books, records, vouchers and papers to the said select council for final settlement and adjustment. It shall and may be competent for any person aggrieved by any act or acts, order or orders, of said boards at any time, to have the same reported fully to the select council, and for the said council to enquire into, examine and correct the act or order complained of as may be just and right, and the further action of said board shall be regulated and controlled accordingly.

Aldermen of
Common Council
to be Street
Commissioners

Select Council
may correct acts
of Commission-
ers.

SEC. 39. It shall be the duty of the Aldermen as street commissioners, to order and contract for the opening, making, grading, building, repairing and cleansing the streets, lanes, alleys, side-walks, public wells, reservoirs, gutters and sewers within their wards, and to direct and control the street inspector and persons employed or engaged in said works, in pursuance of such orders or contracts. In making contracts for any work, preference shall be given to tax payers of their own ward, if their proposals are equally advantageous with others.

Duties of Street
Commissioners

SEC. 40. The cost and expense of surveying the streets, lanes and alleys, and of estimating work thereon, and of repairing and cleansing streets, lanes and alleys, and of making, building, repairing and cleansing public wells, reservoirs and sewers, shall be chargeable to and payable out of the general fund of the ward wherein the same are located, the grading, gravelling, paving, opening and making the streets, lanes, alleys and side-walks, shall be chargeable to and payable by the owners of lots fronting or opposite to such streets, lanes, alleys and side walks. In alleys, sewers may be ordered by the said Aldermen as street commissioners, and made at the expense and charge of the lots or pieces of land benefitted thereby, which shall be apportioned among said lots or pieces of land by

Certain expenses
chargeable
to general fund.

Sewers to be at
expense of lots
benefited.

the city surveyor, and the said Aldermen as street commissioners, shall issue their certificates to the contractors in the same manner and form, and the same with the interest thereon, shall be assessed upon said lots and pieces of land respectively, as is provided in this act in cases of grading, gravelling, opening and paving streets and alleys. And provided further, That in all cases where improvements or work of any kind is chargeable by this act to lots, all such improvements across streets and alleys, and public squares, shall be made and paid for out of the street taxes of the ward, in proportion to the breadth of the street, alley or public square.

Proviso.

Notice of work to be done to be given to owners

SEC. 41. The streets, to the middle or centre thereof, and the sidewalks, lanes and alleys, shall be graded, graveled, and paved at the cost and expense of the lots and lands lying on or opposite to the same respectively; and the said Aldermen, as street commissioners, shall give notice to the owners or occupants of all such lots and lands, if to be found; but if not found by advertisement for five days in one or more daily newspapers published in said city, requiring them to do the work therein mentioned, within a reasonable time therein specified, in the street, lane, alley or sidewalk opposite their said lots or lands; and if the said work should not be done within the time specified, and in pursuance of such notice, the said commissioners may contract for the doing thereof; and when the said work shall be completed according to the terms of such contract, and the expense thereof ascertained, the said commissioners shall give to the contractor a certificate under their hands, stating therein the amount due such person for the work, whatever it may be; and the lot or piece of land upon which the same is chargeable with interest, at the rate of twelve per centum per annum until paid, which said certificate may be transferred by endorsement thereon; and if the amount of such certificate, with the accrued interest thereon, shall not be paid before the time of making the annual assessment of taxes for city purposes, the same shall be specially assessed upon the said lot or lots or lands respectively, and collected as other taxes for the use and benefit of the holders of such certificates. And if such notice shall have been given to do the work as herein directed, no informality or error in any of the proceedings or assessments shall vitiate or make void such tax: Provided, where the general interest of the city or ward requires deep cutting or extraordinary filling, and the owners of lots or lands fronting on such deep cutting or filling shall feel themselves aggrieved thereby, the said street commissioners, on the petition in writing of such owners, shall require and order the city marshal to summon five disinterested freeholders, not residents

When Commissioners may contract for doing work.

Certificates to be issued in payment.

Proviso.

When Commissioners to order marshal to summon Jury for purposes

of their ward, who shall meet, and after being duly sworn by some person authorised to administer oaths well and impartially to discharge their duty, shall examine and view the premises, and if in their opinion the lots or lands fronting on such deep cutting or filling will be injured thereby, or that said work will be too burdensome on such lots or lands, it shall be their duty to make report in writing to the said commissioners how much or what proportion of said work shall be chargeable to the said lot or lots or lands and how much or what proportion thereof shall be payable out of the street taxes of the ward; and the work shall be so done as in other cases and the proportion of the cost thereof chargeable upon the said lot or lots or lands shall be assessed upon said lots or lands and collected as in other cases, and the said commissioners shall issue their order upon the Treasury for the amount or proportion payable by the ward.

Jury to report to Commission-ers.

SEC. 42. It shall be lawful for the said aldermen as street commissioners to give notice to all owners or occupants of lots on which there may be a nuisance by water confined for want of proper drainage or of any other kind if to be found and if not found by advertisement in one or more daily newspapers published in said city for five days to remove or abate the said nuisance within a reasonable time therein specified, and if such nuisance is not removed or abated within such time the said aldermen as street commissioners shall order the same removed or abated at the cost and expenses of the owner of such lots, and they shall present their petition to the circuit court of the county of Milwaukee setting forth the nature of such nuisance with the description of the lots the amount of such costs and expenses so incurred as to each lot, and the notice given as aforesaid, with an affidavit of the truth of the facts contained in said petition, whereupon the said court or the judge thereof in vacation shall order judgments to be recorded against the said owners of such lots if known, otherwise against the said several lots by description for the said amount and costs and interest at the rate of twelve per centum per annum until paid, in the name of the city of Milwaukee for the use of the person named in said petition who did the said work. Said judgments shall be liens on said lots in preference to any other liens of previous or subsequent dates and shall be entered by the clerk without the aid of an attorney or without a judgment record, and executions may be issued thereon and the said lots sold as other real estate upon execution.

Commissioners may give notice to owners of lots to abate a nuisance.

When judgment to be rendered for costs, &c., of abating nuisances.

Liens thus made to have preference.

SEC. 43. It shall not be lawful for the said aldermen as street commissioners or for the councils to order or authorise in any manner the alteration of the grade, pitch, or elevation of

Street Commissioners not to alter grade of street, &c, except by petition of owners.

streets, lanes, or alleys that are now or may hereafter be established by ordinance of council unless upon the petition of a majority of the owners of lots fronting on or opposite to said street, lane or alley, and all the expenses and damages of, or occasioned by, such alteration of said grade, pitch, or elevation shall be collected of the owners of the lots, or off the lots represented in said petition and a judgment shall be rendered for the proportion of such costs and expenses against each and every such lot and the owners thereof as in the cases of nuisances, and the same proceedings may be had therein for the use of the persons who may have done the work in making such alteration, and if it should afterwards appear that any person signing any such petition for such alteration was not the legal owner of the lots so represented by him, then the said person so signing shall be liable to such owner for the amount of said judgment and costs together with all damages.

Street Commissioners to petition Circuit Court to appoint jury to assess damages.

SEC. 44. The said Aldermen, as street commissioners, shall before altering the grade, pitch or elevation of any street, lane or alley, as aforesaid; or widening or extending the same; or opening a new street; petition the Circuit Court of the county of Milwaukee for the appointment of a jury to ascertain and to assess the damages that may be occasioned by reason of the proposed work, and thereupon the said Court, or the Judge thereof, in vacation shall appoint twelve disinterested freeholders, not residents of the ward, wherein the said work is proposed to be done. The said jury shall meet on the ground, and after being duly sworn well, faithfully, and impartially to discharge the duties of their appointment, shall view the premises, and assess to each lot or piece of ground, or the owner thereof, its actual amount of damages, if any, taking into consideration the advantages to the owners thereof by reason of the proposed work. The said jury shall within ten days thereafter make their report to the said Court, and the said Court shall render judgments in favor of the said several persons or owners of the said lots, damaged by reason of the said proposed alteration of the grade, pitch or elevation of the street, lane or alley against the said petitioners for such alteration, or their lots, as in cases of nuisances as aforesaid; and the damages so reported, by reason of widening or extending a street, lane or alley, or opening a new street, the said Court shall order to be paid out of the general fund of the particular ward; and the Treasurer of the city shall pay the same upon the presentation of such order duly certified under seal by the clerk of said Court: Provided, that the said Court may set aside said report in whole or in part for irregularity in the proceedings, or for injustice or corruption; and may order a new jury as often as

Jury to make report, and Court to render judgment accordingly.

Proviso

may be required: Provided further, that in case of widening or extending a street, or opening a new street, the said petition shall ask for the appointment of such jury to enquire into the necessity of the same, and to assess the damages as aforesaid; and if the said jury shall find the necessity for said proposed work, they shall then assess the damages as aforesaid.

SEC. 45. The select and common councils shall have power to assess annually on such real and personal property and effects as by law may be liable to taxation for State and county purposes, a tax not exceeding one quarter of one per cent. on the valuation of said real and personal property and effects, for the support of the government and police of said city; also a tax, not exceeding one quarter of one per cent., for the maintenance of the public schools within said city; and a tax, not exceeding one quarter of one per cent., for the support of the poor and the regulation of the health of the city: Provided, that all those parts of sections nineteen, thirty, thirty-one and thirty-two, included within said city limits, that are used for farming purposes, or not laid out into city lots, or for town or city purposes, shall be exempt from all taxation authorised by this act, except for school, poor and highway purposes; and shall also be exempt from taxation for the payment of debts, if any remaining unpaid under the village charter of Milwaukee.

SEC. 46. There shall not be any school tax assessed within said city, under or by virtue of the laws of this state regulating common schools, or any other law, excepting this act; and the board of supervisors of the county of Milwaukee shall annually ascertain the proportion and share of the said city in and to the school fund of the state, and shall report the amount thereof to the State Treasurer, whose duty it shall be to pay the same to the treasurer of said city.

SEC. 47. The assessors elected in the several wards of said city, shall be the assessors of the state and county taxes, and of all taxes authorised to be assessed for all purposes in the city, and the several wards thereof, and it shall be their duty to make all assessments and valuations in the manner and within the times prescribed in the laws of this state for the assessment of taxes for state and county purposes, and according to the directions thereof, shall give notice to the tax-payers, and in connection with the aldermen of their ward, shall hear the applications of tax payers for the reduction and correction of valuations, and equalise the same to and among the tax payers of the ward. And the said assessors shall on or before the times specified in said laws, deliver the reviewed and completed assessment roll, with the legal certificate thereto annexed, to the clerk of the board of supervisors of the county of Mil-

Power of Councils to levy taxes.

Proviso.

Lands exempt.

County Supervisors to ascertain amount of School Fund due city.

Duties of Assessors.

County Board to equalise assessments.

waukee, who shall deliver the same to the county board of supervisors at the next meeting, and shall be by said board equalised and adjusted according to the said laws. After the assessment rolls shall have been thus equalised and corrected, the board of supervisors shall cause the corrected roll of each ward of said city, or a copy thereof, to be delivered to the member of said board from the ward who shall deliver the same to the city clerk, to be by him laid before the select and common councils, and afterwards filed in his office, and by the said councils rates per centum shall be determined for the taxes for the several city purposes, and the aldermen of each ward shall fix and determine the rate per centum for the general ward tax in their respective wards, not exceeding in any one year three-fourths of per centum. And when the said councils and aldermen shall have determined the several rates per centum to be assessed as aforesaid, it shall be the duty of the city clerk, under the direction of the councils, immediately upon the receipt of the same, and of the said assessment rolls, and a certificate from the clerk of the board of supervisors of the county of Milwaukee, of the amount of state and county tax apportioned to each ward, to calculate and carry out in one assessment roll, the total amounts of the several state and county taxes, and in one other assessment roll the total amount of the several city and ward taxes each in separate columns, prepared for that purpose in the assessment roll, setting opposite to the several sums set down as the valuation of real and personal estate, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fractions of a cent. And the said city clerk shall record in a book for each ward separately, the said tax lists of the several city and ward taxes, and the said tax lists or the record thereof, shall be conclusive evidence of the amount of the taxes assessed as aforesaid.

Councils to fix
rate per cent.

City Clerk to
make two separate
assessment
rolls.

Duties of City
Clerk.

SEC. 48. The City Clerk shall do all the duties required by law of town clerks in the assessments and collections of the State and county taxes and shall pursue said requirements and directions as near as may be in the assessments and collections of city and ward taxes, and shall annex the required warrant to the assessment roll for the collection of the State and county taxes and he shall also annex to each assessment roll of the city and ward taxes a warrant for the collection of said taxes and to pay the same over to the city Treasurer within the time required by law; both said warrants shall be modified so as to conform to the provisions and objects of this act, and he shall deliver the said assessment rolls and warrants to the collector of the proper ward after he shall have given bonds as required by law of town Treasurers for the collection of the State and

Collectors to
give bonds.

county taxes and a bond to the city of Milwaukee with sureties to be approved by the Mayor in double the amount of the assessment roll well and faithfully to do and perform all the duties of collector of the city and ward taxes in and for the ward to be therein described of said city of Milwaukee and pay over the same to the city Treasurer.

SEC. 49. The collector of taxes in each ward shall do and perform all the duties required by law of town Treasurers and in all things pertaining to their duties in the collection of taxes and making returns they shall observe the provisions of said laws, and they shall receive such compensation for the collection of the city and ward taxes as may be allowed and specified by ordinance, and it shall be the duty of the councils to specify the fees and compensation that shall be allowed the said collectors. The said collectors shall receive city orders in payment of the said city taxes and ward orders in payment of ward taxes, and shall on every Saturday pay over to the city Treasurer the amount they shall have collected and they shall make returns of their said assessment rolls and warrants and of unpaid and delinquent taxes to the city and county Treasurers at the same time as town Treasurers are required by law to make such returns to the county Treasurer. In case of a vacancy in the office of collector or in case a collector shall refuse or decline to give his bond and qualify as required by law the alderman of the ward shall supply the said vacancy by the appointment of some suitable person collector of taxes who shall give the bond and qualify as required by law, and he shall proceed in all things in the duties of his said office as the law shall require and direct.

Duties and compensation of Collectors.

Alderman may fill vacancies conditionally.

SEC. 50. The City Treasurer shall keep in his office a duplicate of the record of the city and ward taxes required to be preserved in the city Clerks office. And all taxes assessed upon real estate in pursuance of this law for the several city and ward purposes herein mentioned shall be a lien on such real estate in preference to any other lien.

Tax lien preferred to others.

SEC. 51. All lots and lands returned to the city treasurer upon which said city and ward taxes and charges shall not be paid by the first day of February next after the return thereof shall be subject to sale, and the said city treasurer shall advertise the same for sale, and proceed in making such sales at the times and in the manner, and give to the purchasers at such sales certificates thereof; and in all things after the manner of sales by the treasurer of counties; and the said lots and lands shall be sold upon the same terms and subject to the same time and conditions of redemption, and shall be redeemed in the same manner. And the city clerk shall make and execute

Sale of Lands for taxes—how made.

deeds to purchasers at such tax sales, after the time for redemption shall expire, to the holders of the certificates in the name of the city of Milwaukee, and shall sign the same as city clerk and attach the seal of said city thereto; and said deeds shall have the same effect and validity, and shall vest the same estate in the guarantee with the same rights and subject to the same disabilities as deeds made in pursuance of sales by county treasurers for state and county taxes; and the record thereof shall have the same validity. And the city treasurer shall

City Treasurer may issue warrants against Collectors.

issue warrants against collectors, as county treasurers are authorized to issue against town treasurers, and shall also issue similar warrants for the collection of taxes on personal property as county treasurers may by law issue, and the same shall be enforced and served in the same manner. The county treasurer shall sell all lots and lands returned to him by the several collectors upon which the State and county taxes have not been paid, as other such lands in the county of Milwaukee. The city treasurer, for the time being, shall execute and deliver deeds for all lots in pursuance of sales heretofore made by the treasurer of the city, in pursuance of laws heretofore existing, the same as if this act had not been passed; and all monies, interest, and fees required to be paid for the redemption of lots or lands hereafter sold for city or ward taxes shall be paid to the treasurer, who shall make a record of the said redemptions, and issue duplicate receipts, one of which the person so redeeming or paying shall present to the city clerk, who shall also make a record thereof in his tax record, and duly file the same in his office; and the same interest, costs, charges and fees shall be allowed, charged, and paid for said redemption as specified by law in the redemption of lands sold by county treasurers; and it shall not be necessary to give or publish a notice of the expiration of the time for the redemption of lots or lands sold for city or ward taxes.

Notice of redemption not requisite.

Collection of taxes on personal property.

SEC. 52. In case any person upon whom any personal property shall be assessed for city or ward purposes, shall have removed out of the city after such assessment and before such tax shall be collected, he shall be required to pay the same and he may be proceeded against in any town within the county of Milwaukee, or wherever he may be found within the State, in the same manner as if he had not removed from said city. And any person who shall resist the collection of any tax or taxes, for city or ward purposes, shall be proceeded against in the same manner as may be provided by law for resisting process in the hands of sheriffs or constables.

Orders on Treasurer—how made and paid.

SEC. 53. All orders upon the City Treasurer for the payment and disbursement of the taxes assessed and collected

for the several city purposes shall be signed by the Mayor and counter-signed by the city Clerk, and the same shall state the nature of the claim or service for which the same is issued, and the fund out of which the same is payable, and before the same is delivered to the person entitled thereto the Clerk shall make an entry in a book to be provided for that purpose, of the date, name of the payee and nature of the claim or service, the fund out of which the same is payable and the amount. And all orders upon the Treasurer for payments out of the ward taxes of the wards shall be signed by the aldermen of the common council of the ward, and shall be counter-signed by the City Clerk, and before the same is delivered by said Clerk he shall enter in a book to be provided by each ward, the date of such order, the amount and the name of the payee. All orders upon the Treasurer shall be payable to the order of the person named therein, and not otherwise, and shall not be received by the Treasurer unless endorsed by such person, but such endorsement shall not create a legal liability, if the order be genuine, or issued without fraud.

Orders to be endorsed.

SEC. 54. There shall be two day's work performed annually on the highways, streets, lanes and alleys by each male person who by the laws of this State is liable or subject to perform highway work, such person shall perform such labor within the ward where he resides, under the direction of the street inspector as the said aldermen as street commissioners may order and appoint, but such person may at his option pay to the said street inspector at the rate of seventy five cents for every day he may be so bound to labor. And in the default of the payment of such money or the performance of such labor the said aldermen as street commissioners of the proper ward shall issue their warrant to the street inspector of the ward for the collection from each and every person so delinquent the sum of one dollar and fifty cents the amount of the tax aforesaid with legal costs; and the said inspector shall have the same power and authority and proceed in the service of said warrant in the same manner as prescribed by law in relation to the service of warrants issued for the collection of taxes assessed on personal property, and shall be entitled to the same fees. But before the said persons shall be required to do such work as aforesaid the street inspector of the proper ward shall make a correct list and enrolment of all such persons within his ward, and shall give one copy thereof, to the said aldermen, as street commissioners of his ward and shall file one copy thereof with the clerk of the select council for the use of said council in auditing the accounts of said inspector.

Commutation of poll tax.

When Street Commissioners shall issue warrants to inspectors to collect poll tax, &c.

SEC. 55. No alderman, nor officer of said city, nor of any

Contracts in which officers are a party null and void.

ward thereof, shall be a party to or interested in any contract or job of work with the said city directly or indirectly, or shall furnish any supplies for the said city, or to or for any person at the expense or charge of said city or any ward thereof, and any and every such contract, job, account for supplies or claims or demand for or by reason thereof of any such Alderman or officer, or in which he may have any interest directly or indirectly shall be null and void; and any inhabitant of the city may in the name and at the expense of said city defend against the payment or enforcement of the same, or may proceed against all persons concerned therein to annul and make void the same. And every alderman, or officer, as aforesaid who may violate the provisions of this section shall be dismissed from his said office, and shall not afterwards be eligible to any office in said city:

Provide:

Provided, That this section shall not extend to such work on the streets and side walks as the said aldermen or officers are obliged to perform in common with other citizens opposite or in front of their own lots where the same is done without contract or charge to the ward or city: And provided further, That if any person shall institute a suit as aforesaid through malice, and fail in such suit, the court shall enter judgment against such person for the costs thereof.

When Plaintiff to pay costs.

Powers of Justices, Constables, &c.

SEC. 56. The Justices of the Peace and Constables elected or appointed in the several wards of said city shall possess all the powers and enjoy all the privileges and be subject to all the liabilities and penalties of Justices of the Peace and Constables of the towns in Milwaukee county, and shall provide the like bonds and take the same official oaths; and the Marshal and assistant Marshals shall possess all the powers, be subject to the same liabilities and penalties, and enjoy the same privileges as Constables in the towns in said county.

When President of Select Council may act as Mayor.

SEC. 57. In case of a vacancy in the office of Mayor, or of his being unable to perform the duties of his office by reason of temporary, or continued absence, or sickness, or any other cause, the President of the select council shall be the Mayor and shall be vested with all the powers and perform all the duties of Mayor until the Mayor shall resume his office or the vacancy be filled by a new election, but if said vacancy shall occur within one month of the time for which said Mayor was elected the said President of the select council shall continue to discharge the duties of Mayor until the end of said term and until a successor is duly elected and qualified. Provided, That before the said President shall enter upon the said duties of Mayor he shall take and subscribe the official oath of the Mayor, which shall be filed

Provide.

with the city Clerk; and during the time he shall do and perform the said duties, shall be entitled to and receive the fees and emoluments of the Mayor.

SEC. 58. The Surveyor, Treasurer, Attorney, Marshal and assistant Marshals and all other officers of said city or of the several wards thereof, except those already provided for by this act, shall before they enter upon the duties of their respective offices take and subscribe an affidavit before some person authorized to administer oaths, well and faithfully to discharge the duties of their respective office, and shall also execute a bond to the city of Milwaukee with sufficient sureties to be approved by the Mayor in such penalty or penalties as the councils may from time to time direct, conditioned for the faithful discharge of the duties of the said office, and the said bonds shall be filed in the office of the city clerk, and suits may be brought thereon in the courts in the name of said city against the said principal and sureties, or either, or any of them, upon the default, failure, or neglect of said officer to discharge his said duties, or to pay over or account for any monies or property of said city or of any ward of said city that may have come into his hands. And also upon the adjustment of the accounts of any officer by the select council, the said council may order a certificate of the balance, in the hands of such officer, made by their secretary which with a certified copy under the seal of the city by the city clerk of the official bond of such officer shall be by the city Attorney transmitted to the clerk of the circuit court of Milwaukee or any other county and the said clerk shall enter a suit upon his docket in the name of the city of Milwaukee as plaintiff and the obligors in said bond as defendants, and shall on said docket make a minute of said bond and certificate and the amount thereof and file the said papers, and the said entry shall be a lien on the real estate of said obligors within the county, without other or further proceedings, for the said sum so certified and costs with interest until paid, and execution may issue thereon, and other proceedings had as in other cases; and the said defendants, or any obligors in any such official bonds shall not claim the benefit of the exemption laws of this State in levying such executions, or any executions that may be issued for the recovery of judgments rendered upon any such official bonds.

Certain officers to execute a bond, take oath, &c.

Balance of accounts to be transmitted to Clerk of Court.

Clerk to enter suit.

Defendants not to have benefit of exemption.

SEC. 59. When any suit or action shall be commenced against said city the service thereof may be made by leaving a copy of the process by the proper officer with the Mayor, and it shall be the duty of the Mayor forthwith to inform the council thereof, or take such other proceedings as by ordinances or resolutions of said councils may be in such case provided.

Actions against the city—how commenced.

Councils may order special elections.

SEC. 60. If any election by the people, or by the councils, provided for in this act, shall for any cause not be held at the time, or in the manner prescribed, or if the said councils should fail to organise at the time herein mentioned after their annual election, it shall not be considered reason for arresting, suspending or absolving said corporation; but such election or elections or organisations may be had upon any subsequent day by order of the councils. And if any of the duties enjoined by this act to be done by any officer at a time herein specified are not then done, the councils may appoint another time upon which the said duties may be done: Provided, That the officer so failing to do or execute such duties at the time required shall be liable to the same actions, fines and penalties, as he would be liable to if the said councils had not the power to appoint another time.

Proviso

Competency of witnesses.

SEC. 61. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any action or proceeding in which said city is a party or interested.

Property exempt from sale on execution.

SEC. 62. The following property, now or at any time hereafter belonging to said city, or either of the wards thereof, shall be exempt from levy and sale under or by virtue of any execution: engine houses, hook and ladder houses, together with the grounds or lots on which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hose, or any other fire apparatus used by any company created or authorised by the councils of said city, and market houses and furniture of council and office rooms: Provided, That nothing herein contained shall exempt any of the aforesaid real or personal property from levy and sale, by virtue of any execution issued on judgments rendered in favor of any person or persons who may have furnished or sold any such fire apparatus to or on the credit of said city. Nor shall any real or personal property of any inhabitants of said city, or of any individual or corporation be levied and sold by virtue of an execution issued to satisfy or collect any debt, obligation or contract of said city, or of any ward thereof.

Proviso.

Councils may authorise the formation of fire companies.

SEC. 63. The councils shall have power to authorise the formation of fire engine, hook, ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and shall have their own officers and form their own by-laws, not inconsistent with the laws of this State, or with the ordinances and regula-

tions of said city, and shall be formed only by voluntary enlistments. Every member of each company shall be exempt from highway work and poll tax, from serving on juries, and from military duty during the continuance of such membership. And any person having served the full term of seven years, in either of said companies, shall be for ever thereafter exempt from serving on juries, from poll tax and from military duty, except in cases of insurrection or invasion.

Firemen exempt from certain services.

SEC. 64. If any of the said fire companies now formed, or that may be hereafter formed, shall cause, incite, or create any riot, mob, quarrel or disturbance with any other company, or any person or persons, the mayor shall enquire into the matter of such riot, mob, quarrel or disturbance and shall disband said company, and require the said company to deliver up its fire apparatus whatever the same may be, and shall prohibit its meetings.

When Mayor may disband companies

SEC. 65. The council may make temporary loans on the credit of the city for pressing and necessary city purposes at a rate of interest not exceeding ten per cent per annum, and the amount of said loans with interest shall be paid out of the first taxes assessed and collected after the date or dates of such loan. And the councils shall not authorise, make, or contract for any loan on the credit of said city for a longer period than one year as aforesaid, unless in pursuance of a vote of a majority of inhabitants thereof voting at a special election held for the purpose within said city, as other special elections are held; and at such election no vote shall be received from any person unless he is qualified to vote according to this act. And it may be lawful for the aldermen of the common council in any ward, acting as street commissioners, in pursuance of a vote of the inhabitants of their ward qualified to vote as aforesaid, to make temporary loans at a rate of interest not exceeding ten per cent. per annum, for the purpose of making or improving the streets, lanes and alleys within their ward, and the said sums so loaned shall be paid out of the first ward taxes assessed and collected after the dates of such loans. And all monies so as aforesaid loaned for the use of the city or any of the wards, shall be received by the treasurer; and disbursed by him as other monies.

Councils may make temporary loans.

Street Commissioners may make loans in certain cases.

SEC. 66. The said city 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 or number of the city of Milwaukee, as the case may be, and collect the amount of his judgment, claim or demand of the goods, chattels, land and property of such ward, not by law exempt from

City not liable for ward debts.

execution, and service of process upon a majority of the aldermen of such ward shall be sufficient notice.

Aldermen of
wards to do du-
ties of supervis-
ors of towns

SEC. 67. Each and every ward in said city shall constitute and be a separate township or town, under the law regulating town and county government; and as such shall have and enjoy all the rights, privileges and powers of towns in the county of Milwaukee. And the aldermen of each ward shall be the supervisors of said ward or town, and shall do and perform all the duties required and authorized by law to be done by Supervisors of towns. The alderman of each ward elected to the select council shall be the chairman of supervisors, to meet with and act in the county board of supervisors, in the same manner and with the same rights and powers as by law are prescribed and exercised by other members of said county board.

Aldermen to
be overseers of
the poor.

SEC. 68. The almshouse belonging to the said city, and the lands appurtenant thereto, shall be managed and superintended by a joint committee of the select and common councils. Whenever the poor of Milwaukee county and the said city are not provided for by the county, the aldermen of the select council shall have charge of the county poor within his ward, and the aldermen of the common council shall have charge of the city poor of their wards; and in all things relating to their duties as overseers or guardians of the poor, the said aldermen shall be directed, governed and controlled by the laws of the State for the relief and support of the poor. And the said aldermen of the common council shall in all things act as a board within their respective wards, and shall report in writing to the councils, at the expiration of every two months, the number of poor they had charge of during said time, and the amount expended in their relief. And it shall be lawful for the councils at all times to pass and enforce all ordinances necessary for the proper management of the said almshouse and lands, and for the due and proper care and relief of the poor of said city, not inconsistent with the laws of this State.

City liable for
damages by
mob or riot

SEC. 69. In all cases where any dwelling-house or other building or property, real or personal, shall be destroyed within the said city, in consequence of any mob or riot, it shall be lawful for the person or persons interested in and owning such property, to bring suit against the said city for the recovery of such damages as he or they sustained by reason of the destruction thereof, and the amount which shall be recovered in the said action with costs shall be paid out of the city treasury, on certificate of the amount of said recovery and costs by the clerk of the court wherein the said action was brought.

SEC. 70. The person or persons whose property is injured

or destroyed may have and maintain his or their action against all and every person engaged or participating in said riot or mob, to recover full damages for any injury sustained: Provided, that no damages shall be recovered by the party injured against any of said riotors, for the same injury for which compensation shall be made by the city.

Action may hold against any and every person concerned.

Provide

SEC. 71. It shall be lawful for the said city, when damages shall be recovered against the city as aforesaid, to bring a suit or suits in the name of the city against any or all persons engaged or in any manner participating in said mob or riot, or against the Mayor, Alderman, Justice of the Peace, Marshal, Assistant marshal, or Sheriff, or other officer charged with the maintenance of the public peace, who may be liable by neglect of duty as aforesaid, for the recovery of all damages, costs and expenses incurred by said city, and said suits shall not abate or fail by reason of too many or too few parties defendants being named therein, but the same shall to all intents and purposes be treated as actions of trespass brought by the owner of such property.

Against whom suit may bring damages paid in consequence of riot.

SEC. 72. A wooden bridge shall be constructed across the Milwaukee river, from Water street in the first ward to the foot of Cherry street in the second ward of said city, twenty feet wide, and without a draw. The first and third wards of said city shall build the said bridge across the river proper at Water street as aforesaid; and the second and fourth wards shall do the remainder of the work to connect the said bridge with the main land at Cherry street by the first day of March, one thousand eight hundred and fifty-two. And after said bridge is so constructed, the bridge over said river at Chesnut and Division streets shall be removed at the joint expense of the said first, second, third and fourth wards in proportion to their tax lists. And if the said bridge should not be constructed as above directed, and the bridge at Chesnut and Division streets not removed by the first day of March, one thousand eight hundred and fifty-two, it shall be lawful and the councils of said city are authorised and empowered to build said bridge and remove the said other bridge; and shall assess and collect in the same manner as other city taxes are assessed and collected a special tax upon the taxable property in each of said wards for the amount of the said work, in proportion to the amount thereof herein directed to be done and performed by each ward respectively: Provided, that if any ward shall have done and fully completed its share of said work, then no such tax shall be assessed upon such ward.

Bridge—by whom to be constructed.

When Council's may construct and remove bridge.

Provide.

SEC. 73. Until the first day of August next, the bridges across the Milwaukee and Menomonee rivers within said city

When bridges to be maintained by city.

shall be kept up and supported by the several wards, according to the laws now in force and the system now in use. After the said first day of August next the said bridges shall be kept up, rebuilt, repaired and tended at the expense of said city.

Bridges to be free and to have draws.

SEC. 74. All the said bridges shall forever be and remain free of toll, and the three lower bridges across the Milwaukee river shall be so constructed with such draws that any water craft navigating said river can pass through the same, and shall be so attended that no unnecessary delay shall be made to the passing of the same. And the said city shall be liable to pay all damages which any water craft may sustain by delay in passing or by unavoidably coming into contact with such bridge in passing or attempting to pass the same.

General penalties for wilful injury extended

SEC. 75. The general laws for the preservation of bridges, and the punishment by such laws provided for wilful and malicious injuries done thereto, are hereby extended to and shall include the said bridges; and shall apply to any wilful or malicious damage which may be done to either of them by any person or persons whatever. And the Mayor of said city may have and exercise full jurisdiction in administering said laws, and also the ordinances that may from time to time be passed for the regulation and preservation of said bridges, and to enforce the penalties prescribed in said laws and ordinances. And in case any damage may be done by any vessel or water craft, or by the master or commanding officer thereof, such vessel or water craft may be proceeded against under the laws to provide for the collection of demands against boats and vessels.

Tax for maintenance of bridges—how assessed, &c.

SEC. 76. There shall annually be assessed on the taxable property of said city, a city tax for the maintenance of the bridges within the limits of said city, not exceeding in any one year one-half of one per cent. upon the valuation of said taxable property, and the said tax shall be assessed and collected, and disbursed in the same manner as the other city taxes are directed to be assessed, collected and disbursed, and shall be assessed and collected at the same time and by the same collectors as the other city taxes.

Select Aldermen to be the board of health.

SEC. 77. The aldermen or members of the select council shall constitute the board of health of said city; but if at any time any of such aldermen should be unable from any cause to perform said duty, it shall be competent for the councils in convention assembled to appoint some competent person of the ward of such aldermen a member of the board in room of such alderman. The board of health shall at all times be subject to and governed by such ordinances, rules and regulations as may be adopted by the councils.

SEC. 78. The said city or any of the wards thereof shall

have power to lease, purchase and hold real or personal estate sufficient for the convenience of the inhabitants thereof in the erection of market houses and other public buildings and for other purposes; and may sell and convey the same at pleasure and the same shall be free from taxation.

City and wards may purchase and sell certain real estate.

SEC. 79. The Clerk, Treasurer and other officers of the city of Milwaukee as now organised shall transfer all the books, papers and moneys which may be in their hands, to the City Clerk and Treasurer who may be elected or appointed agreeably to this act. Provided, That the said Treasurer shall continue in the discharge of the duties of his office until the first day of June next, anything in this act contained to the contrary notwithstanding. And if it should be deemed necessary by the present common council, the financial committee of the present board of common council shall audit and adjust the accounts of said Treasurer, and report the same to the councils to be elected in pursuance of this act for their final action.

Present officers to transfer papers, &c., to successors.

Proviso.

SEC. 80. An Act to incorporate the city of Milwaukee approved January thirty-first, eighteen hundred and forty six, an Act relating to bridges in the city of Milwaukee approved February second, eighteen hundred and forty-six; an act relating to certain streets in the city of Milwaukee approved February second, eighteen hundred and forty-six; an act to amend an act entitled "an act to incorporate the city of Milwaukee," approved February fourth, eighteen hundred and forty-seven; an act to authorise the levy of a special tax in the third ward of the city of Milwaukee, approved March eleventh, eighteen hundred and forty-eight; an act to levy a special tax in the fifth ward of the city of Milwaukee, approved March eleventh, eighteen hundred and forty-eight; an act additional to an act to incorporate the city of Milwaukee, approved August tenth, eighteen hundred and forty-eight; an act amendatory to an act entitled "an act to authorise the levy of a special tax in the fifth ward of the city of Milwaukee," approved August nineteenth, eighteen hundred and forty-eight; an act to amend an act entitled "an act to incorporate the city of Milwaukee and acts amendatory thereto, approved March twelfth, eighteen hundred and forty-nine; and all other acts and parts of acts inconsistent with, or superceded by the provisions of this act are hereby repealed: Provided, That an act to authorise a special tax in the third ward of the city of Milwaukee, approved February ninth, eighteen hundred and fifty, shall continue in force three years from and after the passage of this act. And the repeal of said acts and parts of acts shall not in any manner affect, injure, or invalidate any contracts, acts, proceedings, suits, vested rights, claims, debts, or demands that may

Acts repealed.

Proviso.

Repeal not to invalidate contracts

have been entered into, done, performed, created, perfected, commenced or exists under, or by virtue, or in pursuance, of the said acts or any of them, but the same shall exist and be completed, perfected, enforced and carried out as fully and effectually to all intents and purposes as if this act had not been passed. And all laws and parts of laws relating to said city in any manner not here repealed or superceded in which the Mayor or the common council of said city or either are directed or authorised to do any act or pass any ordinance, are here so amended as to authorise and direct the select and common councils of said city to do and perform the same acts and to pass the same ordinances and to carry out the same provisions. And all ordinances, resolutions, regulations, rules, by-laws, and orders of the common council of said city or parts thereof not repealed, suspended, or made void by this act shall continue and remain of the same force and effect as if this act had not been passed until altered, amended, repealed or suspended by the select and common councils in pursuance of this act.

Certain Laws not repealed by this act amended.

Affirmative vote of inhabitants of the city necessary to make act valid.

SEC. 81. This act shall be certified by the Secretary of State, and published in the papers authorised to publish for the State, immediately after its passage, but it shall not become a law until submitted to a vote of the inhabitants of said city, and for this purpose, a special election shall be held in the several wards of said city, at such places as may be designated by the common council, by the aldermen of each ward, or under their direction, in the same manner, and conducted and certified in the same way and under the same penalties as elections are now by law holden and conducted in said city, for city and ward officers, on the first Tuesday of May next, between the hours of said day specified for keeping open elections, and at such special election, the male inhabitants of each ward of said city who are qualified to vote according to the provisions in section three of this act, may vote within their respective ward, a printed or written ticket, "For the Charter," or "Against the Charter," and the result of such election, in each and every ward of said city, shall be certified by the said aldermen, or persons holding said election in each ward, or a majority of them, to the common council, who shall add up the same; and if a majority of all the votes cast at such election in said city shall be found to be "Against the Charter," this law shall not take effect, and if a majority of all the votes cast at such election shall be found to be "For the Charter," the Mayor shall forthwith issue his proclamation accordingly, and this act shall take effect and be in force from and after the date of such proclamation, and shall be a public act, and shall be construed favorably in all courts and places: Provided, That the present

When Mayor to issue proclamation.

Proviso.

officers and common council of said city shall continue in the discharge of their several duties until the officers and councils be duly elected and qualified, in pursuance of this act.

FREDERICK W. HORN,
Speaker of the Assembly.

DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15th, 1851.

NELSON DEWEY.

An Act to provide for the contingent expenses of the State of Wisconsin for the years 1850 and 1851. Chap. 315

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows :

SECTION 1. The sum of one thousand nine hundred twenty-two dollars and eighty-eight cents is hereby appropriated to Nelson Dewey, Governor of this State, out of any money in the treasury not otherwise appropriated, for the purpose of paying the balance of the contingent expenses of the State, expended under his direction, during the year 1850, as reported by him to the legislature on the 24th day of February, 1851, in pursuance of the act of February 9th, 1850, entitled "An Act to provide for paying the contingent expenses of the State for the year one thousand eight hundred and fifty." Appropriation for 1850.

SEC. 2. The sum of four thousand dollars is hereby appropriated to Nelson Dewey, Governor of this State, out of any money in the treasury not otherwise appropriated, for the purpose of defraying the contingent expenses of the State for the year one thousand eight hundred and fifty-one, which sum shall be drawn from time to time as may be required; and the Governor shall communicate to the legislature, at its next session, a detailed account of such expenses for the year 1851, and the amount expended of this appropriation. Appropriation for 1851.

FREDERICK W. HORN,
Speaker of the Assembly.

DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.

NELSON DEWEY.

An Act to appropriate to J. C. Fairchild the sum therein named.

Chap. 316

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

SECTION 1. There is hereby appropriated to Jairius C.