

No. 249, S.]

[Published May 21, 1891.]

## CHAPTER 444.

AN ACT to amend chapter 174, of the laws of 1883, entitled, "An act to incorporate the city of De Pere," as amended by chapter 92, laws of 1885, and chapter 53, laws of 1887.

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

Amends  
chapter 174,  
laws of 1883.

Boundaries of  
city.

SECTION 1. Section 1, of chapter 1, of chapter 174, of the laws of 1883, is hereby amended so as to read as follows: Section 1. The district of country in the county of Brown, contained within the following boundaries, shall be a city by the name of De Pere, to-wit: Commencing at the middle of the channel of Fox river, where the north line of private claim number twenty-nine, on the east side of Fox river, intersects, or if extended, would intersect said channel, running thence easterly along said north line of private claim number twenty-nine, on the east side of Fox river, to a point eighty-three rods beyond its crossing of the highway known as the "New Ridge Road," running thence in a straight line at right angles to said claim line, to the south line of private claim number thirty-six, on the east side of Fox river, running thence westerly along the said south line of said claim number thirty-six, to the center of the channel of Fox river aforesaid, and running thence in a southerly direction along the middle of the channel of said river, to a point where a line extending easterly from the southern point of lot number three, in section thirty-three, town twenty-three range twenty, and parallel to the southern boundary line of said section, intersects the said middle thread of Fox river; thence westerly to the western boundary line of said lot three, thence northerly to the northwest corner of said lot three, thence easterly along the northern boundary of said lot three to the western boundary of lot two in said section, thence northerly along the western boundary of lots number one and two in said

section thirty three, to the northern boundary of said section, thence easterly along said northern boundary to the western boundary of lot number five, in section twenty-eight, in said town and range. Thence northerly along the western boundary of lots number four and five, in said section twenty-eight, to the center point of said section twenty-eight, thence westerly along the quarter section lines, through the center of sections twenty-eight and twenty-nine, to the center point of said section twenty-nine, thence northerly on the quarter section line to the Ashwaubenon creek, thence northerly along the border of said creek to the northern boundary line of said section twenty-nine, thence easterly on said northern boundary line of said section twenty-nine, to the southwest corner of lot number four, in section number twenty, town twenty-three, range twenty, thence northerly along the western boundary line of said lot four, to the southern boundary line of private claim number twenty-nine, thence westerly along said boundary line to the center of said Ashwaubenon creek, thence northerly along the center of said creek, down stream to the point where the center channel line of said Ashwaubenon creek intersects the middle thread of Fox river, thence southerly along the said middle thread of Fox river to the place of beginning, shall comprise the territory and limits of the city of De Pere. And they who inhabit said district shall be a municipal corporation by the name of the city of De Pere, and shall have the general powers possessed by municipal corporations at common law and under the revised statutes, and shall have and possess the powers hereinafter granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal and may alter the same at pleasure.

SECTION 2. Section 2, of said chapter 1, of said chapter 174, is hereby repealed.

SECTION 3. Section 3, of said chapter 1, of said chapter 174, is hereby amended so as to read as follows: Section 3. The said city of De Pere shall be divided into four wards as follows: The First ward shall comprise all of that portion of said city

Repeals sec. 2,  
chap. 1, of  
chapter 174,  
laws of 1883.

Amends  
chapter 174,  
laws of 1883.

Wards and  
their bound-  
aries.

- First ward.** which lies east of the middle of Fox river and north of a line extending from the middle of said river, in a direct line to and along the center of George street to the dividing line between private claims number thirty-one and thirty-two, east side of Fox river, and thence on said line easterly to the city limits. The Second ward shall comprise all of that portion of said city, which lies east of the middle of Fox river and which is not included in the First ward as above defined. The
- Second ward.** Third ward shall comprise all that portion of said city which lies west of the middle of Fox river and east of the main track of the Chicago & Northwestern Railway company, as now located, and south of the center line of Main street; also blocks one, two, three, four, five, six and seven in the De Pere company's addition to West De Pere.
- Third ward.** The Fourth ward shall comprise all that portion of said city which lies west of the middle of said Fox river and which is not included in the Third ward as above defined.
- Fourth ward.**

Amends chapter 174, laws of 1883, as amended.

**SECTION 4.** Section 1, of chapter 2, of said chapter 174, as amended by chapter 92, laws of 1885, is hereby amended so as to read as follows: Section 1. The elective officers of said city shall be a mayor and a treasurer, one assessor who shall be a resident of that portion of the city lying on the east side of said Fox river, and who shall be voted for by the electors of that portion and who shall perform his official duties therein, one assessor who shall be a resident of that portion of said city lying on the west side of Fox river, and who shall be voted for by the electors of that portion and who shall perform his official duties therein; three aldermen, one justice of the peace, and one constable for each ward. All other officers necessary for the proper management of the affairs of the city, shall be appointed by the common council. No person who may have held the office of city treasurer shall be eligible to such office for the succeeding term.

City officers, elective and appointive.

**SECTION 5.** Section 11, of chapter 2, of said chapter 174, as amended by section 2, of said chapter 92, is hereby amended so as to read as follows: Section 11. Whenever a vacancy shall occur in the office of mayor, the council may order a new election. All other vacancies shall be filled by the common council. The person elected or ap-

pointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term. Justices of the peace may hold their respective offices and courts in any part of the city.

**SECTION 6.** Section 4, of chapter 4, of said chapter 174, is hereby amended so as to read as follows: Section 4. All laws, ordinances, regulations and resolutions shall be passed by a majority vote of all the aldermen elected, and all ordinances, before the same shall be in force, shall be signed by the mayor and shall be published two weeks in a newspaper selected by the council, printed 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 said laws, ordinances or regulations shall be recorded, the publication thereof respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of said newspaper, and the said affidavit shall be recorded therewith, and at all times shall be sufficient evidence of the due passage, approval and publication of such ordinance.

Amends chapter 174, laws of 1883.

Ordinances, rules and regulations how passed and published.

**SECTION 7.** Section 6, of chapter 4, of said chapter 174, is hereby amended so as to read as follows: Section 6. The mayor shall have power to veto any ordinance, act or resolution, passed by the common council, by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the common council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and the clerk shall thereupon call a special meeting of the council, in the manner provided by section 2, of chapter 4, of said chapter 174, to consider such veto and objections, and in case the council shall not within one week after the receipt of such objections or such filing with the clerk, re enact such ordinance or pass such resolution by the vote of three-fourths of the aldermen-elect, the same shall be null and void. If the mayor shall not return any ordinance, act or resolution, so presented to him within seven

Amends chapter 174, laws of 1883.

Mayor may veto acts of council, etc.

days after the passage thereof, it shall take effect in the same manner as if he signed it.

Amends chapter 174, laws of 1883.

Improvement and repair of streets, alleys, etc.

SECTION 8. Section 1, of chapter 7, of said chapter 174, is hereby amended by adding to the end thereof the following: The cost and expense of establishing grades, surveying streets, alleys or gutters, and the expense of keeping streets and pavements and other street improvements in repair, and the cleaning of gutters and estimating work on streets, shall be chargeable to and payable by the city out of the general street fund, so that said section when amended, shall read as follows: Section 1. The common council may cause any street or any part of any street, not less than sixteen rods in length, to be graded, paved, macadamized or otherwise improved, or any sidewalk or gutter to be built, upon a petition therefor in writing, signed by at least a majority of all the owners of real estate bounding both sides, and of the owners of at least one-half the frontage of such street or part of street to be improved, or order any sidewalk or gutter on one side of a street to be built, on the petition of a majority of such owners, and of the owners of at least one half of the frontage on such side; and may order any sidewalk or gutter previously built to be put in repair or built, when necessary without petition. The cost and expense of establishing grades, surveying streets, alleys or gutters and the expense of keeping streets and pavements and other street improvements in repair, and the cleaning of gutters, and estimating work on streets shall be chargeable to and payable by the city out of the general street fund.

Amends chapter 174, laws of 1883.

Borrowing of money.

SECTION 9. Section 2, of chapter 10, of said chapter 174, is hereby amended so as to read as follows: Section 2. Neither the common council nor any officer of the city, shall issue, at any time, a negotiable order, or borrow any money, except in the manner and for the purposes expressly declared by statute or this act, but the common council may in case of temporary necessity, by a three fourths vote of all the aldermen and not otherwise, borrow money in anticipation of the tax to be levied for the current year, not exceeding one *per cent.* of the assessed valuation of the property in said city, according to the last assessment, and may give orders on the treasury, pay-

able at a future date therefor, with or without interest; but no such order shall be made payable at a later date than the 1st of March following the date of issue of each of such orders, and for the payment of any such order, the city tax for the same year, or a sufficient amount thereof, shall stand irrevocably pledged.

SECTION 10. The territory of the First and Second wards of said city shall constitute one assessment, school and sewerage district, to be known as district number one. The territory of the Third and Fourth wards of said city shall constitute one assessment, school and sewerage district, to be known as district number two; each district entire and separate from the other, divided by the middle thread of Fox river. The schools and the expenses thereof of the first district of said city shall be and remain as provided for in said chapter 174, as amended by chapter 92, laws of 1885, except that the school commissioners provided for by section 1, of chapter 9, of said chapter 174, as amended by section 3, of chapter 92, laws of 1885, shall be appointed by the mayor upon recommendation of the majority of the aldermen elected for said district. The schools and the expenses thereof of the second district shall be and remain under the general school law of the state and under the jurisdiction of the county school superintendent. Each of said sewerage districts shall have its separate sewerage fund, and a separate sewerage tax, and a separate sewerage account, so that each sewerage district shall make and pay for its own sewerage and be liable for any damage caused in the construction or by mal-construction thereof, and the mayor and common council shall appoint separate street commissioners for each of said districts, each of whom shall reside in and have jurisdiction over the territory in his district.

City divided into assessment, school and sewerage districts.

SECTION 11. All acts of the common council of said city, since the adoption of the ordinance of consolidation of the cities of De Pere and West De Pere, viz.: August 7, 1889, are hereby ratified and made legal.

Acts and ordinances heretofore passed ratified.

SECTION 12. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Repealing clause.

SECTION 13. This act shall take effect and be in force from and after its passage and publication. Approved April 24, 1891.

No. 538 A.]

[Published April 30, 1891.

## CHAPTER 449.

AN ACT to amend section 2 and 3, of chapter 1, of chapter 184, of 1874, of an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof, and the several acts amendatory thereof, and pertaining to the boundaries of the city of Milwaukee and the several wards thereof.

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

Amends  
chapter 184,  
laws of 1874, as  
amended.

Boundaries of  
city.

SECTION 1. Section 2, of chapter 1, of chapter 184, of the laws of 1874, as amended by chapter 272, of the laws of 1883, and chapter 116, of the laws of 1885, and chapter 37, of the laws of 1887, and chapters 56, 450 and 437 of the laws of 1889, is hereby further amended so as to read as follows: The territory included within the following boundaries and limits shall constitute the city of Milwaukee, to-wit: Beginning on the shore of Lake Michigan where it is intersected by the quarter section line in section ten of township seven north, range twenty-two east, in said county of Milwaukee, running thence west along the said quarter section line to the northwest corner of the southeast one-fourth of section twelve, of township seven north, range twenty-one east, thence south along the north and south quarter section line through said section twelve, and the continuation thereof to the southwest corner of the southeast one-fourth of section twenty-five, of township seven north, range twenty one east, thence east along the south line of said southeast one fourth section