

CHAPTER 163.

[Published March 25, 1873.]

AN ACT in relation to the duties of the county clerk of the county of Polk.

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

May make
county map.

SECTION 1. The county clerk of the county of Polk is hereby authorized, by and with the consent of the county board of said county, to make an accurate and complete map of said county of Polk, in chart form, containing all subdivisions of the county, post and principal roads, postoffices, towns, villages, natural features and statistics, and to furnish, on demand, a copy thereof to each school district in said county, and a sufficient tax shall be levied by each school district to pay for the same, when so ordered: *provided*, said tax shall not exceed the sum of five dollars for each school district.

Shall revise
and correct the
same.

SECTION 2. Whenever important changes shall occur, requiring corrections or revision of said maps, it shall be the duty of the county clerk to issue a circular to each school district board, describing the same.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1873.

CHAPTER 164.

[Published March 18, 1873.]

AN ACT to incorporate the city of Fort Howard.

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

CHAPTER I.

BOUNDARIES.

Shall be a municipal corporation.

SECTION 1. All that district of country in the county of Brown, contained within the limits and boundaries hereinafter described, shall be a city by the name

of Fort Howard, and the people now inhabiting and those who shall hereafter inhabit the district of country hereinafter described, shall be a municipal corporation by the name of the city of Fort Howard, and shall have the general power possessed by municipal corporations at common law, and in addition thereto, shall possess the powers herein especially 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 the courts of law and equity, and shall have a common seal and alter the same at pleasure.

SECTION 2. The territory lying in the county of Brown, and included within the following limits, shall constitute the city of Fort Howard, to-wit: Bounded north by the waters of Green Bay, east by the Fox river, south by a line running through the center of private claim No. 13, on the west side of Fox river, and west by the west line of private claims numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, north half of 13, Dousman's claim and vacant strip, and the west line of lots numbered 2, 9, 25, 41, 58, 69, 75, 80, 88 and 100 of the late Fort Howard military reservation.

SECTION 3. The said city shall be divided into three wards, as follows, to-wit: All that part of said city lying north of private claim No. 1 and Desnoyer's addition shall be known and constitute the first ward; all that part of said city between the south line of Dousman's claim and the south line of Arndt's first addition to Fort Howard and the south line of the vacant strip shall be known and constitute the second ward; and all that part of said city between the south half of private claim No. 13, and the waters of the first slough and the north line of private claim No. 2 shall constitute and be known as the third ward.

CHAPTER II.

ELECTIONS.

SECTION 1. The annual election for city and ward officers shall be on the first Tuesday in April in each year, at such place in each ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon until sundown, and ten days' previous notice shall be given by the common council of the time and place of holding such election and of the city and ward officers to be elected.

Elective and other officers.

SECTION 2. The elective officers of said city shall be a mayor, treasurer and assessor for the city at large, three aldermen, one supervisor, one justice of the peace and one constable for each ward. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council.

Term of office.

All elective officers except justices of the peace shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified: *provided, however,* the common council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. The justices of the peace shall hold their offices for two years, and until their successors are elected and qualified.

How vacancies filled.

SECTION 3. Whenever a vacancy shall occur in the office of mayor or alderman or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council, within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections by ballot—the vote.

SECTION 4. All elections by the people shall be by ballot, and plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct.

Qualifications for office and for suffrage.

SECTION 5. All officers provided for in this act, either for election or appointment, shall be at least twenty-one years old, citizens of the United States, and shall have resided at least one year in said city next before their election or appointment. All persons entitled to vote for county or state officers and who shall have resided in the city for three months previous to the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer entitled to be elected under this law.

How election to be held, and how conducted.

SECTION 6. The elections in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of elections in their respective

wards, and shall take the usual oaths or affirmations as prescribed by the general laws of this state, to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks of such elections, and to administer the necessary oaths, and in case of the absence of any or all of the aldermen of the ward at the time for opening the polls, the voters present shall select some person or persons to act in their place as inspectors of election. Said election shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled as required by the laws of this state regarding elections.

SECTION 7. If either of the inspectors shall suspect that any person offering to vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspectors, 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, and that you are a citizen of the United States (or have declared your intentions to become a citizen, conformably with the laws of the United States on the subject of naturalization); that you have resided within the state of Wisconsin one year, within this city three months, and within this ward ten days next preceding this election, and that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of 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 willful and corrupt perjury, and upon conviction thereof upon indictment or information, 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 indictment or information and on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars, nor 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 authorized to vote, or shall make

Challenge of voters.

Form of oath.

Punishment for perjury.

For illegal voting.

Shall keep list of challenged voters; penalty for malfeasance of inspectors.

out false returns of an election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every inspector or clerk shall be liable to indictment or information, and on conviction thereof shall forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments or informations shall be tried in the circuit court of Brown county.

The counting,
return and canvass
of votes.

SECTION 8. 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 make a return thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered, such return to the city clerk, within three days after any election. The common council shall on the Tuesday following such election, meet and canvass said returns, and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his election.

Special elections.

SECTION 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen in each ward in the same manner and returns thereof shall be made in the same form and manner as general and annual elections and within such time as may be prescribed by ordinance.

Removal of officers
from city or ward.

SECTION 10. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, and any officer who shall neglect or refuse for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

Election and
classification of
aldermen.

SECTION 11. There shall be elected at the first election under this act, one alderman for each ward, who shall hold his office for three years; one alderman in each ward who shall hold his office for two years, and one alderman in each ward who shall hold his office for one year, and thereafter at each annual election, one alderman in each ward, who shall hold his office for three years; there shall each year also be elected a supervisor for each ward, to represent the city in the county board of supervisors, who shall hold his office one year.

The ballot.

SECTION 12. The votes for aldermen and all other elective officers shall be on one ballot, and shall be deposited in one ballot.

SECTION 13. At the first election aforesaid, there shall be written or printed or partly written and printed at the head of the votes for alderman for three years, the words, "alderman for three years," at the head of alderman for two years, the words, "alderman for two years," and at the head of the votes for alderman for one year, the words, "alderman for one year."

Ballots for aldermen.

SECTION 14. All the borough and ward officers of the borough of Fort Howard shall hold their respective offices until their successors shall be elected or appointed under this act; and the term of every officer elected under this act shall commence the second Tuesday of April of the year for which he was elected, and shall, unless herein otherwise provided, continue for one year, and until his successor is elected and qualified.

Present officers to hold over.

SECTION 15. All duties herein required of the borough council in regard to elections shall be performed, so far as may be necessary, by the present borough council in regard to the first election and the organization of the city government under this act.

To apply to present council.

SECTION 16. The first election of officers under the provisions of this act shall be held on the first Tuesday in April, A. D. 1873. The election of justices of the peace shall be held at the same time and place, and so every two years thereafter; and the justices of the peace now residing in the borough of Fort Howard shall hold their offices until their terms of office expire, in addition to any justices who may be elected under this act.

The first election under this act.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officers taking the same, with the clerk of the city; and the treasurer, clerk marshal, constable, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Fort Howard a bond, with at least two sureties, who shall swear that they are worth in the aggregate, the penalty specified in said bond, over and above all debts and exemptions, and said bonds

Shall take oath of office.

Certain officers shall execute bonds.

shall contain such penal sum and such conditions as the common council may deem proper; and they may, from time to time, require new additional bonds, and remove from office any officer refusing or neglecting to give the same.

Powers and duties of the mayor.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and in case of a riot, or other disturbance, or apparent necessity, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of a tie. The mayor shall have power to veto any ordinance 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 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 city clerk a copy of his objections; and in case the council shall not, within one week after the receipt of such objection, or such filing with the clerk, re-enact such ordinance, or pass such resolution, by the vote of two-thirds of the aldermen elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

President of the council—his election and duties.

SECTION 3. At the first meeting of the common council in each year, they shall proceed to elect by ballot, one of their number as president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer who shall, for the time being, discharge all the duties of mayor. The president, or temporary presiding officer, while

presiding over the board, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor, except the signing of city bonds; and the said common council shall also, at their first meeting in each year, elect a clerk and marshal for the city, who shall hold their respective offices for the term of one year, and until others are elected and qualified.

SECTION 4. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office and transcripts from the records of the common council, certified by him to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the original were produced. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof, in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns, and all chattel mortgages so filed and the renewals thereof, shall be as valid and legal as if the same had been filed in the town clerk's office of any town. The clerk shall have power and authority to administer oaths or affirmations.

Duties of the
city clerk.

SECTION 5. The justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of the justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements shall be approved by a majority of the common council; and in addition thereto, they shall have jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said city council unless otherwise provided. All constables elected by virtue of this act shall have and exercise the same powers and duties, and be subject to the same liabilities as constables of towns.

Justices of the
peace—their
duties and ju-
risdiction.

Constables.

SECTION 6. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city, or the laws of this state. All moneys raised, received, recovered or collected by means of any tax, license, penalty,

Duties of the
treasurer.

fine, forfeiture or otherwise, under the authority of this act, or which may belong to the said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order issued by order of the common council and signed by the mayor, and countersigned or attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the person from whom the amount of the several sums was received, which book, shall at all reasonable times, be open to the inspection of any person. He shall, every three months, and as often as the common council require, render to such council a minute account of the receipts and expenditures of his office, and at the expiration of his office he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be a collector of taxes, and for his services receive the same compensation except as herein otherwise provided, and he shall have the same powers and be subject to the same liabilities, and be governed by the same laws as treasurers of towns, and shall be ineligible for more than two terms in succession.

Powers and duties of the marshal.

SECTION 7. The marshal shall attend all the meetings of the common council, and shall perform such duties as shall be prescribed by the council for the preservation of the public peace, and collection of license moneys and fines. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city or law of the state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in the city; to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and, within reasonable time, bring such persons before competent authority for examination; and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties.

SECTION 8. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he was elected or appointed.

The council may require other and further duties.

SECTION 9. The common council, at their first meeting in each year, as soon thereafter as may be, shall designate one or more newspapers printed in said city in which shall be published all ordinances and other proceedings and matters required by this act or by the by-laws or ordinances of the common council to be published in a public newspaper, which printing and publishing shall be let by contract to the lowest bidder or bidders.

Shall designate official newspaper.

SECTION 10. The city printer or printers, immediately after the publication of any notice, or ordinance or resolution or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit or the affidavit of his or their foreman of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

Proof publication.

SECTION 11. If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal to so deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Shall deliver property, books, etc., to successor in office.

SECTION 12. No alderman shall be a party to, or interested in any job or contract with the city or any of the wards; and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract the common council may sue for, and recover the amount so paid, from the parties to such contract and the alderman interested in the same.

Aldermen not to be interested in contracts.

Peace officers—
their powers
and duties.

SECTION 13. The mayor or acting mayor, sheriff of Brown county, each and every alderman, justice of the peace, marshal, under sheriff, and deputy sheriff of Brown county, constables, policemen 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 the city; and for such purposes may command the assistance of all by-standers, and if need be, of all citizens and military companies. And if any person, by-stander, military officer or private shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

City surveyor—
his duties.

SECTION 14. There may be elected by the common council, a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards, shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested, and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office to his successor or the common council.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

The council and
their ordinan-
ces.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "the mayor and common council of the city of Fort Howard, do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Their annual
and stated
meetings.

SECTION 2. The common council shall hold their first meeting in each year on the Thursday succeeding the second Tuesday of April, and thereafter stated meetings, at such times as they shall appoint, and the mayor may call special meetings by notice to each of

the members, to be served personally, or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have the power to compel the attendance of absent members.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all the other property of the city; and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of 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 these purposes shall have authority, by ordinance, resolution or by-laws,

Their general and special powers.

1st. To license, regulate, suppress and prohibit the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten-pin alleys, and to provide for the abatement and removal of all nuisances, under the ordinances of said city, the laws of the state, or at common law, and may grant licenses for and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same: *provided*, that the license for so dealing in or vending spirituous, vinous or fermented liquors shall not be less than twenty-five dollars or more than three hundred dollars, which license shall be paid into the general fund of the city, and that all such licenses hereafter granted shall run from the first day of May in each year: *provided*, however, that when any such license may be applied for after that date, the same may be granted, to expire on the first day of May thereafter, on the applicant paying pro rata therefor, but no license shall be granted for a longer period than one year.

To license shows and the sale of liquors.

2d. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices,

Restrain gaming.

and all playing of cards, dice or other games of chance, with or without betting, and restrain, prohibit and suppress any person or persons from vending, giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers.

Prevent riots. 3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Suppress nauseous places. 4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Locate markets, etc. 5th. To direct the location and management of slaughter-houses and markets, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder or other combustible materials.

Prevent encumbering of streets. 6th. To prevent the encumbering of streets, sidewalks, lanes or alleys with railroad cars, locomotives, engine or engines, carriages, carts, wagons, sleighs, boxes, lumber, pine wood, or any other materials or substances whatever.

Prevent horse-racing. 7th. To prevent horse-racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Horses, cattle, etc. 8th. To restrain the running at large of cattle, horses, swine, sheep, poultry and geese, and to authorize the distraining of the same.

Restrain dogs. 9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

Prevent deposit of putrid carcasses. 10th. To prevent any persons from bringing, depositing or having within said city, any putrid carcass, or other unwholesome substances, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins or substances of any kind, and in default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

11th. 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; to erect lamps, and to regulate, license and suppress omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen, and all others who may pursue like occupations in this city, and to provide for lighting the streets, public grounds and public buildings, with gas or otherwise.

Establish pounds, etc., and license draymen.

12th. 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 burial grounds, set apart for public use, from taxation.

Boards of health.

13th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Weight of bread

14th. To prevent all persons riding or driving any ox, mule, horse, cattle or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

Prevent driving on sidewalks.

15th. To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof.

Shooting of firearms.

16th. To restrain drunkenness 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.

Restrain drunkards.

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses or other establishments, and to establish and regulate the police of the city.

Runners.

18th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Establish markets.

19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions.

License stalls.

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same, and to appoint fish inspectors

Regulate weighing of hay.

- as herein provided, and to appoint a lumber and shingle inspector.
- Removal of obstructions from sidewalks.** 21st. To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys 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 authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.
- Construction of piers.** 22d. To regulate the construction of piers or wharves, extending into Fox river, within the limits of said city.
- Prevent contagious diseases.** 23d. To regulate, control and prevent 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.
- 24th. To regulate the time, place and manner of holding public auctions or vendues.
- Appoint watchmen.** 25th. To appoint watchmen and prescribe their duties.
- Regulate weights and measures.** 26th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use false weights and measures.
- Trees and monuments.** 27th. To protect trees and monuments in said city.
- Sewers.** 28th. To prescribe and regulate the construction of sewers within said city.
- Lay out streets.** 29th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances and to protect them from injury.
- Change name.** 30th. To alter or change the name of any street in the city.
- Establish wharf and dock lines.** 31st. To establish wharf and dock lines upon the banks of Fox river and the sloughs within said city, and restrain and prevent encroachment upon said river or sloughs, and obstructions thereto; and to construct, alter or maintain, or cause to be constructed, altered and maintained, at the expense of the city or either ward, wharves at the foot of the streets along the banks of said river or sloughs.
- Provide for holding police court.** 32d. The common council shall have power to provide for the holding of a police court in said city, and shall, in the month of April next, and biennially thereafter, designate one or more justices of the peace of said city, who shall have exclusive jurisdiction as jus-

tices of the peace for two years, or until his or their successors are appointed, in all actions for the recovery of any penalty or fine, under all laws of said city, and all ordinances, by-laws or police regulations thereof. Should any vacancy occur, it shall be filled by the common council, but the person so appointed shall serve for the unexpired term only.

33d. The said justice of the peace so designated, shall be styled "police justice," and shall hold a police court in said city, at such place as the said common council shall designate. The police justice.

34th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act or which may be vested in any officer of said city by any ordinance thereof. The passage, amendment and repeal of ordinances.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council; and shall be signed by the mayor, and shall, within fifteen days after their passage, respectively, be published in the official paper or papers of said city once 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 said laws, ordinances, regulations or by-laws shall be recorded, the publication 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, and such record of such law, ordinance, regulation or by-law, and the proof of publication thereof aforesaid, or a transcript of such record certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor, which vote shall be taken by ayes and noes, and entered in the proceedings of the council. All appropriations, ordinances etc., to be passed by an affirmative vote and to be approved by mayor.

Abatement of nuisances at common law not barred by this act.

SECTION 5. The powers conferred upon said council to 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 ten pounds of gunpowder are 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.

Examination, adjustment and allowance of accounts.

SECTION 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioners of each ward, marshal, and all other officers or agents of the city, at such time as they may deem proper, and also at the end of each year and before the time for which the officers of the said city are elected or appointed shall have expired. And the common council shall require each and every officer and agent to exhibit his books, funds and moneys, 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 his said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

May issue city bonds.

SECTION 7. The common council of said city shall not have power to issue any bonds or other evidence of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one year orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act.

CHAPTER V.

FINANCE AND TAXATION.

SECTION 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council; and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any fund in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes for school purposes, and except taxes levied for the payment of the principal or interest of any outstanding bonds of the borough of Fort Howard or said city, which shall be collected in money or in orders drawn upon such fund respectively, and all orders shall be payable to the persons or to the order of the persons in whose favor they may be drawn, or bearer.

Control of city funds.

City orders—for what receivable.

SECTION 2. The common council of said city shall annually levy upon the taxable property of the city, to defray the current expenses of the city, a tax not exceeding one-half of one per cent, and for all other purposes, except for schools, bridges and the payment of principal and interest of any outstanding bonds, debts or obligations of said city or the borough of Fort Howard, a tax not exceeding one-half of one per cent. upon all the taxable property of said city.

Annual levy of taxes.

SECTION 3. Whenever it shall be necessary to rebuild or repair bridges, a special tax may be levied for such purpose, not exceeding two thousand dollars for any one year, and the said taxes when so levied, shall be collected at the same time as other city taxes are collected.

Special bridge tax.

SECTION 4. Special taxes may also be levied by the city council at any regular meeting, for the purpose of paying the interest and principal of any outstanding bonds now due or hereafter to become due, issued by the borough or city of Fort Howard or which may hereafter be issued by said city, by authority of law: *provided, however*, no greater tax shall in any one year be levied than shall be necessary to pay the amount which shall be due on such bonds at the time such tax shall be collectable by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes; and when so levied shall be

For interest and principal on bonds.

collected at the same time as other city taxes are collected.

Accounts to be verified.

SECTION 5. No account shall be allowed by the common council unless the same is verified by the owner thereof, or some person in his behalf.

If account is disallowed, claimant may appeal.

SECTION 6. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court for the county of Brown, by causing a written notice of such appeal to be served on the clerk of the city within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety, to be approved by the city clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

Notice of appeal and return of proceedings.

SECTION 7. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with their decision thereon, and shall file the same, together with the bond and all the papers in the case in his possession, with the clerk of the circuit court for the county of Brown, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner: *provided, however*, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of recovery; and when the amount of costs exceeds the sum recovered, judgment shall be rendered against appellant for the amount of such excess.

Limit of amount of recovery.

Actions against city.

SECTION 8. No action shall hereafter be maintained by any person against the city of Fort Howard, upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim to the common council of said city.

Determination of council to be conclusive.

SECTION 9. The determination of the common council disallowing in whole or in part, any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim,

unless an appeal shall be taken from the decision and determination of such common council as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city: *provided, however,* that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be so construed as to prevent the institution and maintenance of an action by said claimant against said city.

CHAPTER VI

OPENING OF STREETS AND ALLEYS.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, as follows: Whenever ten or more freeholders residing in any ward shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside for public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds proposed to be taken, together with the names and residences of the owners of such premises if the same shall be known to such petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be, or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice, describing, as near as may be, the premises proposed to be taken, to be published in the official paper or papers four weeks successively, at least once a week.

Proceedings for laying out streets, public squares, etc.

SECTION 2. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge or court commissioner for the county of Brown, for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary or take the same for the purpose specified in said petition.

What notice to contain.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve rep-

Judge shall appoint jurors to view premises.

utable freeholders, residents of said city, but not residents of the ward in which such premises may be, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in said precept, and to make returns under their hands to the common council whether, in their judgment, it is necessary to take said premises for the purposes specified in such application, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath faithfully and impartially to discharge their duties as jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

Service and return of precept.

SECTION 4. The city marshal shall serve his precept immediately on the jurors therein named, by reading the same to every one of them that can be found; and immediately after such service, he shall return the said precept to the judge or court commissioner who issued the same, together with his doings thereon.

Judge shall fill vacancies.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Shall administer oaths.

SECTION 6. The said judge or court commissioner, or any justice of the peace, shall thereupon administer an oath to said jurors, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Shall view premises and make report.

SECTION 7. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the

time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings confirming said report, and directing the same jurors, within twenty days thereafter or such further time as shall be necessary, to again view said premises for the purpose of ascertaining and determining the amount of the damages to be paid the owner or owners of said property proposed to be taken, and to assess and return, within the time limited, such damages to the common council. And after the jury shall have made their report as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors, in the place of any who shall neglect or refuse to serve, in ascertaining the amount of compensation as above; and all the jurors, before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer, that they are freeholders in said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Confirmation of report and order to again view premises.

May appoint new jurors.

SECTION 8. If there should be any building in whole or in part, upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and, secondly, the value of such building to him to remove.

Value of buildings to be determined.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all parties interested shall be given by publication in the official paper or papers of said city, three successive weeks. Such notice shall specify the building and the award of the jurors. It shall require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken with the land appropriated, or their intention to remove such building. He shall have such time for this purpose as the common council may allow.

Notice of determination to be given.

SECTION 10. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale

When council may sell building.

of such building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited to his use.

Final assessment of damages and benefits by the jurors.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the actual value in money of the real estate so proposed to be taken, and the injury arising to them respectively in consequence of the taking thereof, which shall be awarded to such owners respectively as damages. In the estimates of the damages to the land, the jurors shall include the value of the building or buildings (if the property of the owner of such lands), as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case, they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section eight of this chapter.

In case premises are owned by different persons, or incumbered.

SECTION 12. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

Award to be signed and returned.

SECTION 13. The award of said jurors shall be signed by them, and returned, together with the testimony taken, and the precept, to the common council, within the time limited in such precept.

Any person may appeal from award.

SECTION 14. Any person whose property is taken or against whom any assessment is made may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Brown county, by causing a written notice such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section six of chapter five of this act, and such appeal shall be tried by the court and jury as in ordinary cases. The common council shall also have the right to appeal, by filing with the clerk a notice thereof within ten days, as aforesaid.

Damages to be paid before land is appropriated.

SECTION 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner

thereof shall be paid or tendered to the owner or his agent, or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit, and then and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds opened or laid out.

SECTION 16. The damages assessed shall be paid or tendered or deposited as herein required, within one year from the confirmation of such assessment and report; and if not so paid, tendered or deposited, all the proceedings in any such case shall be void.

To be paid within one year.

SECTION 17. The city may pay or tender or deposit as herein required, at any time within one year from the confirmation of such assessment, and report the damages in any such case; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among their proceedings, to take and appropriate such lands for the purposes required.

When paid, council to take land.

SECTION 18. When the whole of any tract or lot or other premises, under lease or other contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

Lease or contract not to hinder taking of land.

SECTION 19. When only a part of a lot or tract of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable, and to be paid for or in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for or in respect to the same.

If only a part is under lease, how adjusted.

SECTION 20. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under legal disability, the judge of the circuit court of Brown county, or in his absence, the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a

How give notice to infants or non-residents.

guardian for such party, and all notices required by this act shall be served upon such guardian.

Shall cause
survey to be
made.

SECTION 21. Whenever any public grounds, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

CHAPTER VII.

CITY IMPROVEMENTS.

Shall appoint
street commis-
sioner.

SECTION 1. The aldermen of the several wards shall appoint a suitable person to act as street commissioner in each ward; said aldermen shall prescribe his duties and fix his compensation, and they shall have the power to remove him whenever they see fit. The city clerk shall be the clerk of the street commissioners, and shall keep a record of their acts and doings, and shall keep and preserve all contracts, receipts and papers of each street commissioner. The several street commissioners shall make report in detail, to the council at their regular meeting in March in each year, of their acts and doings, books, records, papers, accounts, receipts and vouchers, for final settlement and adjustment.

May appeal
from act of
street commis-
sioner.

SECTION 2. Any person deeming himself aggrieved by an act of the street commissioners may, within ten days thereafter, by filing a written notice with the clerk of said city, appeal to the common council, who shall inquire into, examine and correct the act or order complained of, as shall seem just and proper, and the further action of the board in this respect shall be regulated accordingly, and if such person shall deem himself aggrieved by the determination of the common council upon such appeal, such person may appeal within ten days thereafter to the circuit court of Brown county, by complying with the provisions of section six of chapter five of this act.

The general
powers of the
street commis-
sioner.

SECTION 3. The said street commissioner shall have power to order and contract for the making, grading, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters and sewers within his respective ward, and to direct and control the persons employed thereon. Whenever the street commissioners shall deem it necessary to construct or repair any sidewalk within their ward, they shall direct the owner or occupant of any lot adjoining such sidewalk to make or repair the same at his own proper cost and charge. If such work

is not done in the manner and in the time prescribed, the commissioners shall cause the same to be done at the expense of the lot adjoining such sidewalk. The street commissioners shall not have power, except as hereinafter provided, to make and grade in the several wards of the city, any street, alley, public grounds, reservoirs, gutters or sewers, or to construct any sidewalk in their respective wards, unless the same has been first duly authorized by ordinance of the common council of said city: *provided*, nothing herein shall be so construed as to prohibit such street commissioners from making or causing to be made all necessary repairs to any sidewalk, street, alley, public grounds, reservoirs, gutters or sewers. No special improvement shall be ordered by the common council, exceeding in estimated cost of the sum of two hundred dollars, unless more than one half of the owners of the land to be taxed for such improvement shall petition in writing for the same, or unless the same shall be ordered by a vote of two-thirds of the aldermen elect. If, however, the common council order any special improvement to be made, or pass any ordinance or resolution requiring any special improvement to be done, the vote therefor of the aldermen shall be taken by yeas and nays, and entered upon the journal of the proceedings of said council, and no special improvement shall be valid or binding unless said vote be so taken and entered upon the journal.

Limit of special improvements, and how authorized.

SECTION 4. Opening, grading, working, graveling, planking or paving streets and alleys to the centre thereof, shall be chargeable and payable by the lots fronting on such street or alley; but no street or alley shall be graded, graveled, planked or paved except upon the petition of a majority of the property holders interested therein, or by a two-thirds vote of the aldermen elect. Sewers may be ordered by the street commissioners and built at the expense of the lots or parcels of lots or land benefited thereby, which shall be apportioned among said lots or parcels of lots or lands by the street commissioners: *provided, however*, that when sewers are constructed through alleys, no lots or parcels of lots shall be assessed therefor, except those situated in the block or blocks through which said sewers may be constructed; and when the sewers are constructed through streets, no lots or parcels of lots shall be assessed therefor except those situated in the blocks fronting on such streets; or, *provided further*, that in all cases when improvements or work of any kind are charged, by virtue of this section, upon lots

Street improvements—how chargeable.

Construction of sewers.

benefited, all such improvements across streets, alleys and public grounds shall be made and paid for out of the general fund of the city.

Estimates of improvements to be made.

SECTION 5. Whenever the commissioners shall determine to make any public improvement, as authorized by sections three and four of this chapter, they shall cause to be made an estimate of the whole expenses thereof, and of the proportion to be assessed and charged to each lot, which estimate may be altered, amended or modified by the commissioners, and in case of grading streets, alleys or sidewalks, of the number of cubic yards to be filled in or excavated in front of each lot; and such estimate shall be filed with the city clerk, for the inspection of the parties interested. The street commissioners shall give notice by advertisement for ten days in the official paper or papers published in the city of Fort Howard, to the owners or occupants of the lots or parcels of land fronting on any street, alley or sidewalk ordered to be graded, graveled, planked or paved, requiring them to do the work mentioned in such notice, within a reasonable time, therein to be specified; and if the said work shall not be done within such time, the said commissioners shall enter into contract for the doing thereof.

Notice to owners.

Notice of stagnant water.

SECTION 6. The street commissioners shall give notice to all owners or occupants of lots which may be deemed injurious to health, by reason of stagnant water remaining thereon, or other cause, if residents, personally, if non-residents, in the official paper or papers published in the city of Fort Howard for ten days, to abate such nuisance by draining or filling such lots within a reasonable time therein to be specified; and if such nuisance shall not be abated or removed within the time specified, the street commissioners shall cause the same to be abated or removed at the expense of the property upon which the same may exist.

Shall give certificate to contractors.

SECTION 7. After the completion and performance of any contract entered into by the street commissioners for work chargeable to lots or lands, by virtue of this act, they shall give the contractor or contractors a certificate under their hands, stating therein the amount of work done by such contract, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon; and if the amount shall not be paid before the time of making out the annual tax roll, the same shall be assessed upon the said lots or parcels of land respectively, and collected for the use and benefit the holders of such certificate, as other

taxes on real estate are collected by virtue of this act, and if the notice to do the work required shall have been given as herein provided, no informality or errors in the proceedings shall vitiate such assessment: *provided*, that in no event when the work is ordered to be done at the expense of any lot or parcel of land, shall either the city or any ward be held responsible for the payment thereof.

SECTION 8. In all cases when work is ordered to be done by the owner of any lot under the provisions of this chapter, such owner may make an appeal as hereinbefore provided, at any time within twenty days after notice as aforesaid.

Owners may appeal.

SECTION 9. The street commissioners of the several wards are hereby authorized to require, by such regulations as they may choose to adopt, the owners or occupants of the several lots within their respective wards to cleanse and repair the sidewalks, streets and alleys, and to employ any person or persons whose duty it shall be to make, repair and cleanse such streets, alleys and sidewalks. Whenever such regulations shall not have been complied with at some period prior to the time of the delivery of the tax list to the treasurer under the charter, it shall be the duty of the street commissioner to make a report to the city clerk of the amount of the tax properly chargeable against such lot for work done under this section, for any period not exceeding one year prior to such report, specifying the amount in gross, and such amount shall be a lien upon such lots, and be levied thereon as a special tax, with all the legal consequences both as to collection of taxes and sale of the lot prescribed in this act for special taxes.

Commissioners may order cleaning and repair of sidewalks, etc.

CHAPTER VIII.

ASSESSING, LEVYING AND COLLECTION OF TAXES.

SECTION 1. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon town assessors, except so far as they may be altered by this act: *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the

Assessment, and collection of taxes.

duties of assessor, and make such rules and regulations in relation to revising, altering or adding to such rolls as they may from time to time deem advisable.

Notice for hearing objections.

SECTION 2. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper, and shall fix a time and convenient place when he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same the assessor shall make such alterations or reductions as justice or equity shall require: *provided*, the time of hearing of such objections shall not be more than one week from the expiration of such notice.

Return and equalization of assessments.

SECTION 3. Within one week after the time limited for the hearing of such objections, the assessor shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same, may alter and add to, take from and otherwise revise and correct the same: *provided, however*, the board of equalization shall not have the power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessor.

Additional assessments for omissions in previous years.

SECTION 4. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such tract or lot as the same would have been chargeable with had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosoever hands they may have come. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be relieved in such manner as they shall by ordinance direct: *provided*, that if

If tax is set aside, it may be relieved.

the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

SECTION 5. The mayor, city clerk, treasurer and assessor shall constitute the city board of equalization, and shall meet at the office of the city clerk on the first Monday of July, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing, correcting and equalizing the assessment rolls of the several wards in the city. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof.

Meeting of the board of equalization.

SECTION 6. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk. Thereupon the common council shall, by resolution, levy such sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied.

Levy upon the assessment roll.

SECTION 7. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

Changes to be recorded.

SECTION 8. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time of the confirmation of such assessment roll, and on all the personal property of any person or body politic assessed for personal taxes, from the delivery of the warrant for the collection thereof until such taxes shall be paid, and no sale or transfer of such real or personal estate shall affect said lien; any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon real or personal property.

Taxes to be and remain a lien on real estate.

SECTION 9. It shall be the duty of the city clerk, immediately upon the reception of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with all the city and other local taxes, adding thereto five per cent. for the expense of collection, in an additional column prepared for that purpose in the tax roll, setting down opposite the several sums set down, as the valuation of real and personal property,

City clerk to calculate and carry out tax.

the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

Shall make duplicate copy.

SECTION 10. The said city clerk shall immediately make out a duplicate copy of such tax roll when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year.

Shall affix warrant.

SECTION 11. To each assessment roll so delivered, a warrant, under the hand of the city clerk, and the corporate seal of said city shall be annexed, substantially in the following form:

Form of tax warrant.

THE STATE OF WISCONSIN—

To the city treasurer of the city of Fort Howard in the county of Brown:

You are hereby commanded to collect from each of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation upon whom any such tax is imposed shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, after deducting your fees, you are first to pay the treasurer of said county, on or before the last Monday of January next, the sum of —, for state taxes, and the further sum of — for county taxes, and the balance of said money you are required to retain and pay out, according to law; and in case said taxes and assessments shall not be paid the fourth Monday of February next, you are required to proceed and sell the several lots or parcels of land, or those parts thereof upon which said taxes or assessments shall remain unpaid, as provided by law, and to make due return of this warrant to the common council of said city on or before the first Tuesday of May next.

Given under my hand and the corporate seal of said city, this — day of —, 18—.

—, City Clerk.

Tax roll and warrant to be evidence.

SECTION 12. The said tax roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

General laws to apply.

SECTION 13. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in

said city, except as otherwise herein equally provided, and the city treasurer shall proceed to collect the taxes, and all assessments of said city in the same manner as is required by law of the town treasurers to collect taxes, except as herein provided.

SECTION 14. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city, that such tax list (describing for what purpose such taxes are levied) has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing the date of said notice. If the taxes are not paid within said time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the person so charged, giving at least six days' notice of the time and place of such sale, by posting up not less than three written notices in as many public places in said city.

Treasurer to give notice of receipt of tax roll.

SECTION 15. Each and every lot or lots, or any other piece of land upon which the taxes, interest and charges shall not be paid by the fourth Monday of January next, after the levying and assessing of the same, shall be subject to sale as hereinafter provided.

Delinquent lots subject to sale.

SECTION 16. The city treasurer shall, immediately after said fourth Monday in January, make out a notice stating that the tracts and parcels of land specified in said tax roll, upon which the taxes shall not have been paid by that day, will be sold by him at public auction at the office of said treasurer in said city, on the first Tuesday of May next thereafter, and the next succeeding days, for the taxes, interest and charges thereon. The said treasurer shall cause said notice to be published in a newspaper printed in said city, once in each week for four successive weeks prior to said first Tuesday of May, and also at least four weeks prior to that day, post up copies thereof in three public places in said city.

Shall publish notice of sale of delinquent lots.

SECTION 17. On the day and at the place designated in the treasurer's notice, he shall commence, by public auction, the sale (and continue from day to day until the whole are disposed of), of all the tracts and lots, or parts thereof, upon which the taxes or assessments shall remain unpaid; the sale to be made for the smallest unvided portion of the lot or tract for which any person will take the same and pay the taxes and charges thereon. On receiving the amount of such taxes and charges, the treasurer shall issue to the purchaser, his or her heirs or assigns, a certificate, containing the name of the purchaser, a description of the

Shall commence and continue sale.

Shall issue certificates of sale.

Shall keep a record of sales.

premises sold, the amount paid therefor, the rate of interest said certificate may bear, and the time when the right to redeem the same will expire. The treasurer shall keep a record of the lots or tracts sold, the name of the purchaser, the date and amount of sale, by whom and for what sum the same was redeemed, and the time and to whom the same was conveyed if not redeemed. In case any purchaser at such tax sale shall neglect or refuse to pay the amount for which any lot or tract was sold, at such time as the treasurer shall designate, he shall, on the day following, offer said lot or tract again for sale; and any person bidding off, at any such sale, any lot or tract of land, and refusing or neglecting to pay for the same within the time designated, shall forfeit and pay to the city the sum of five dollars for each lot so purchased and not paid for, to be sued for and collected as other penalties under this act.

How lots may be redeemed.

SECTION 18. Any lot or tract of land which shall be sold for taxes under this act or any portion thereof, may be redeemed within three years from the day of sale, and any time before the deed is executed, by the owner or any person interested therein, paying to the treasurer the amount for which the same was sold, together with the interest, at the rate of twenty-five per cent. per annum, and the legal charges thereon. If the estate of an infant or lunatic be sold, the same may be redeemed upon the like terms, at any time within a year after such disability shall be removed.

Limit of time of redemption.

SECTION 19. Any tract or lot of land sold in pursuance of this act, or any part thereof, which shall not be redeemed within three years from the day of sale, shall be conveyed by the treasurer to the purchaser or his assigns, as herein provided.

Assignee entitled to deed.

SECTION 20. The assignee of any tax certificate, by endorsement thereon, of any premises sold for taxes by virtue of this act, shall be entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser.

City may be purchaser.

SECTION 21. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive, in its corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property, by virtue of this act, the city treasurer shall have the power to sell the same at public sale; and in case the city shall become

the purchaser of any real estate, at any tax sale, the city treasurer is authorized to sell the certificates issued therefor, for the amount sold, and interest, and to endorse and transfer such certificates to the purchaser.

SECTION 22. All deeds purporting on their face to be executed on account of sale for taxes or assessments under this act, shall be in all cases *prima facie* evidence of the validity of such tax, and if the title conveyed by such deed shall come in question, shall be *prima facie* evidence of all facts recited in such deed, so far as they affect the validity of the title conveyed by such deed.

Deeds to be
prima facie
evidence.

SECTION 23. The city treasurer shall receive all moneys that may be legally tendered him for the redemption of lands sold for taxes. He shall execute to the person so redeeming, a certificate, specifying therein the name of the purchaser of the land redeemed, and the amount of the redemption money paid, and shall also enter on the sale list kept by him the name of the person redeeming, the sum paid therefor by him, and the time when paid. Said certificate shall be evidence of such redemption, and he shall keep an account thereof, and pay the same over on demand to the person entitled to recover the same. He shall cancel all certificates so redeemed, and preserve the same in his office. He shall deliver over to his successor all redemption moneys in his hands, with a statement of the amount so received.

Treasurer to
receive money
and issue cer-
tificates of re-
demption.

SECTION 24. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, two per cent. upon all taxes collected by or paid to him prior to the second Monday of January in each year, and five per cent. upon all taxes and assessments paid to or collected by him after said second Monday of January; and in case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; for each certificate by him issued on sales of lands for payment of taxes and assessments, ten cents, (to be added to the amount of such tax or assessment and included in such certificate); for each lot redeemed, for which he shall issue a certificate, twenty-five cents, and five cents for each additional lot embraced in such certificate, to be paid by the person redeeming; for each tax deed executed by him, one dollar, and five cents for each additional lot or tract embraced in the same deed, to be paid by the person receiving the same; the city treasurer

His fees for the
collection of
taxes and for
certificates.

Shall keep record of fees.

shall collect the fees hereinbefore prescribed, and shall keep in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer from any source whatever, and when the amount thereof shall reach the sum of five hundred dollars, which sum is hereby intended to be the compensation of said treasurer, all sums received by him over and above that amount, shall be paid by him into the general fund of the city; and such book shall be opened at all reasonable times to the inspection of any person; and the city treasurer shall, when required, make report to the common council, duly certified on oath, of all fees or other moneys received by him as treasurer, and he shall receive no other or further compensation for his services as treasurer, than is hereinbefore provided, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties: *provided*, that the common council may, at their last regular meeting in March, fix the salary of the treasurer to be elected at the next ensuing election, but in no case to exceed eight hundred dollars.

Shall be provided with books, etc.

Shall pay over state tax.

SECTION 25. The treasurer shall, on before the third Monday of January in each year, pay to the county treasurer the state tax assessed upon the real estate and personal property in said city.

Default of officer not to invalidate tax.

SECTION 26. All the directions hereby given for the assessing of lands and the levying and collection of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

Shall tender amount due before commencing suit.

SECTION 27. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land, or to set aside, or to set up or interpose any objection to the title derived by virtue of any deed executed in consequence of the non payment of such taxes, and of the sale of the premises therefor, unless such person shall first pay or tender to the proper party, or deposit for his use with the city treasurer, the amount of all state, county and city taxes, that may remain unpaid upon such lot or tract, together with the interest and charges thereon.

How proceed to collect personal tax.

SECTION 28. In case the city treasurer is unable to collect any tax assessed upon any personal property, and payable by any person named in the tax list, he

shall proceed in all things according to chapter eighteen of the revised statutes of this state, and the acts amendatory thereto, in bringing such delinquent person before some justice of the peace, and such proceedings shall be had as are provided by said chapter eighteen, and as are prescribed by chapter one hundred and ninety-eight of the general laws of 1860, and any act that may hereafter be passed amendatory to said acts, or in addition thereto.

CHAPTER IX.

FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden building or buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe penalties for the violation of any resolution or ordinance passed under this section. ^{May prescribe fire limits.}

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the use of fireworks and firearms; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, ^{May take precautionary measures to prevent fires.}

and to provide penalties for the violation of any resolution or ordinance passed under this section.

May authorize the formation of fire companies, etc.

SECTION 3. The common council shall have full power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder 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 may elect its own officers, and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of said company hereby authorized to be formed shall be exempt from highway work and poll tax, and from serving on juries and from military duty except in case of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years, in either of such companies, shall be forever thereafter exempt from poll tax, military and jury duty, except as in cases before mentioned.

Exemption of firemen.

Meeting for election of officers.

SECTION 4. There shall be a meeting of the members of said companies on the first Tuesday of January, in each year, at such place as may be designated by the chief engineer, when they may nominate and recommend to the common council for appointment, one chief engineer and one assistant engineer, and one treasurer, and the common council shall thereupon confirm or reject such nominations; and the persons so appointed shall perform such duties as the common council shall prescribe. In case the common council shall reject such nominees, the said members shall, at a meeting held one week after such rejection, nominate other persons to hold such offices, which nomination shall also be subject to the approval of said council.

Shall appoint fire wardens.

SECTION 5. The mayor shall appoint two fire wardens for each ward, subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, store, barn or inclosure for the purpose of inspecting the same.

Fines appropriated.

SECTION 6. One half of the net proceeds of all fines and penalties recovered and collected for the breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid by the city treasurer to the fire department.

SECTION 7. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, the mayor or city marshal at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the marshal, constable or watchman or any citizen, to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers or any of them may arrest or direct the arrest and confinement of every person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Punishment for disobedience of orders.

SECTION 8. The common council shall have power to organize a sack company, which shall be known by such name as they may select, and shall consist of not more than than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Fort Howard, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires, they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Such company may, from time to time, adopt such by-laws as they deem necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any service rendered in their official capacity. They shall, in case of riot or other disturbances of peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Organization of a sack company—its duties.

May adopt by-laws.

SECTION 9. The treasurer of the fire department shall receive and pay out all moneys belonging to said fire department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as shall be required, and with sureties, to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engi-

Treasurer to give bond.

neer, and countersigned by the clerk of said department.

Secretary—his duties.

SECTION 10. There shall be elected by the members of each company aforesaid, annually, at their annual meetings, a secretary, who shall, on or before the first day of January in each year, return to the city clerk a list containing the name of each member of their respective companies; and when any member of either of said companies shall cease to be a member by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

City clerk to keep record of members.

SECTION 11. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several secretaries, as above provided; and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall, for any cause, cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the county clerk of Brown county, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meetings of the county board of supervisors of said county, and said board shall not place the names of such persons on the jury list for the ensuing year.

CHAPTER X.

ACTIONS TO RECOVER PENALTIES, ETC.

Actions to recover penalties.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act or the section of the ordinance, by-law or regulations under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

First process to be summons.

SECTION 2. In all prosecutions for any violations of any of the provisions of this act or any by-law, ordinance or regulation, the first process shall be by summons, unless oath be made for a warrant as in criminal cases before justices of the peace under the general statutes of the state for the time being.

SECTION 3. When the action is commenced by ^{Form of sum-} summons, such summons may be substantially in the ^{mons} following form:

COUNTY OF BROWN—*City of Fort Howard*—*ss.*

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Fort Howard:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned one of the justices of the peace in and for said city, at my office in said city, on the — day of —, 18—, at — o'clock in the —noon, to answer to the city of Fort Howard in a plea of debt, to the damage of said city, two hundred dollars or under.

Given under my hand, at the said city, this — day of — 18—. J. P., *Justice of the Peace.*

SECTION 4. Such summons shall be made returna- ^{How made re-}ble in the same manner as is now or hereafter may be ^{turnable.} prescribed by the laws of the state for the commencement of actions before justices of the peace by summons; and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons, and triable before justices of the peace.

SECTION 5. When action is commenced by sum- ^{Form of com-}mons, the complaint may be substantially in the fol- ^{plaint.}lowing form:

THE CITY OF FORT HOWARD against A. B.

In justices' court, before J. P., Justice.

The plaintiff complains against the defendant, for that the defendant, on the — day of —, 18—, at the said city, did violate (section — of chapter — of this act, or section — of an ordinance or by-law or regulation of said city, describing it by its title,) which — is now in force. By reason of such violation, an action hath accrued to the city of Fort Howard, to recover of the defendant the sum of — dollars debt. Whereupon the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

SECTION 6. In all cases where oath is made for a ^{Form of affida-}warrant for the complaint, shall be ^{vit for warrant.}made on oath of the

acomplainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form :

THE CITY OF FORT HOWARD against A. B.

In justice's court, before J. P., justice.
COUNTY OF BROWN—ss.

— — —, being duly sworn, complains on oath to J. P., one of the justices of the peace in and for the city of Fort Howard, in said county, that A. B., on the — day of —, 18—, at said city, did violate (section — of chapter — of this act, or section — of an ordinance or by-law or regulation of said city, describing it by its title,) which said — is now in force, as the complainant verily believes; and prays that the said A. B. may be arrested and held to answer to the city of Fort Howard therefor.

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

What complaint shall set out.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant, substantially in the following form :

Form of warrant.

COUNTY OF BROWN, *City of Fort Howard*—ss.

The State of Wisconsin, to the sheriff or any constable of said county, and to the marshal of the city of Fort Howard, greeting :

WHEREAS, — — — has this day complained to me in writing, on oath, that A. B. did violate (here state the number of section of the ordinance, etc., as in complaint), which said — — — is now in full force as the complainant believes, wherefore, you are commanded to arrest the body of said A. B., and bring him before me forthwith; to answer to the city of Fort Howard, on the complaint aforesaid.

J. P., Justice of the Peace.

Proceedings upon return of warrant.

Upon return of the warrant, the justice may proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with security, to be approved by the court, for his, her or their appearance, in such sum as the court shall

direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the jail of Brown county. The complaint made as aforesaid shall be the only complaint required, and the plea of not guilty shall (*be*) put in issue all subject matter not embraced in the action.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of the state.

Printed copy to be evidence.

SECTION 8. Witnesses and jurors shall attend, before a justice of the peace, in all city and criminal suits, without the payment of fee in advance, or tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment.

No jury or witness fee to be tendered.

SECTION 9. In city prosecutions, the findings of the court or jury shall be either guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution, as in case of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall, in either case, determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution may be in the following form:

What findings of court shall be.

Shall issue execution.

COUNTY OF BROWN, *City of Fort Howard.*

Form of execution.

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

WHEREAS, The city of Fort Howard, on the — day of —, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against A. B., for the sum of — dollars, together with — dollars and — cents, costs of suit, for the violation of (section — of chapter —, of this

act, or section — of an ordinance of said city, describing it by its title), you are hereby commanded to levy distress of the goods and chattels of said A. B., excepting such as the law exempts, and make sale thereof according to law, to the amount of said sum, together with your fees, and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of the said A. B., and him convey and deliver to the keeper of the common jail of Brown county; and the said keeper is hereby commanded to receive, keep in custody in said jail, the said A. B., for the term of—, unless the said judgment, together with all the costs and fees are sooner paid, or he be discharged by due course of law.

Given under my hand, this — day of —, 18—. *J. P., Justice of the Peace.*

Form of commitment.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to levy and sale and return of writ.

Defendant may appeal to the circuit court.

SECTION 10. The defendant feeling aggrieved by the judgment of a justice of the peace in any action commenced under the provisions of this act, by summons or warrant, may appeal from such judgment, to the circuit court of the county of Brown: *provided*, such defendant within twenty-four hours enter into a recognizance, with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of the said court; and the city may appeal from any such judgment, as in other cases before justices of the peace.

Appeal shall be for trial without notice.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given by either party.

If judgment is affirmed, penalty to be enforced.

SECTION 12. If the judgment of the justice shall be affirmed, or if upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided

by this act or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

SECTION 13. No person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest. Not to make incompetent.

SECTION 14. All ordinances and regulations now in force in the borough of Fort Howard, and not inconsistent with this act shall remain in force until altered, modified or repealed by the common council, after this act shall take effect. Existing ordinances in force.

SECTION 15. All actions, rights and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created. Suits to be prosecuted.

SECTION 16. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk so served, forthwith to inform the common council thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such cases provided. How serve process against city.

SECTION 17. Change of venue shall be allowed, and may be taken from police justices in all cases, in the same manner as before justices of the peace, as now provided by the general laws of this state; and in case the justice before whom the action is taken resides outside the city limits, nevertheless, such justice shall have full and complete jurisdiction in all respects, as freely as though he were acting justice of the peace of the city of Fort Howard, and shall be governed in all respects by the provisions of this act, and ordinances of the city of Fort Howard, and the by-laws and regulations of said city. How change of venue to be made.

SECTION 18. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury, for the use and benefit of said city, except as provided in chapter nine of this act. How penalties paid.

SECTION 19. In all cases when a defendant shall be convicted of any violation of any ordinance of said city, the court before whom the same is tried shall have power to sentence the defendant to a term of imprisonment in Brown county jail, for any period not exceeding six months. May sentence to county jail.

CHAPTER XI.

PUBLIC SCHOOLS.

Shall elect school commissioners—their term of office.

SECTION 1. The mayor and council of the city of Fort Howard, shall, at their first regular meeting after this charter shall go into effect, elect as school commissioner one person from each ward of said city, who shall hold office until the first Monday in July, 1874, and one other person from each ward, who shall hold office till the first Monday in July, 1875, and one person from the city at large, who shall hold office until the first Monday in July, 1876; and annually thereafter the said mayor and council shall, at their regular meeting in May, elect one school commissioner from each ward, who shall hold office for two years, and each alternate year after 1875, one from the city at large who shall hold office two years, unless sooner removed for misconduct or other sufficient cause, by a vote of two-thirds of the appointing power. The terms of office of said commissioner who shall be elected after the first election, shall commence on the first Monday in July in each year.

Shall form board of education.

SECTION 2. The school commissioners elected under the provisions of section one of this chapter shall form the "board of education of the city of Fort Howard," and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the mayor and council to supply by appointment any vacancy which may occur from time to time in the number of said school commissioners by resignation or otherwise.

Shall elect city superintendent—his term of office.

SECTION 3. The school commissioners first elected under this act shall, at their first regular meeting, or within fifteen days thereafter, elect some suitable person having the necessary qualifications, as city superintendent of schools, whose term of office shall commence on the first Monday of July, 1873, and who shall hold his office until the first Monday of July, 1874, and thereafter, until his successor shall be elected; and thereafter the said board of education shall annually, as hereinafter provided, elect a city superintendent of schools, whose term of office shall commence on the first Monday of July, and the said superintendent shall continue in office for one year, and until his successor shall be elected, unless sooner removed by a two-thirds vote of the council, or by a two-thirds vote of all the members elect of the board of education, for misconduct or other sufficient cause.

SECTION 4. The board of education shall, at its first regular meeting, and on the first Monday in July of each year thereafter, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order, subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teachers' and janitors' wages, and all other incidental and necessary expenses of said board of education (not including superintendent's salary), and in all suits brought by or against the school district, he shall appear in behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board: *provided*, that on all questions requiring appropriations of money, or the adoption of new text books, the votes shall be taken by ayes and noes, and on any other question the ayes and noes shall be called when any member shall request it: *provided, further*, that in the absence of the president, the board shall elect a president *pro tempore*.

Shall elect president of the board—his duties.

SECTION 5. The board of education shall have at least one regular meeting in each month, at such time and place as may be designated by them; and they may have special meetings at such other times as they may deem necessary, or when called together by the president; but no such special meeting shall be legal unless each member of the board shall have first been served with notice in writing of the time and place of such meeting.

Regular and special meetings of the board.

SECTION 6. The city superintendent of schools shall receive an annual salary of not less than two hundred and fifty dollars, to be paid quarterly, the amount of which shall be determined from year to year by the board of education.

Salary of superintendent.

SECTION 7. The duties of the board of education shall be as follows:

Duties of the board—to elect superintendent.

1st. To elect at their regular meeting in July, a city superintendent of schools; but if such election shall not then be had, the said superintendent shall be elected at some regular meeting thereafter.

2d. To decide upon the number of teachers to be employed, the grade of school to be kept by each and the amount of salary to be paid each, and to hire and make contracts with teachers, and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by said board of education, or by some member thereof designated for that pur-

To decide upon number and make contracts with teachers.

pose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the clerk and the other copy delivered to the teacher.

To fix school terms, and uniformity in books.

3d. To arrange and determine terms and vacations in all public schools, to establish uniformity in the school system, and to require and secure uniformity in text books, and to adopt and reject text books at will.

To establish rules.

4th. To establish rules and regulations for schools not in conflict with the constitution or laws of this state; but the mayor and council may, in their discretion, do away with, annul or abrogate any such rule or regulation by a two-thirds vote of the whole number of aldermen of the city.

To make contracts and repairs.

5th. To make contracts for fuel, stationery and articles of furniture required for the use of the schools; to make all necessary repairs in school hours, such as lighting fires, sweeping school rooms, etc., and such contracts when executed shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by the president of the board of education, and countersigned by the clerk of said board.

To submit annual statement of teachers' wages, and estimate amount of moneys needed.

6th. The said board shall annually, on or before the first day of November in each year, submit a statement to the mayor and council, showing the amount of teachers' wages that have accrued and become due during the year, and the amount of all other indebtedness accruing on contract or otherwise that has been made by order of the board; and for that purpose, they shall cause entries to be made in a book or books to be provided by the city, of all contracts made by the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said board at the time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board, and they shall, at the same time, submit for the consideration of the council, a statement of the estimate required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages, and other items separately and specifically. Nothing in this section contained shall prevent the mayor and council from taking into consideration the amount to be received from the state from the income of the school fund, and the amount to be received from the county school tax during the ensuing year.

Shall make statement of amount of repairs needed.

SECTION 8. Whenever repairs to a larger amount than one hundred dollars shall, in the opinion of the board, be required for any one school house, they shall

cause a statement to be made showing the repairs required, and an estimate of the cost thereof, to be laid before the mayor and council; and whenever, in their opinion, another school house shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same, to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a two-thirds vote of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased, or building or buildings erected; and it shall be the duty of said board to enter into contracts for making such repairs or for the erection of such buildings or for the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

SECTION 9. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasurer, payable out of the school fund, for teachers' and janitors' wages, and all other expenditures authorized by this act.

Orders for teachers' wages.

SECTION 10. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made in which any member of said board shall have such interest, shall be absolutely void.

Members of board not to be contractors.

SECTION 11. The duties of city superintendent shall be as follows:

Duties of superintendent—to examine applicants.

1st. To examine all applicants for teachers' licenses in the branches taught in the public schools of said city, and if approved, give them certificates authorizing them to teach in the city.

2d. To annul a teacher's certificate whenever he may think proper: *provided*, that such teacher shall have the right to appeal to the board of education.

Annual certificates.

3d. To visit each school department in said city at least once during each week.

Visit schools.

4th. To report for the consideration of the board of education, such text books as he may think advisable and proper for the use of the schools, and to report such alterations therein from time to time, as he may think most beneficial for the schools in said city.

Report text books.

Report condition of schools.

5th. To report to the board of education at such regular meeting, relative to the condition of the schools under his supervision, and particularly as to the average attendance at each school since the previous regular meeting; to make such recommendations as shall, in his judgment, conduce to their welfare, and to perform such other duties as may be required of him by the board.

Make statement of number of children.

6th. He shall, between the first and tenth day of September in each year, make a statement of the number of children, male and female, designated separately, over the age of four and under the age of twenty years, residing in the city on the last day of August previous to the day of such report; and shall, on or before the 10th day of October in each year, make and transmit to the county superintendent a report containing the facts set forth in section forty-three of the general school laws, a copy of which report he shall present to the board of education at their first meeting thereafter.

Attend meetings and act as secretary.

7th. He shall attend all the meetings of the board of education, and act as secretary thereof, and then make any suggestions he may think advisable relative to the government of the schools in said city.

Books and papers to be turned over.

SECTION 12. The several school district clerks of the borough of Fort Howard shall, on or before the first Monday in July next, turn over all books and (news) papers in their hands to the board of education, and the several school district treasurers in like manner shall turn over all moneys, vouchers, books and papers in their hands, to the city treasurer.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

Work to be let to lowest bidder.

SECTION 1. All work for the city or either of the wards, including all printing and publishing, shall be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting the contract.

How money appropriated.

SECTION 2. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

How penalty remitted.

SECTION 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a two-thirds vote of the aldermen elect.

SECTION 4. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent land marks, as they may deem necessary, and cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk, and recorded in the office of the register of deeds of the county of Brown.

May cause new survey to be made.

SECTION 5. The surveys and land marks so made and established, shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

Survey to be evidence.

SECTION 6. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys and sidewalks in said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Brown county; and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade: *provided, however,* that nothing in this section contained shall be so construed as to prevent the street commissioners of the several wards of the said city, from ordering or causing to be done the grading of any street within their ward to a temporary grade, to be established by such commissioners.

May establish grades and make profiles thereof.

SECTION 7. The city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by said city shall be exempt from taxation.

May hold property.

SECTION 8. Real estate exempt from taxation by the laws of this state shall be subject to special taxation as other real estate under this act.

Subject to special tax.

SECTION 9. Every individual or company of individuals or body corporate, owning a lot or tract of land within the corporate limits of the city of Fort Howard, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and

How lots shall be subdivided and platted.

alleys through the lots and blocks in said city adjacent to said lot or tract so platted; and before making such plat as required by law, it shall be the duty of such person or persons or corporation making such plats, to submit the same to the common council of said city for approval; and if such plat shall be approved by the common council, the said person or persons or corporation may cause said plat or plats to be recorded according to law; but except such plat be approved by a resolution adopted by said council, a copy of which, duly certified by said clerk, shall be affixed thereto or entered on such plat, it shall not be lawful for the register of deeds of the county of Brown to receive such plat for record, or to record the same, and the person or persons neglecting or refusing to comply with the requirements of this act shall forfeit and pay a sum not less than one hundred dollars nor more than one thousand dollars, and the register of deeds who shall record such plat without a copy of the resolution aforesaid, approving the same, being entered on or affixed thereto, shall forfeit a sum not less than fifty nor more than one hundred dollars.

How deed or lease real estate.

SECTION 10. When the city of Fort Howard deeds or leases any real estate, or any interest therein owned by said said city, the party of the first part shall be the city of Fort Howard, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor authorized to execute deed.

SECTION 11. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed under and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the city, and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as is provided for the execution of deeds and conveyances.

City clerk to attach copy of ordinance.

SECTION 12. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with the said deed or lease; and such copy so attached, and the record thereof, shall be in all courts of this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

SECTION 13. If any election by the people for common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day by order of the common council; and if any of the duties enjoined by said act, or the ordinances or by-laws or regulations of said city, to be done by any officer, at any specified time, and the same are not then done or performed, the common council may appoint another time at which said act may be done and performed.

Failure of election not to dissolve corporation.

SECTION 14. No general laws of this state contravening the provisions of this act shall be considered as repealing, annulling or modifying the same, unless such purposes be expressly set forth in such law as an amendment; and no general or local law of this state to divide this city or annex the same to any other city or town shall have effect without the consent of the people of the city of Fort Howard first had, by submitting such division or annexation to a vote of the people of said city, at a regular charter election of the city of Fort Howard aforesaid.

General laws not to repeal this act.

SECTION 15. The common council shall have power to appropriate a sum not exceeding three hundred dollars, to any public purpose they may deem proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen elect.

Limit of appropriation.

SECTION 16. The compensation of the mayor shall be fifty dollars, and that of the aldermen twenty-five dollars, and the assessor not more than one hundred and fifty dollars.

Pay of city officers.

SECTION 17. The common council shall have power to levy and provide for collection from every male inhabitant of said city, being over the age of twenty-one years and under the age of fifty years, excepting paupers, idiots, lunatics and members of the fire department, a poll tax of one dollar and fifty cents. Said tax may be paid in cash, or commuted for in labor at the rate of one dollar per day. The said common council shall have power to appoint some proper person or persons to collect said tax, fix his or their pay therefor, and pass or adopt any needful regulations to provide for and enforce the collection of the same, not inconsistent with the constitution or laws of this state.

Shall levy and collect poll tax.

SECTION 18. All acts or parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed; but the repeal of said acts or parts of acts

Conflicting acts repealed.

shall not in any manner affect, injure or invalidate any contract, act or suits, claims, penalties or demands that may have been entered into, performed, commenced or that may exist under or by virtue or in pursuance of the said acts, or any former act incorporating the borough of Fort Howard, or any amendments thereto; but they shall exist and be enforced and carried out and be completed as fully and effectually, to all intents and purposes, as if this act had not been passed.

SECTION 19. This act shall take effect and be in force from and after its passage.

Approved March 14, 1878.

CHAPTER 165.

[Published March 26, 1878.]

AN ACT to amend chapter one hundred and eighty-eight of the general laws of 1872, entitled "an act to provide for the incorporation of villages."

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

Section 28
amended.

SECTION 1. Section twenty-eight of chapter one hundred and eighty-eight of the general laws of 1872 is hereby amended by inserting between the words, "treasurer" and "marshal," in the third line thereof, the words, "assessor, justice of the peace."

Section 29
amended.

SECTION 2. Section twenty-nine of said chapter one hundred and eighty-eight is hereby amended by inserting after the word, "treasurer," when it occurs in the first line of said section, the words, "assessor, justice of the peace."

Section 30
amended.

SECTION 3. Section thirty of said chapter one hundred and eighty-eight is hereby amended by inserting after the words, "police justice," in the first line thereof, the words, "and justice of the peace," and by striking out the word, "his," in the first and second lines of said section, and inserting in lieu thereof the word, "their."

Section 33
amended.

SECTION 4. Section thirty-eight of said chapter one hundred and eighty-eight is hereby amended by inserting after the word, "office," where it occurs in the third line of said section, the following: "He shall assess and carry out such village taxes upon all the real and personal estate liable therefor, in the tax roll