

or legal guardian of any such child, or, if there be neither, with any suitable person, for the care and maintenance of such child until he shall attain the age of fourteen years; and for that purpose they are authorized to pay to such mother or guardian, five dollars per month, and to any other person six dollars per month, for each such child, until he attain the age of fourteen years: *provided*, that no such payment shall be made for any child for any period after the thirty-first day of December, 1879. And for such purposes there is hereby appropriated out of the state treasury nine hundred dollars.

Appropriation  
\$900.

SECTION 4. The said board shall also complete the execution of all trusts, devises or bequests heretofore made to them for the use and benefit of such children, and their acts hitherto in that respect are approved and legalized.

Legalized.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1879.

[No. 51, S.]

[Published March 7, 1879.]

## CHAPTER 120.

AN ACT to incorporate the city of Ahnapee.

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

SECTION 1. All that district of country hereinafter described, from and after the first Tuesday in April, A. D. 1879, shall be a city by the name of Ahnapee; 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 Ahnapee," and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers herein specially granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with; suing and being sued; pleading and being impleaded, in all courts of law and equity; and shall have a common seal, and may change and alter the same at pleasure.

Name and general powers.

SECTION 2. Beginning at the northeast corner of lot two (2), section twenty-six (26), town twenty-five

Boundaries.

(25), range twenty-five (25), and running thence west sixty-five (65) rods and fifteen (15) links; thence north eighty (80) rods; thence west two hundred and forty (240) rods; thence south eighty (80) rods; thence west eighty (80) rods; thence south two hundred and forty (240) rods; thence east one hundred and fifty-three (153) rods and ten (10) feet to the lake shore; thence northeasterly on the lake shore to the place of beginning; all in the town of Ahnapee, in the county of Kewaunee, state of Wisconsin; also lot one (1) in section thirty-four (34), town twenty-five (25), range twenty-five (25), in said town, county and state aforesaid, shall be included in and constitute the limits and boundaries of the city of Ahnapee.

**Boundaries of wards.**

SECTION 3. The city shall be divided into three wards as follows: The first ward shall be all that portion of said city lying south of the Ahnapee river, and east of the center of what is known and designated as Fourth street, on the plat of the present village of Ahnapee. The second ward shall be all that portion of said city lying south of the Ahnapee river and west of the center of what is known and designated as Fourth street, on the plat of the present village of Ahnapee. The third ward shall be all that portion of said city lying north of the Ahnapee river.

**Officers.**

SECTION 4. The corporate authority of said city shall be vested in one principal officer styled the mayor; in one board of aldermen, consisting of two from each ward, who with the mayor, shall be denominated the common council; together with such other officers as are hereinafter mentioned or may be created under this act.

**Annual elections.**

SECTION 5. The annual election for ward and city officers shall be held on the first Tuesday in April in each year, at such place as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon, till five o'clock in the afternoon, with this proviso: That an adjournment may be had for one hour between the hours of twelve o'clock M. and one o'clock P. M., upon due notice thereof given at the opening of the polls. Six days previous notice of such elections shall be given, signed by the clerk, stating the time and place of holding the same, and of the city and ward officers to be elected, which notice shall be posted in one public place in each ward in said city.

**Elective officers.**

SECTION 6. The elective officers of said city shall be a mayor, a treasurer, one assessor, a clerk, a city

marshal, two constables, a police justice and two supervisors, elected by the city at large, and one justice of the peace and two aldermen from each ward; the said supervisors to represent said city in the county board of supervisors of the county of Kewaunee. The mayor, treasurer, assessor, marshal, clerk, justices of the peace, constable, and supervisors, shall be qualified voters and residents of the city of Ahnapee; and the aldermen shall be qualified voters and freeholders in the city of Ahnapee. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. All elective officers except justices of the peace and police justice, unless otherwise provided, hold their offices for one year, and until their successors are elected and qualified: *provided, however,* that the common council shall have power, for cause, to expel any of its own members, and to remove from office any officers or agent under the city government, due notice in writing being first given to the officer complained of. The justices of the peace and police justice shall hold their offices for two years, and until their successors are elected and qualified.

Appointive officers.

Council may expel its own members and remove officers.

SECTION 7. Whenever a vacancy shall occur in the office of mayor, treasurer, justice of the peace, alderman or supervisor, or police justice, 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 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 shall be elected or appointed to fill.

Filling of vacancies.

SECTION 8. All elections by the people shall be by ballot, and a 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 casting lots, in the presence of the common council, and in such manner as they shall direct.

Elections—in case of tie.

SECTION 9. All persons who are qualified electors of the state of Wisconsin, and entitled to vote at a general election, and who have resided in the city of Ahnapee thirty days next preceding the election, shall be entitled to vote for any officer to be elected, and be deemed qualified electors at city elections: *provided,*

Qualified voters

that the persons who have been for thirty days residents of the territory within the city limits, and who are qualified electors of this state, shall be entitled to vote for all elective city officers at the first city election, to be held on the first Tuesday in April, A. D. 1879, and nothing herein shall be construed as relating to any general election.

Inspectors of election.

SECTION 10. The mayor and aldermen shall be inspectors of elections, and the city clerk shall act as clerk of all city elections, or in his absence the board of inspectors may appoint an elector of said city for that purpose, and at any general election two electors thereof in the absence of the clerk, and if the clerk be present, one elector thereof shall be appointed. The president and two or more of the trustees of the village of Ahnapee, shall be inspectors of election at the first city election, to be held on the first Tuesday in April, 1879, and the clerk of said village of Ahnapee shall act as clerk of the said first city election, and the said president of the village of Ahnapee shall furnish at the expense of said city, three ballot boxes, one to be marked "first ward," one marked "second ward," and one marked "third ward," and at an election the inspectors shall deposit each elector's ballot in the box marked for the ward in which such elector resides. Each ballot may have written or printed thereon the names of all persons voted for at large in said city, and also for any ward officers for the ward in which the elector resides.

Swearing in of vote; oath of elector.

SECTION 11. If either of the inspectors of elections shall suspect that any person offering to vote does not possess the requisite qualifications, or if any such vote shall 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 old; that you are a citizen of the United States (or have declared your intention to become a citizen, conformably to the laws of the United States on the subject of naturalization); that you have resided in the state of Wisconsin one year; that you have been an actual resident within this city for thirty days next previous to this election, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election;" which oath any member of the board of inspectors is hereby authorized to administer; and if the person so offering to vote shall take such oath falsely, he shall be deemed

Penalty for perjury.

guilty of willful and corrupt perjury, and upon conviction thereof 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 forfeit and pay a sum not exceeding two hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of all the names of all persons whose votes may be challenged, and who shall swear in their votes, which list shall be filed with the city clerk. The penalty for any unlawful or illegal conduct of clerks or inspectors of elections, shall be the same as that provided by statutes of this state for similar conduct at any general election. At the first city election held in April, 1879, the oath above mentioned shall be so modified as to meet the qualifications of voters at that election.

Of challenging  
votes.

SECTION 12. When the polls of an election shall be finally closed, the inspectors shall proceed to count and canvass the votes in each of the boxes, one box being completed before another shall be opened, and shall make a return of the number of votes for each and every office, and the number of votes for each and every person for each and every office, and shall deliver such return to the city clerk immediately after such election, and shall declare the result as it appears from the same. In all cases of the election or appointment of any person to office, the common council shall file with the clerk a certificate signed by at least three of them, giving the name of the person elected or appointed, and the term for which he was so elected or appointed, and the clerk shall record such certificate in a book to be provided for that purpose. Whenever a justice of the peace or city marshal shall be elected, the clerk shall forthwith give notice thereof in writing to the clerk of the circuit court of Kewaunee county, giving both the names and the terms for which elected, and upon the election of supervisors or treasurers, the clerk shall give like notices to the clerk of the board of supervisors of Kewaunee county, and those county officers upon receiving such notices, shall file the same in their respective offices.

Counting of  
votes.

Election of justice of the  
peace.

SECTION 13. Special elections to fill vacancies or for other purposes, shall be held and conducted in the same manner and the returns thereof shall be made in the same form and manner as regular elections, and

Elections to  
fill vacancies.

within such time as may be provided by the common council.

**Offices vacated.** SECTION 14. Any officer removing from the city, or any alderman removing from the wards for which he was elected, or any officer who shall neglect or refuse for ten days after his election or appointment, to qualify and enter upon the discharge of his duties, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

**Election notice.** SECTION 15. The clerk of the village of Ahnapee shall give notice of the holding of the first city election in April, 1879, as prescribed in section five of this act.

**Terms of office.** SECTION 16. The term of every officer elected under this act shall commence the second Tuesday in April of the year for which and in which he was elected.

**First election.** SECTION 17. The first election of officers under the provisions of this act shall be held on the first Tuesday in April, 1879; the election of justices of the peace shall be held at the same time and place, and so every two years thereafter, or when a vacancy shall occur: *provided*, that the justices of the peace now residing within any of the wards of said city of Ahnapee, shall hold their offices until their terms expire.

**Failure to elect.** SECTION 18. Should there be a failure to elect any officer, herein required to be elected, on the day designated, the common council may order a new election to be held, ten days' notice of the time and place being first given.

**Officers to subscribe to an oath; file bonds.** SECTION 19. 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 officer taking the same, with the city clerk. The treasurer, clerk, marshal, 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 Ahnapee a bond with two sureties, to be approved by the common council or three members thereof, and said common council may from time to time require new and additional bonds, and remove from office any officer refusing or neglecting to give the same.

**Powers and duties of mayor.** SECTION 20. The mayor, when present, shall 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 executive officers of the city discharge their respective duties. The mayor shall be the chief executive officer and head of the police of the city, and in case of riot or other disturbance, or apparent necessity, he may appoint as many special or temporary policemen as he may deem necessary. The mayor shall in all cases have a seat in the common council. The common council shall, at its regular meeting after its election, choose one of the board of aldermen, who shall be styled president of the board of aldermen, and who, in the absence of the mayor, shall act as such mayor, and have and possess all the rights and privileges of such officer, and be subject to all the liabilities thereof, during the absence of such mayor.

SECTION 21. The city clerk shall perform all the duties required of him by law and the ordinances of the city. He shall be keeper of the books, records and papers, and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same powers that town clerks possess by law to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like manner and effect. He shall draw and countersign all orders on the treasurer, and keep a record of the same. He shall file in his office all chattel mortgages left with him to be filed, and the renewal thereof, receiving the same fees allowed to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks, and the said clerk shall possess authority to administer oaths; and he shall receive such compensation as the common council shall provide by ordinance or resolution.

Duties of city clerk.

SECTION 22. The justices of the peace elected under this act shall have the same and equal jurisdiction and perform all and like duties of 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 required to be given by them shall be approved by the mayor of said city.

Jurisdiction of justices of the peace.

SECTION 23. The police justice shall, before he enters upon the duties of his office, execute to the city of Ahnapee a bond in such sum and with such sureties and conditions as the common council may direct, which shall be filed in the office of the city clerk.

Police justice to execute bond.

SECTION 24. The city treasurer shall perform all

Duties of city treasurer.

the duties required of him by law, collect all city, county and state taxes, and pay over all moneys in his hands according to law. He shall keep, in a proper book, an account of all moneys received and of all moneys paid out, and the same shall at all times be open to the inspection of the voters of the city. He shall make reports quarterly, and render an itemized account to the common council, of all sums received, when, and by whom the same was paid, and also of all moneys by him paid out, and all moneys raised, received, recovered or collected by means of any tax, license, penalty, forfeiture, fine or otherwise, belonging to the said city under the authority of this act, shall be paid into the treasury of the city, and shall not be drawn therefrom, except by an order issued by order of the common council and signed by the mayor or acting mayor, and countersigned or attested by the city clerk. The treasurer shall have the same powers and be subject to the same laws and liabilities and governed by the same laws as treasurers of towns in this state: *provided*, that he shall receive no other fees, except the compensation hereinafter provided.

Duties and powers of city marshal.

SECTION 25. The marshal shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and collection of license money and fines. He shall possess all the powers and authority of constables of towns, and be subject to the same liabilities. It shall be his duty to execute 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 this state, may pursue and serve the same in any part of this 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 said city; to apprehend, with or without warrant, any person in the act of committing any offense against an ordinance of said city or the laws of this state, and within a reasonable time bring such person before competent authority for examination, and for such services he shall receive such fees as are allowed by law to constables for like services in this state. He shall have power to appoint one or more deputies, subject to the approval of the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. Such deputies shall also take and subscribe the proper oath of office, which



shall be filed in the office of the city clerk, and, when duly qualified as aforesaid, such deputies shall possess all the power and authority and be subject to the same liabilities with the marshal.

SECTION 26. If any person having been an officer of 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 pertaining to the office, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver over the same; and such successor may recover possession of such books, papers and effects in the manner prescribed by law in this state.

City property  
to be turned  
over.

SECTION 27. No mayor, alderman or street commissioner shall be party to or interested in any job or contract with the city, or any of the wards thereof; and any contract or job in which they, or either of them, may be so interested shall be null and void, and in case any money has been paid, the common council may sue for and recover back the amount so paid from the parties to such contract, and the mayor, alderman or street commissioner interested in the same.

Officers not to  
be concerned in  
contracts.

SECTION 28. The mayor or acting mayor, each and every alderman, justice of the peace, marshal, deputy marshal, policeman and watchman, and constables of said city, shall be officers of the peace, and may command the peace, and suppress in a summary manner all riotous or disorderly behavior within the limits of said city, and for such purpose may command the assistance of all bystanders, and if any person, bystander or private citizen shall refuse to aid in maintaining the peace when so required, every such person so refusing shall forfeit and pay a fine of not less than five nor more than fifty dollars.

Officers of the  
peace.

SECTION 29. The police justice shall have sole and exclusive jurisdiction of all offenses against the provisions of this charter, and the ordinances, by-laws and police regulations of the common council of the city, and in cases of contempt the police justice shall have the same powers and authority as justices of the peace. He may administer oaths, and take acknowledgments, the same as justices of the peace. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services, and such further compensation as the common council may allow and prescribe. In case of the absence, inability or sickness of

Jurisdiction of  
police justice.

the police justice, the mayor by warrant may authorize any justice of the peace within the city to perform the duties of police justice. Appeals and writs of *certiorari* may be taken from the police justice in the same manner as from justices of the peace.

**Powers and liabilities of justices of the peace.**

SECTION 30. The justices of the peace of said city shall possess and exercise the same and like powers, jurisdiction and duties, and shall be subject to the same liabilities and regulations as are conferred upon and required of justices of the peace of the several towns of this state. All prosecutions for a breach or violation of any by-law, ordinance or regulation, shall in all cases be commenced in the name of the city of Ahnapee; and the same proceedings shall be had in all civil and criminal actions before said justices of the peace, or police justice, when not otherwise herein directed, as are established and required to be had in civil and criminal actions and proceedings by the laws of this state before justices of the peace, provided that in a case of prosecution for a breach or violation of an ordinance, by-law or regulation of said city on its charter, defendants shall have the same right of appeal under the same conditions and requirements as now are or may be provided by the laws of this state for taking appeals from justices' courts. All fines and penalties imposed for violation of any city ordinance, resolution, by-law or regulation, shall belong to and be paid over to the treasury of said city and be a part of the finances thereof. Nothing in this section shall be construed to interfere with the exclusive jurisdiction of the police justice, as defined in the preceding section.

**Fines and penalties.**

SECTION 31. The police justice shall account for and pay over to the treasurer of said city all fines and penalties collected by him and belonging to said city. Said justices of the peace shall be entitled to receive in all cases had before them, in which said city is interested, the same fees as are provided by law for justices of the peace of the several towns of this state in similar cases had before them.

**Duties of assessor.**

SECTION 32. The city assessor shall assess the real and personal property of said city, at the time and in the manner provided for assessing in the towns of this state, and shall perform all other duties prescribed and directed by this act for him to perform, and his compensation therefor shall be provided for and determined by the common council at the beginning of his official year.

**Duties of street commissioner.**

SECTION 33. It shall be the duty of the street com-

missioner to see that all ordinances of the city relating to the obstructions and cleaning or closing of sidewalks, crosswalks, streets, bridges, alleys, public grounds, gutters, sewers and waters of the river in said city, are duly observed and kept, and shall have the general supervision over all grading, paving, graveling, planking, repairing and cleaning streets, bridges, alleys, public grounds and gutters, and such other duties as the ordinances of said city may prescribe, and shall receive therefor such compensation as the common council shall prescribe.

SECTION 34. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services, unless they be acting as inspectors of elections or as members of a board of registry or equalization; and the style of all ordinances shall be: "The mayor and common council of the city of Ahnapee do ordain," etc. A majority of the aldermen shall constitute a quorum, but a less number may adjourn from time to time.

Common council; style of ordinances.

SECTION 35. The common council shall hold its first annual meeting in each year on the first Tuesday after the regular city election, and thereafter 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 power to compel the attendance of absent members by fine or otherwise.

Meetings of council.

SECTION 36. The common council shall have the control and management of the finances and of all property of the city, and shall likewise, in addition to the powers herein vested in them, have full power to make, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city; for the suppression of vice and immorality; for the prevention of crime, and for the benefit of trade and commerce and health, 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 ordinance, rule or by-law, and such rules, ordinances and by-laws are hereby declared to be and have the force of laws: *provided*, they are not repugnant to the constitution and laws of the United States, or of this state.

Powers of council.

**Licenses.**

SECTION 37. The common council shall have power to license and regulate the exhibition of common showmen and shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bagatelle tables, pigeon hole tables and bowling saloons, etc., and to provide for the abatement and removal of nuisances under the ordinances or at common law, and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof: *provided*, that the sum to be paid for any such license shall not be less nor more than the amount per annum established by the general laws of the state of Wisconsin, and that all such licenses hereafter granted shall run from the first day of May in each year: *provided, however*, that when any license may be applied for after that date, the same may be granted to expire on the said first day of May of each year, and the applicant paying pro rata therefor; but no license shall be granted for a longer time or period than one year:

**Gambling, etc.**

1st. To suppress, restrain and prohibit all description of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending or giving away or dealing in any spirituous, fermented or vinous liquors, unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers.

**Riots, disorderly assemblages, houses, etc.**

2d. 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 purposes of gambling. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinance of the city of Annapee, by reason of his or her being implicated in any such offense, but the testimony of such witness shall in no case be used against such witness.

**Nuisances.**

3d. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome 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.

- 4th. To direct the location and management of slaughter houses and markets, and to prevent the erection of and use and occupation of the same, when offal or filth therefrom shall discharge into the waters of the rivers, lakes, ponds or sloughs. Slaughter houses.
- 5th. To prevent the incumbering of streets, sidewalks, crosswalks, lanes or alleys with carriages, sleighs, boxes, lumber, firewood or any other materials or substances whatever. Streets, sidewalks, etc.
- 6th. To prevent horse racing, immoderate driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city. Horse-racing.
- 7th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the restraining, impounding and sale of the same. Impound stock.
- 8th. 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 ordinance. Suppress dogs.
- 9th. To prevent persons from bringing, depositing, or having within said city any putrid carcasses or unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance or putrid or unsound beef, pork, fish, hides or skins of any kind, or on default to authorize the removal thereof, by some competent officer, at the expense of such person or persons. Depositing of unwholesome substances.
- 10th. To establish and make public pounds, pumps, wells, cisterns and reservoirs of the city, regulate and license hacks, cabs, drays, carts, and charges of hackmen, cabmen, draymen and cartmen in the city, and to erect lamps for lighting the streets, public grounds and public buildings with gas or otherwise. Water-works and street lamps; licensing hacks.
- 11th. 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. Board of health
- 12th. To establish the weight and size of bread and to provide for the seizure and forfeiture of bread baked contrary thereto. Bread.
- 13th. To prevent all persons riding or driving any horse or mule or other animal on the sidewalks in said city, or in any way doing damage to sidewalks. Driving teams on sidewalk.
- 14th. To prevent shooting of firearms or fire crackers, and to prevent the exhibition of fire-works in any place or situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof. Fire-arms and crackers.

- Drunkenness and obscenity.** 15th. To restrain drunkards, immoderate drinking, or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.
- Runners.** 16th. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments.
- Police regulations.** 17th. To make rules, regulations and ordinances for the government of the police of the city.
- Public market.** 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 punish or restrain all persons for attempting or interfering with the due observance of such rules and regulations; to license and regulate butcher stalls, shops, stands for the sale of game, poultry, meats, fish and other articles.
- Weighing and selling produce.** 19th. To regulate the place or places and the manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.
- To keep streets and sidewalks clean.** 20th. To compel the owners or occupants of buildings or grounds, when the same are occupied, to remove snow, dirt and rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot around or occupied by him all such substances as the board of health shall direct, and in his or her default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.
- Prevent infection.** 21st. 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 best preserve the health of the city.
- Auctions.** 22d. To regulate the time, place and manner of holding public auctions and vendues.
- Watchmen.** 23d. To appoint watchmen and prescribe their duties.
- Weights and measures.** 24th. To provide by ordinance for a standard of weights and measures.
- Protection of trees, etc.** 25th. To protect trees and monuments in said city.
- Sewers.** 26th. To prescribe and regulate the construction of sewers within said city.
- Open streets.** 27th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, alleys, and to keep them free from any incumbrances, and protect them from injury.

28th. To alter or change the name of any street in the city. Names of streets.

29th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations not contrary to the constitution of this state, necessary 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. Repeal of ordinances, etc.

SECTION 38. All laws, ordinances, regulations, resolutions 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 be published in a newspaper published in the city of Ahnapee, one week before taking effect, and within fifteen days thereafter they shall be recorded by the city clerk in books provided for that purpose; but before any such by-laws, ordinances or regulations shall be recorded, the publication thereof respectively within the same time shall be provided by the affidavit of the foreman or publisher of the newspaper in which the same shall be published, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of the publication. Mayor to sign ordinances.

SECTION 39. The power 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. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required thereof, houses or buildings of any kind wherein more than one hundred pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed nuisances. Suppression of nuisances.

SECTION 40. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal, and other officers or agents of the city, at such time as they may deem; also, at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officers shall refuse to comply with the orders or requirements of the council Storing of gunpowder. Auditing of accounts.

in the discharge of their duties, in pursuance of this section, or shall neglect or refuse to render their accounts, or present their books and vouchers to said council, it shall be the duty of said council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or person, or agent of said city, who may be delinquent or defaulting in his accounts or discharge of his official duties, and shall make a full record of all such settlements.

**Control of funds.**

SECTION 41. 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 council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city. All orders shall be payable to the person or order of the person in whose favor they may be drawn, or bearer.

**Tax levy.**

SECTION 42. The common council of said city shall annually levy upon the taxable property of said city, to defray the current and lawful expenses of said city and its schools, a tax sufficient to defray the same: *provided*, said common council shall not levy a tax for general purposes exceeding one-half of one per cent. upon the assessed valuation of said city in any one year unless authorized to raise a greater sum by the majority of the electors of said city at a general or special election.

**Issue of bonds.**

SECTION 43. The common council of said city shall not have power to issue any bonds or other evidences 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.

**Allowing accounts.**

SECTION 44. No account shall be allowed by the common council unless the same is properly verified by the oath of the owner thereof, or some person in his or her behalf, except it be for street work or hire under the supervision of the street commissioner duly certified by him.



SECTION 45. When the claim of any person against the said city shall be disallowed in whole or in part by the common council, the determination of the common council disallowing the same in whole or in part shall be final and conclusive, and a perpetual bar to any action in any court founded on such a claim, unless an action to recover the same shall be commenced within thirty days after such disallowance by the common council of said city.

Disallowed  
claims.

SECTION 46. The common council shall have power to lay out public streets and alleys, and to widen the same, as follows: Whenever five 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 streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds of the lands 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 owners or occupants of such lands, if any there be, or if any portion of said lands shall not be in the 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 a newspaper published in said city four weeks successively, at least once in each week.

Laying out  
streets, etc.

SECTION 47. Such notice shall state that, upon a day therein to be named, not less than ten days from the service of such notice, or expiration of such publication, as the case may be, application will be made to a court commissioner of said county of Kewaunee, or to a justice of the peace residing in said city, and not in the ward in which such lands are situated, for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary and proper to take the same for the purposes specified in said petition.

Form of no-  
tice.

SECTION 48. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said court commissioner or justice of the peace shall appoint twelve resident 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

Appointment of  
commission to  
award dama-  
ges.

said court commissioner or justice of the peace 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 and proper 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 such 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.

Duty of marshal.

SECTION 49. The city marshal shall serve the said precept immediately on the jurors therein named by reading the same to each one that can be found, and immediately after such service, he shall return the said precept to the justice or court commissioner who issued the same, together with his doings thereon; and if the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the justice or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be indorsed on the precept.

Duty of commission of award.

SECTION 50. The said jurors at such times as they shall agree on, or as shall be designated in said precept, 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, and either of the jurors shall be authorized to administer oaths to witnesses. After reviewing the premises in question and hearing testimony if offered, the jurors shall make a report of their proceedings, which shall be signed by them, and which shall state whether, in their judgment, it is necessary to take the premises in question for public use; which said report, testimony and precept shall be returned to the common council. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report, and directing the same jurors, within twenty days thereafter, to again view said premises, to ascertain 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 twenty days, such damages to the common council, who shall enter an order confirming the same.

Fixing value of SECTION 51. If there should be any building, in

whole or in part, upon said land to be taken, the jurors shall first estimate 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.

buildings  
taken.

SECTION 52. At least ten days' notice of such determination shall be given to the owner or his agent, if known, and a resident of the city; if not known, or a non-resident, notice to all persons interested shall be given by publication in a newspaper of said city three successive weeks. Such notice shall specify the building and the award of the jurors, and it shall require the parties interested to appear by a day named therein, and give notice of their election to the common council either to accept the award of the jurors, and allow such buildings to be taken, with the land appropriated, or their intention to remove such building, and he shall have such time to remove such building as the common council may allow.

Notice of de-  
termination.

SECTION 53. If the owner shall refuse to take the building at the value assessed by the jurors 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 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 for his use. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgages, or if there be any estate in them less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

Sale of build-  
ing at public  
auction.

SECTION 54. 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 whose property is taken, or against whom any assessments are 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 Kewau-nee county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond to said city conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court; said bond to have a good and sufficient surety, to be approved by the clerk of said city, or county judge, or court commissioner.

The award; ap-  
peal from same.

**Tender or payment of damages.**

**SECTION 55.** The lands required to be taken for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the owners thereof or party entitled, shall be paid or tendered to the owner or party entitled thereto, or his agent; or in case the owner or party entitled thereto, or agent, cannot be found or is unknown, deposit it to his 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. The damages assessed shall be paid within one year, or tendered or deposited as herein required, and if not so paid, tendered or deposited within one year from the confirmation of such assessment, the proceedings shall be void.

**Rights of infants and persons laboring under legal disability.**

**SECTION 56.** 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 county judge of Kewaunee county, on the application of the mayor of the city, or such party or his next friend, shall appoint a guardian for such party, and all notices required by this act shall be served upon such guardian. Whenever any street, alley or public grounds shall be laid out 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 clerk.

**Property subject to taxation.**

**SECTION 57.** All property, real and personal, within the city, excepting such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, schools, and the payment of 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 township assessors, except so far as they may be altered by this act, provided that the common council may prescribe the form of assessment roll, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as it may, from time to time, deem advisable. When the assessment roll shall be completed, 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. 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 preceding two 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 as it would have had if made the year when the same was omitted. Should the tax or assessment upon any parcel of land be set aside or declared void, by reason of any defect or informality in assessing, levying, selling or conveying of 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 it shall direct by ordinance.

SECTION 58. The mayor, clerk, treasurer and assessor shall constitute the city board of equalization, and shall meet on the first Monday of July in each year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, as far as the same are applicable, revising, correcting and equalizing the assessment roll of the city; the mayor shall be president of the board, and the city clerk clerk thereof. When the assessment roll shall have been completed, revised and corrected, it shall be filed with the clerk. Thereupon the common council shall by resolution levy such sum or 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 percentage, particularly the purpose for which the same are levied. And all changes of the assessment roll by the board of equalization shall be recorded by the clerk. All taxes and 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, and on all personal property of any person or body politic assessed for personal tax from the delivery of the warrant for collection thereof until paid.

SECTION 59. It shall be the duty of the city clerk immediately on the receipt 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

Board of equalization.

Clerk to apportion tax-a.

with the city and other local taxes, adding thereto two per cent. for expense of collection in an additional column prepared for that purpose in the assessment roll, setting down opposite the several sums set down as the valuation of real and personal property, 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; and the clerk shall immediately make out a duplicate copy of such assessment roll when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year, and to each assessment roll so delivered a warrant under the hand of the clerk, and the corporate seal of said city, shall be annexed substantially in the following form:

Form of warrant.

The state of Wisconsin to the city treasurer of the city of Ahnapee, in the county of Kewaunee:

You are hereby commanded to collect from each one 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 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 to the treasurer of the county of Kewaunee, on or before the last Monday in 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 tax and assessment shall not be paid by the fourth Monday of February next, you are required to return the same to the county treasurer of the said county of Kewaunee.

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

\_\_\_\_\_, City Clerk.

The assessment 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.

Assessment and collection of taxes.

SECTION 60. 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 specially pro-

vided, 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 town treasurers to collect taxes, except as herein provided.

SECTION 61. Upon the receipt of the tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city that such tax list has been delivered to him for collection, and that he will receive payment for taxes at his office for the term of thirty days ensuing the date of said notice. If the taxes are not paid in that time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale by posting up not less than three written or printed notices in as many public places in said city. Public notice of taxes due.

SECTION 62. The treasurer shall collect as fees for the collection of taxes, one and one-half of one per cent. on all taxes collected by or paid to him prior to the second Monday of January in each year, and three per cent. upon all taxes or assessments paid to or collected by him after the second Monday of January, and in case of a distress or sale made by him of goods and chattels for the payment of any tax, he shall collect the same fees as are allowed constables on sale of goods upon execution. Fees for collecting taxes.

SECTION 63. The treasurer shall, on or before the third Monday in January in each year, pay to the county treasurer the state tax assessed upon the property of said city. Payment of State taxes.

SECTION 64. 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 as are prescribed by the laws of this state and any act that may be hereafter passed amendatory of said acts and in addition thereto. Unpaid taxes.

SECTION 65. The laws of the state for the relief and support of the poor in towns shall apply to said city, and the common council shall appoint one or more of its number to act as overseers of the poor of the city, who shall perform all the duties of overseers of the poor in towns. Support of poor.

SECTION 66. The common schools of the city of Ahnapee shall be under the control and supervision of the school district boards of each district, in the same manner as if this act had not been passed, and the same relations shall be sustained between said city and such schools, as near as may be, as between towns and Common schools.

school districts therein, and the same reciprocal powers and duties.

Recovery of  
fines, forfeit-  
ures, penalties,  
etc.

SECTION 67. The city of Ahnapee, in its corporate name, may sue for and recover any and all fines, penalties and forfeitures under said city charter, and the acts amendatory thereof, or under the ordinances, by-laws, or police or health regulations made in pursuance thereof, any general law of the state to the contrary notwithstanding; and it shall be lawful to declare generally in debt for such penalty or forfeiture, stating the section of this act, or the chapter or section of this act, or the ordinance, by-law or regulation, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. In all prosecutions for any violation of any of the provisions of this act, or any ordinance, by-law or regulation, the first process shall be a summons, unless oath be made for a warrant, as in case of tort before a justice of the peace, under the general statutes of the state for the time being; and when commenced by summons, such summons may be substantially in the following form:

Form of sum-  
mons.

COUNTY OF KEWAUNEE, }  
City of Ahnapee, } ss.

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

You are commanded to summon ———, if he shall be found in your county, to appear before the undersigned, the police justice in and for the city of Ahnapee, on the ——— day of ———, 18—, at ——— o'clock in ——— noon, to answer to the city of Ahnapee, to the damage of said city, two hundred dollars or under.

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

———, Police Justice.

Such summons shall be made returnable, and served in the same manner as is now or hereafter may be prescribed by the laws of this state for the commencement of actions before justices of the peace by summons, and all the proceedings in the action, except as hereinafter provided, shall be governed by the laws of this state for the time being, relative to actions commenced by summons and triable before justices of the peace. When the action is commenced by summons, the complaint may be substantially in the following form:



The city of Ahnapee against A. B., in police justice court. Form of complaint.  
 C. D., Police Justice.

The plaintiff complains against the defendant for that, on the — day of —, 18—, at the said city, did violate section — of this act, or 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. By reason of such violation, an action hath accrued to the city of Ahnapee, to recover of the defendant the sum of — dollars; wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

In all cases where oath is made for a warrant, the complaint shall be made on oath; and substantially in the following form :

City of Ahnapee against A. B., in police justice court, county of Kewaunee, ss.

—, being duly sworn, complains on oath to C. D., police justice of the city of Ahnapee, in said county, that A. B. on the — day of —, 18—, at said city, did violate section — of (this act), or section — of chapter — of (this act), or section — of an ordinance, or by-law, or regulation of said city (describing it by its title), as this complainant verily believes, and prays that said A. B. may be arrested, and held to answer to said city of Ahnapee therefor. Oath attached to complaint.

Sworn and subscribed this — day of —, 18—.

Upon the filing of such complaint with the police justice he shall issue a warrant substantially in the following form :

CITY OF KEWAUNEE, }  
 City of Ahnapee. } ss. Form of warrant.

The state of Wisconsin to the sheriff or constable of said county, or the marshal of the city of Ahnapee :

Whereas, — has this day complained to me in writing, on oath, that A. B. on the — day of —, 18—, at said city, did violate section — of this act, or section — of chapter — of this act, or section — of an ordinance, by-law or regulation of said city (describing it by its title); therefore you are hereby ordered to arrest the body of the said A. B., and bring him before me forthwith, to answer to said city of Ahnapee on the complaint aforesaid. C. D., Police Justice.

Upon the return of the warrant, the justice shall proceed summarily with the case, unless it be adjourned for cause; if the cause be adjourned, the defendant, if Return of warrant.

required by the court, shall recognize, with security to be approved by the court, for his or their appearance, in such sum as the court may direct; or in default, may be put in the charge of the officer who made the arrest, or be committed to the lock up or jail of said city. The complaint as aforesaid shall be the only complaint required, and the answer of "not guilty" shall put in issue all the subject matter embraced in the action.

**Publication of ordinances.**

SECTION 68. A printed copy of an ordinance, by-law or regulation passed by the common council and published in a newspaper, or in a pamphlet or book form, purporting to be published by authority of the common council, as certified by the clerk of said city to have been so published, shall be *prima facie* evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

**Witnesses and jurors.**

SECTION 69. Witnesses and jurors shall attend before a police justice in all city and criminal suits without payment of fees in advance, or a tender thereof, upon a process duly served, and in default thereof, their attendance may be compelled by attachment.

**Finding of court or jury.**

SECTION 70. In city prosecutions, the findings of the court or jury shall be "guilty" or "not guilty." If guilty, the court shall render judgment against the defendant for the fine, forfeiture, or penalty prescribed in this act, or in an ordinance, by-law, or regulation, and for costs of suit, but if not guilty, the costs of suit shall be taxed against the city. Upon rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution as in other cases of tort in justices' court, 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 for nonpayment, which in no case shall exceed six months, and also insert such time in the execution or commitment. The form of the execution and commitment shall be the same, as near as may be, and conform to the provisions of this act, as are prescribed in similar or like cases in justices' court in this state.

**Appeals.**

SECTION 71. Any party feeling aggrieved by the judgment in any action commenced under the provisions of this act, may appeal from such judgment to the circuit court of Kewaunee county in the time and manner provided by law for appeals from justices' courts.

SECTION 72. No person shall be an incompetent witness, judge, justice or juror 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.

Competency of witness, justice or juror.

SECTION 73. All ordinances and regulations now in force in the village of Ahnapee, and not inconsistent with the provisions of this act, shall remain in force until altered, modified or repealed by the common council, after this act shall take effect.

Village ordinances in force.

SECTION 74. The general laws for the preservation of bridges, and the punishment provided by such laws for willful and malicious injuries done thereto, are hereby extended to, and shall include all the bridges now erected or hereafter to be erected over the Ahnapee river by or in the city of Ahnapee, and shall apply to any willful or malicious damage which may be done to them, and the common council of the said city may, from time to time, make such by-laws and ordinances as it may deem necessary for the preservation of said bridges, and enforce the same by adequate penalties.

Preservation of bridges, etc.

SECTION 75. When any action or suit shall be commenced against said city, the service of process may be made by leaving a copy of the summons with the mayor or clerk of said city, and it shall be the duty of said clerk to take such proceedings as by ordinance or resolution directed, if there be any.

Serving summons.

SECTION 76. No real or personal estate or property of any inhabitant or corporation of said city shall be levied on or sold to satisfy any contract or debt or obligation of said city, or any judgment against said city of Ahnapee.

Satisfaction of contracts.

SECTION 77. All contracts for work ordered by the common council, shall be let to the lowest bidder who shall comply with the requirements of the common council. All bids or proposals shall be sealed and deposited with the city clerk, and the common council may require a bond with two sufficient sureties from any person taking a job or contract, conditioned for the faithful performance of such contract.

Contracts to be let to lowest bidder.

SECTION 78. 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.

Discharge of judgment.

SECTION 79. The said 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 or held by said city, shall be exempt from taxation, except as provided by the general laws of this state.

City may purchase real estate.

City as party of the first part.

SECTION 80. When the city of Ahnapee deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Ahnapee, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Deeds and leases signed by mayor and clerk.

SECTION 81. Deeds or leases executed by the city shall be signed by the mayor and countersigned by the clerk, and the clerk shall attach to said deed or lease a true copy of an ordinance or resolution, authorizing the same by the common council, under the corporate seal of the city, which said corporate seal shall also be attached to and accompany the signature of the mayor, and such deed or lease and the certified copy of such ordinance or resolution, when so attached to such deed or resolution, shall be recorded with such lease or deed by the register of deeds, and such copy when so attached, and the record thereof, shall in all the courts of this state, be *prima facie* evidence of the authority of the mayor to execute such deeds or leases.

Failure to elect, not to disturb corporations.

SECTION 82. If any election by the people or common council shall for any cause not be held at the time or in the manner prescribed, or if the council should fail to organize as provided, it shall not be considered reason for arresting, suspending or abolishing said corporation, but such election or organization may be had at any subsequent day by order of the mayor, and if any of the duties enjoined by this 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.

No repeal unless so stated.

SECTION 83. No general law of this state contravening the provisions of this, shall be considered as repealing, amending or modifying the same, unless such purposes be expressly set forth in such law as an amendment to this charter.

Duty of village and city clerks.

SECTION 84. The village clerk of the village of Ahnapee, and the clerk of the town of the city of Ahnapee, shall immediately after the city officers are elected and qualified, deliver over all books and papers to the city clerk, and the village treasurer and the treasurer of the town of the city of Ahnapee, shall pay over all the moneys in their hands to the city treasurer; also deliver all books and papers and property pertaining to their offices to the same.

Rights of super-

SECTION 85. The board of supervisors of the county

of Kewaunee shall have the right to regard the city of Ahnapee as a town in equalizing the assessment rolls of the several towns in the said county, as provided by law, but in such equalization, shall consider the assessment roll of the city of Ahnapee as an entire roll, and shall not change the relative valuation of the different wards. The said board of supervisors may levy tax or taxes as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns or town clerks, and in all transactions of the board of supervisors of said county, said city of Ahnapee shall be regarded as a town, except as herein otherwise provided.

Supervisors in equalizing assessments.

SECTION 86. Before the annual meeting of the board of supervisors of the county of Kewaunee, and by the time required by law for the return of the assessment from the several towns, the city clerk shall transmit a copy of the assessment roll or such statement as is required by law to be made by towns to the clerk of the board of supervisors of said county, who shall lay the same before the board of supervisors at its annual meeting.

Copy of assessment roll to be sent to county clerk.

SECTION 87. The county treasurer shall sell all delinquent lands and lots returned from the city of Ahnapee at the same time and in the same manner as other delinquent lands are sold in the county.

Delinquent lands.

SECTION 88. It shall be the duty of the county treasurer of the county of Kewaunee, and he is hereby required, where lots, tracts, pieces or parcels of land have been returned by the city treasurer as delinquent for any general tax of this state, or for any tax authorized under this act, immediately after the sale of said delinquent lots, tracts, pieces or parcels of lands by him, to pay said city treasurer the amount which may have been returned delinquent belonging to the city of Ahnapee, either in cash or in certificates of sale of said lots, tracts, pieces or parcels of land so returned as delinquent.

Duty of county treasurer.

SECTION 89. The use of the jail of Kewaunee county shall be granted to the city of Ahnapee, until otherwise provided for the confinement of offenders; and every such offender shall be delivered to the sheriff of said county, for whose safe keeping, custody and delivery said sheriff shall be responsible, as in other cases.

City may use county jail.

Severing of connection between town and city.

SECTION 90. From and after the first Tuesday in April, A. D. 1879, the connection between the town of Ahnapee and that part of said town included within the limits of the city of Ahnapee, for all town purposes, shall be dissolved; all that part of the town of Ahnapee, not included within the limits of the city of Ahnapee, shall constitute the town of Ahnapee, and the first town meeting shall be held at such place as the chairman of the board of supervisors of said town shall appoint.

Wharf lines, etc.

SECTION 91. The common council of said city shall have powers, by ordinances, to establish dock and wharf lines upon the banks of the Ahnapee river in said city, where the same are not established, to restrain and prevent encroachments upon said river, and obstructions thereto; and the common council may annually appoint a harbor master, on whom may be conferred the duties of bridge tender; the duties and compensation of such harbor master and bridge tender shall be prescribed by the common council, by ordinance or resolution, and his term of office shall be one year and until his successor is appointed and qualified.

Real estate subject to special taxes.

SECTION 92. Real estate exempted from taxation by the laws of this state shall be subject to special taxes or assessments which become, or shall be chargeable against particular property, as provided by this act.

Council to fix fees.

SECTION 93. In all cases where the fees or compensation of the officers or agents of the city are not fixed and determined by any of the provisions of this act, they shall be determined and prescribed by the common council, by ordinance or resolution, and the same may be altered, changed, increased or diminished by the common council, when it shall deem it necessary or expedient: *provided*, that such changes, alterations or modifications shall, in all cases, be made at the annual meeting of said council in April.

Right of trial by jury.

SECTION 94. In city prosecutions for the violation of any ordinance, by-law or regulation of said city, either party may call a jury, as prescribed by law in justices' courts in this state, and the trial shall proceed in the same manner, and be governed by the same rules as in trials of cases in justices' courts.

SECTION 95. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1879.