

the execution of any warrant specified in the above section, shall have power if necessary to break open doors for the purpose of executing the same, and for that purpose may summon to his aid the power of the county. Officer to break doors.

SECTION 13. It shall be the duty of every justice of the peace, before whom any such gaming table or other device shall be brought, to cause the same to be publicly destroyed.

SECTION 14. The presiding judge of each district at each and every court shall give this act in special charge to the grand jury. This act to be given in charge.

SECTION 15. It shall be the duty of all sheriffs, deputy sheriffs, justices of the peace and constables, in their proper county, to complain and give information of any breaches of this act, and if any of the above named officers shall fail, neglect or refuse to complain and give information of any and every breach of this act that shall come to their knowledge, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit his office and be fined in any sum not exceeding one hundred dollars to be recovered by action of debt with costs before any court having jurisdiction thereof for the use of the county in which such suit is brought. Duty of officers.

SECTION 16. The act of the legislative council of Michigan entitled "an act to prevent gaming" is hereby repealed. Repealing clause.

Approved January 18, 1838.

No. 66.

AN ACT to incorporate the borough of Green Bay.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* Extent. That all that part of the town plats of Navarino and Astor, in the county of Brown and territory aforesaid, lying and being within the following limits, viz: commencing at a point on Fox river where the most westerly line of the town plat of Astor intersects said river, thence down said river to the mouth of Devil or East river, thence

up the channel of said Devil or East river to where the southwestern line of the town plat of Navarino crosses the same, thence along said line and by producing the same through the town plat of Astor to a point that will intersect land owned by Louisa Grignou, thence along the dividing line between the same plat of Astor and said Grignou to the place of beginning, be, and the same is hereby constituted a borough corporate, and shall hereafter be known by the name or title of the borough of "Green Bay."

What officers,
and how chosen.

SECTION 2. It shall be lawful for the free male inhabitants of said borough over the age of twenty-one years, and being citizens of the United States and resident within the limits as described in the preceding section, to meet at some convenient place in said borough of Green Bay on the first Monday of May next and on the first Monday of May annually thereafter, and then and there proceed, by plurality of votes, to elect by ballot a president, recorder and six trustees, who shall hold their offices one year, and until their successors are elected and qualified. And any five of them shall be a board for the transaction of business, but a less number may adjourn from time to time: *provided*, that if an election of president, recorder and trustees shall not be made on the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice to be given in the manner hereinafter prescribed.

ection.

SECTION 3. At the first election to be holden under this act there shall be chosen, *viva voce*, by the electors present, two judges and a clerk of said election, who shall each take an oath or affirmation faithfully to discharge the duties required of them by this act; and at all subsequent elections the trustees or any two of them shall be judges, and the recorder, clerk of the election, and at all elections to be held under this act the polls shall be opened between the hours of nine o'clock and ten in the forenoon and close at four o'clock in the afternoon of said day; and at the close of the polls the votes shall be counted and a true statement thereof proclaimed to the electors present by one of the judges. And the clerk shall make a true record thereof, and within five days after such election

Notice thereof.

the said clerk shall give notice to the persons elected of their election. And it shall be the duty of the said president and trustees at least ten days before each and every annual election, to give notice by publishing in a newspaper or by posting up notices in three of the most public places in said borough.

SECTION 4. It shall be the duty of the president, to preside at all meetings of the president and trustees, and it shall also be the duty of the recorder, to attend all such meetings and keep a fair and accurate record of their proceedings.

Duties of the president and recorder.

SECTION 5. The president, recorder and trustees of said borough shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of "the president and trustees of the borough of Green Bay," and shall be capable in law in their corporate name, to acquire property, real and personal, for the use of said borough, may sell and convey the same, and may have a common seal, which they may alter at pleasure, may sue and be sued, defend and be defended, in any court of competent jurisdiction. When any suit shall be commenced against said corporation, the first process shall be by summons, and an attested copy thereof shall be left with the recorder, at least eight days before the return day thereof.

Name and powers of the body corporate.

SECTION 6. The officers elected by virtue of this act, shall each, before entering upon the duties of his office, take an oath or affirmation to support the constitution of the United States, and laws of this territory, and also faithfully to discharge the duties of his office.

Oath.

SECTION 7. The president and trustees shall have power to ordain and establish ordinances and regulations for the government of said borough and the same to alter, repeal or reordain at pleasure; and provide in said ordinances for the election of a treasurer, two assessors, a borough marshal and other subordinate officers, which may be thought necessary, for the good government and well being of said borough; to prescribe their duties, declare qualifications, and determine the period of their appointment, and the fees they shall be entitled to receive for their services, and to require of them to take an oath or affirmation, faithfully and impartially to discharge the duties of their

Power of the board.

Proviso. respective offices, and may require of them such security, for the performance of the duties of their respective offices, as shall be thought necessary; *provided always*, such ordinances are consistent with the constitution and laws of the United States and the laws of this territory; *and provided also*, that no ordinances of said corporation shall have effect, until the same shall have been published three weeks successively, in a newspaper printed in said borough, or by written notices posted up in three of the most public places in said borough.

Farther powers. SECTION 8. The president and trustees of said borough, at their regular or special meetings, shall have power, to assess upon real and personal estate within the borough, not exceeding the one-half of one per centum upon the assessed value thereof, except as hereinafter excepted; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to establish night watches, erect lamps in the streets, and lighting the same; to restrain and prohibit gaming houses, and other disorderly houses; to build market houses; to establish and regulate markets; to open and keep in repair, streets, avenues, lanes, alleys, drains and sewers, to keep the same clean and free from all incumbrances; to establish a fire department, and provide for the extinguishment of fires; to regulate the storage of gunpowder, and other combustible materials, and from time to time pass such ordinances, to carry into effect the ordinances of this act, and the powers herein granted, as the good of the inhabitants may require; to impose and appropriate fines and forfeitures for the breach of any of said ordinances, to provide for the collection thereof; *provided*, said president and trustees shall in no case levy a tax upon the lots owned by the said territory.

Proviso. SECTION 9. That the said board shall cause to be summoned twelve good and lawful men, freeholders and inhabitants of said borough, not directly interested, who, being first duly sworn for that purpose, shall enquire into and take into consideration, as well the benefits as the advantages that may accrue, and estimate and assess the damages which would be sustained by reason of the opening and extension or widening of any street, avenue, lane or alley; and shall

Mode of assessing damages upon opening streets.

moreover estimate the amount which other persons will be benefitted thereby, and shall contribute towards compensating the persons injured; all of which shall be returned to the board of trustees under their hands and seals. And the person or persons, who shall be benefitted and so assessed, shall pay the same in such manner as shall be provided; and the residue, if any, shall be paid out of the town treasury.

SECTION 10. That the said president and trustees, shall, between the first Monday of May and June in each year, determine the amount of tax to be assessed and collected the current year; and all ordinances shall, within ten days after they are passed, be published in a newspaper printed in said borough, and posted up in three of the most public places in the same. And the said president and trustees shall, at the expiration of each year, cause to be made out and published the receipts and expenditures of the preceding year.

Amount of taxes, how determined.

Ordinances to be published.

Also receipts and expenditures.

SECTION 11. It shall be the duty of the president and trustees to make out a duplicate of taxes, charging each individual therein an amount or tax in proportion to the real and personal estate of such individual, within said borough, which duplicate shall be signed by the president and recorder, and delivered to the marshal, or such other person as shall be appointed collector, whose duty it shall be to collect the same within such time and such manner as the by-ordinances shall direct. The said collector shall have power to sell personal estate, and for the want thereof, to sell real estate, for the non-payment of taxes within said borough, and in the case of the sale of real estate, the said collector shall prosecute the sale in the same manner, and with the same effect, in all respects as is provided by law for the sale of real estate by sheriffs; and all real estate so sold shall liable to be redeemed in the same manner as lands sold by sheriffs may by law be redeemed.

Apportionment of taxes.

Real and personal estate to be sold.

SECTION 12. That the borough of Green Bay shall be divided into two wards, or districts, viz: all that part, lying in that part of the said borough formerly known as Navarino, shall compose one ward, and shall be known as the north ward; and all that part of the said borough, formerly known by the name of Astor, shall compose one ward and shall be known as the

Two wards.

Money to be expended in the ward where it is collected.

south ward. And all taxes hereafter levied and collected by the said board of trustees, for the purpose of repairing, grading, or improving roads, streets or alleys in said borough, shall be expended within the limits of each ward respectively in which the same has been assessed and collected; and property within the limits of said borough shall be exempted from paying a road tax in any other town, or township within this territory, except on such property as may lie within the limits of some other road district.

Labor on the streets.

SECTION 13. That said board of trustees, shall have power to assess on each and every male inhabitant above the age of twenty-one years, and under fifty years, within the limits of said borough, two days' labor on the roads or streets aforesaid, under the direction of such persons as they may appoint annually; and they may appropriate such other sums raised on the taxable property, as they think necessary for the purpose aforesaid.

Power to borrow money.

SECTION 14. That the said trustees shall have power to borrow money on the credit of said borough, for the purpose of procuring or purchasing fire engines, one to be placed in each of said wards, and pay any rate of interest not exceeding seven per centum, redeemable within ten years.

Compensation.

SECTION 15. The recorder shall receive such fees for his services as the ordinances of said corporation shall prescribe; but the president and trustees shall receive no pecuniary compensation.

Special tax.

SECTION 16. That upon the application of the owners of two thirds of the estate on any street, or parts of a street, it shall and may be lawful for the board of trustees to levy and collect a special tax on the owners of the lots on the said street or parts of a street, according to their respective parts, for the purpose of grading or paving the said walks on the said street.

SECTION 17. This act shall be favorably construed and received, in all courts of justice, as a public act, and copies thereof, printed under the authority of the legislative assembly, shall be received as evidence without further proof.

SECTION 18. This act may be altered, amended or repealed by any future legislature.

Approved January 17, 1888.