

the laws of 1883. Should the majority of votes so cast be for private construction and the mayor shall fail to obtain a contract satisfactory to himself, and if satisfactory, the common council shall fail to approve it on or before said June 1, 1887, then said board of water commissioners shall proceed with the construction of water-works under said section three (3), and the authority conferred by said section one of this act shall thereupon terminate. Notice of the aforesaid submission of the question published at least three days preceding said election in the daily papers of the city of Janesville, shall be sufficient notice thereof. If the question shall be raised whether a person offering to vote is a tax-payer within said city, recourse may be had to the tax roll of the city for the year 1886 to determine the fact.

SECTION 14. This act shall take effect from and after its passage and publication.

Approved March 29, 1887.

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[No. 290, A.]

[Published March 31, 1885.]

## CHAPTER 165.

AN ACT to amend the charter of the city of Sturgeon Bay.

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

City boundaries changed.

SECTION 1. Section 2, of chapter 341, of the laws of 1883, as amended by section 1, chapter 119, laws of 1885, is hereby amended so that said section 2, as now amended, shall read: Section 2. Said city shall embrace the following described territory: Beginning at a point in the waters of Sturgeon Bay on the line between township twenty-seven north, of range twenty-six east, and township twenty-eight north, of range twenty-six east, produced west equi-distant from the opposite shores of said bay and thence running east to the shore of said bay, and thence east on said line between townships twenty-seven north, and twen-

ty-eight north, to the north-east corner of the north-west quarter of the north-west quarter of section number four, township number twenty-seven north, of range twenty-six east; thence south to a point seventy rods south of the quarter line that runs east and west through the center of section nine in township number twenty-seven north, of range number twenty-six east; thence east eighty rods, thence south ten rods, thence south thirty degrees west to a point in the waters of Sturgeon Bay equi-distant from the opposite shores of said bay and thence northerly on a line in said bay equi-distant from the opposite shores of said bay to the place of beginning.

SECTION 2. Section 27, of chapter 341, laws of 1883, is hereby amended so as to read as follows: Section 27. The mayor shall be the chief executive of the city. He shall see that all laws relating to the peace and good order of the city, as well as the ordinances of the city, are enforced; and shall exercise a constant supervision over all other officers of the city. He shall receive and examine into all complaints against all subordinate officers for misconduct, insufficiency or neglect of duty, and he shall at the next meeting of the council make a report thereof, together with such recommendations as he may deem proper. And he may when the interests of the city are in danger of being impaired, summarily suspend the city marshal, and any policeman, until the next meeting of the council, at which time the mayor shall make report to the council of his action in writing, setting forth all the facts and circumstances in relation thereto, and the council may dispose of the matter in the same manner as in this charter provided for the removal of persons from office. He shall recommend, from time to time, to the council such measures as he shall deem expedient and necessary for the welfare of the city. He shall have power, with force if necessary, to suppress all tumults, riots and unlawful assemblies, all reveling, quarreling or other disorderly conduct, to the disturbance or annoyance of the peaceable inhabitants of the city. In the performance of said duties, the mayor may command all citizens to his assistance, and any person refusing to obey his lawful command shall forfeit a sum not exceeding twenty-five dollars, and shall

Duties and status of the mayor.

be liable to immediate arrest therefor. He shall have control, subject at all times to be restricted by the council, of the city marshal and the entire police force of the city. He shall have power to admit to or discharge without bail, any and all persons arrested by the city marshal or police force of the city without warrant. He may call special meetings of the council by order in writing, to be filed with the city clerk, to serve or cause to be served on all members of the council a copy thereof personally, or by leaving the same at the residence or place of business of each member to be served; and he shall sign all orders of the council legally drawn on the treasury. He shall preside at all meetings of the council, but shall vote only in case of a tie.

Regarding the  
superintendent  
of schools.

SECTION 3. Section 5, chapter 341, of the laws of 1883, as amended by section 1, chapter 119, of the laws of 1885, is hereby amended by adding thereto the words, "and one constable," and striking therefrom the words, "a superintendent of schools," where it appears therein, so that said section 5, of the laws of 1883, as now amended, shall read as follows: Section 5. The elective officers of said city shall be a mayor, clerk, assessor, treasurer, marshal, attorney, one constable, and three justices of the peace, one of which shall be elected as and called police justice from the city at large, and two aldermen, and one supervisor, and one school commissioner, from each ward. The mayor and aldermen shall constitute the city council. The council shall appoint a street commissioner, and may appoint a surveyor, fire-wardens, night watchmen, and such other officers and agents as may be necessary or proper to carry into effect the provisions of this act, or any ordinances made in pursuance thereof.

Justices of the  
peace—their  
terms.

SECTION 4. Section 16, chapter 341, laws of 1883, is hereby amended by adding after the word, "officers," in the first line, the words, "except justices of the peace," and by adding after the word, "day," in the fourth line, the words: "The terms of justices of the peace elected for a full term shall begin on the first Monday in May next after their election, and they shall qualify on or before that day," and by adding after the word, "officers," in the fourth line the words, "other than justices of the peace," in the twelfth line

after the words, "qualified, justices elected or appointed to fill a vacancy, shall qualify within ten days after notice of such election or appointment," so that said section 16, as now amended, shall read: Section 16. The terms of all officers except justices of the peace, elected at the annual election, shall begin on the first Tuesday thereafter, and they shall qualify on or before that day. The terms of justices of the peace elected for a full term shall begin on the first Monday in May next after their election, and they shall qualify on or before that day. Officers, other than justices of the peace elected or appointed to fill vacancies shall qualify within five days after notice of their election or appointment, and shall hold only for the residue of the term. In case of a vacancy in the first year of the term of a justice of the peace, and the vacancy filled by appointment, the appointee shall hold until the next annual election, and until his successor is elected and qualified. Justices elected or appointed to fill a vacancy shall qualify within ten days after notice of such election or appointment. Non-elective officers shall qualify within five days after notice of their appointment, and except as herein otherwise provided, shall hold until the second Tuesday in April thereafter.

SECTION 5. Section 59, chapter 341, laws of 1883, as amended by section 1, chapter 119, laws of 1885, is hereby amended so that said section 59, as now amended, shall read: Section 59. The school commissioners shall constitute the board of education. Said board of education shall meet on the first Saturday after the first Tuesday in April each year; and elect one of its members as president thereof, who shall hold his office for one year or until his successor is chosen. The board of education shall have power to audit and allow all claims against the city for school purposes, and shall issue orders on the treasury for all such claims audited, which said orders shall be signed by the president and countersigned by the clerk of said board, and shall be made payable out of the proper fund in the treasury. The clerk shall keep a record thereof, the same as is done for orders issued by the council and on or before the twentieth day of September in each year, the board of education shall make out and lay be-

Board of education, of whom constituted.

fore the council a detailed statement, in writing, of the amount necessary to be raised for the support of the schools for the ensuing year. The board shall possess such other powers and duties as are incident to and necessary for the discharge of the duties to be performed under this act, and except as herein otherwise provided, it shall have the same powers and perform the same duties as school district boards under the general laws of this state. The board of education shall, in the month of July in each year, or when a vacancy in such office occurs, elect a city superintendent of schools, whose term of office shall be and continue until the time designated for the annual election of such officer in the month of July next thereafter. The salary of said superintendent shall be fixed by the board for the next ensuing term of office, at the first meeting of the board after the annual election. The superintendent's salary shall be paid in the manner provided for the payment of other officers of said city, except that orders therefor shall be signed in the manner herein provided for as in accounts audited by the board. The said board shall annually, on or before the first day of October in each year, submit a statement to the 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 have been made by order of the board, and a detailed statement in writing of the amount necessary to be raised for the support of the schools for the ensuing year. All books and records of the board shall be subject to inspection at any and all times by the council.

City clerk to be clerk of the board of education.

SECTION 6. Section 62, chapter 341, laws of 1883, as amended by section 1, chapter 119, laws of 1885, is hereby amended so that said section shall now read: Section 62. The city clerk shall be clerk of the board of education and of the high school board, and shall take the annual census required under the general laws of the state relating to common schools.

Establishing public parks and walks.

SECTION 7. Subdivision 20, of section 52, of chapter 341, laws of 1883, is hereby amended to read as follows: 20. To purchase grounds for and establish public parks and walks, inclose, lay out, improve and ornament the same, to prevent the

killing or worrying of animals and birds in the city, and to prevent the incumbering or improper use of parks or walks.

SECTION 8. Section 79, chapter 341, laws of 1883, is hereby amended so as to read as follows; Section 79. Every elector of the city, under the age of fifty years, and except as herein otherwise provided, shall be liable to pay an annual poll tax of one dollar and fifty cents on or before the twentieth day of May in each year. The clerk shall make a list of the names of all male persons resident in the city, over twenty-one years of age and under fifty years of age, with the amount of such tax set opposite to each person's name, and submit the same to the council for correction. Any person who is poor and not able-bodied, and all members of any fire or hook and ladder company, may be exempted from the payment of such tax. When such list is corrected, the council shall make and annex thereto, an order, signed by the mayor and clerk, and directed to the treasurer, commanding him to collect all such taxes; such list and order shall be delivered to the treasurer on or before the first day of June of each year, and the treasurer shall forthwith proceed to collect such tax; and he may place on such list the name of any person omitted by mistake therefrom. He shall demand the tax once of each person named in the list; and if any person neglects to pay the same for ten days thereafter, then the treasurer shall, in the name of the city, sue for and collect such tax, with fifty per centum damages on the same, together with the costs of suit before the police justice; and in default of payment of such judgment, execution shall issue against the defendant, as in cases of tort, and the first process in any such action shall be a civil warrant.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1887.