

and shall be entered by the clerk upon the records of the court by setting down the owner or owners of the land for which such award was made and who are parties to the appeal as plaintiff and the city, town or village as defendant. Such appeal shall be tried by jury, unless a trial by jury is waived by both parties, and costs shall be allowed to the successful party on such appeal; and if in favor of the plaintiff, be added to the amount of the verdict; if in favor of the defendant, be deducted therefrom, and judgment shall be rendered thereon according to the rights of the parties.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 78, S.,

[Published March 23, 1882.]

CHAPTER 169.

AN ACT to consolidate and amend an act to incorporate the city of Green Bay, and the several acts amendatory thereof.

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

CHAPTER I.

CITY OF GREEN BAY—ITS CORPORATE POWERS.

SECTION 1. All that district of country in the county of Brown hereinafter described shall be a city by the name of Green Bay, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation by the name of the city of Green Bay, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession; and 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.

CITY BOUNDARIES.

SECTION 2. All the territory within Brown county hereinafter described and bounded shall be included in and constitute the limits of the city of Green Bay, to-wit: commencing at a point where a line drawn through the center of the alleys running through blocks numbered from thirty-three to forty two, both inclusive, in Eastman's addition to the city of Green Bay, will

strike the eastern bank of Fox river, and running thence along said line so drawn through the center of said alleys to the west line of section thirty-two, town twenty-four, range twenty-one east; thence due south along the section line to the northern boundary of private claim number three, east side of Fox river; thence north sixty-four degrees, west ninety-seven feet, to the east side of the public highway, laid out according to the recorded plat of the subdivision of private claims number three, four, five, six and seven; thence south twenty-six degrees, west along the easterly line of said highway one thousand six hundred and ninety-four feet, to the south line of the continuation of Cass street, in said city; thence north sixty-four degrees west along the southerly line of the continuation of said street one thousand two hundred and fifty feet, to the center of the channel of East river; thence up and along the middle of said river to a point therein midway between the north and south line of private claim number nine; thence sixty-four degrees west along the center line of said claim to the east side of Webster avenue; thence south eighteen degrees, west twenty-six chains and sixty links to the south line of private claim number eleven; thence south twenty-six degrees west twelve chains to the south line of private claim number twelve; thence north sixty-four degrees west eighty feet; thence north twenty-six degrees east twelve chains; thence north eighteen degrees east, twenty-six chains and sixty links, to the middle of private claim number nine; thence north sixty-four degrees west, along the middle of said claim, to the center line of the channel of Fox river; thence down and along the center line of said channel, to a point where the northern boundary of said city, as herein described, would, extended westerly, intersect the same, thence to the place of beginning.

WARD BOUNDARIES.

Ward boundaries.

SECTION 3. All that part of said city lying south of a line commencing in the center of the channel of the Fox river; and running thence south sixty-four degrees east, through the center of the tier of blocks commencing with block number four, upon the recorded plat of Astor, of record in the register's office of the county of Brown, to the eastern boundary line of said city, shall be and constitute the first ward; all that part of said city bounded south by the first ward, as above described, west by the center line of the channel of the Fox river, north by a line commencing in the center of the channel of said river, and running thence

south sixty-four degrees east, along the northern boundary line of lots number nine, thirty, forty-seven, sixty-eight, and eighty-three as the same are laid down on the plat of Navarino, of record in the register's office of said county of Brown, to the west line of Jefferson street, thence in a northeasterly direction to the northwest corner of lots numbered five hundred and thirty-two on said last mentioned plat, then south sixty-four degrees east, to the western boundary lines of Eleventh street in said city, thence in a northeasterly direction to a point on the eastern boundary line of said Eleventh street, in the center of St. Clair street at its junction with said Eleventh street, thence easterly along the center of said St. Clair street to the eastern terminus thereof, and thence south sixty-four degrees east to the eastern boundary of said city, and east by the boundary line of said city, shall be and constitute the second ward; and all the remaining parts of said city not included in the first and second wards, as above described, shall be and constitute the third ward.

SECTION 4. All the territory that by virtue of chapter 179 of the laws of 1876 was added to and thereby made a part of the city of Green Bay shall be exempt from taxation for debts, liabilities or obligations of said city contracted, made or incurred prior to the first day of January, 1876; and this said exemption shall also include and be enjoyed by the inhabitants of such territory while residing thereon.

CHAPTER II.

ELECTIVE OFFICERS.

SECTION 1. The elective officers of said city shall ^{Officers.} be a mayor, three aldermen from each ward, a city treasurer, city clerk, city attorney, assessor and three justices for the city at large; one of said justices shall be elected as and called police justice. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council, except the police force, which shall be appointed by the mayor and confirmed by the council.

SECTION 2. 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 have qualified. Said justices of the peace shall hold their respective offices for two years, and until their successors are elected and have qualified.

SECTION 3. All elective officers shall each be freeholders of the city of Green Bay, and no person shall

either by election or by appointment hold any city office, unless such person is an actual resident of said city and a legal voter thereof. No person who may have held the office of city treasurer shall be eligible to such office for the next succeeding term thereafter.

ANNUAL ELECTIONS.

Elections.

SECTION 4. The annual election for ward and city officers shall be held on the first Tuesday in April of 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 in the official paper of said city of the time and place of holding such elections, and of the city and ward officers to be elected.

QUALIFIED ELECTORS.

Electors.

SECTION 5. All persons who are qualified electors of the state of Wisconsin shall be deemed qualified electors of said city, and may vote in the ward in which they reside.

ELECTION BY BALLOT—TIE VOTE.

Tie vote.

SECTION 6. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. The votes for all elective officers shall be on one ballot, and shall be deposited in one ballot box. 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 of lots in the presence of the common council at such time and in such manner as they shall direct.

MANNER OF CONDUCTING ELECTIONS.

Conducting elections.

SECTION 7. The elections shall be held and conducted in the same manner and under the same penalties, and all guards against illegal voting observed, and inspectors and clerks appointed, and vacancies in the board of inspectors filled as required by the laws of this state regarding elections.

CANVASS AND RETURN OF VOTES.

Canvass of votes.

SECTION 8. When an election shall be closed, and the number of votes for candidates or persons 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 fourth day after 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 respective election.

EXPULSIONS AND REMOVALS.

SECTION 9. The common council shall have power, for due cause, to expel any of their number. The mayor shall have power to suspend any police officer or watchman appointed by the council, when complained of, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being. All officers appointed by the mayor or common council may be removed at the pleasure of the council by a two-thirds vote of the aldermen elect.

Expulsion and removals.

VACANCIES.

SECTION 10. Any officer removing from the city or any ward officer removing from the ward for which he is elected, or 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.

Vacancies.

VACANCIES, HOW FILLED.

SECTION 11. Whenever a vacancy shall occur in the office of mayor, city clerk, city attorney, 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 right, and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Vacancies, how filled.

SPECIAL ELECTIONS.

SECTION 12. Special elections to fill vacancies, or for any other purpose, shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance.

Special elections.

ELECTION OF SUPERVISORS.

Election of supervisors.

SECTION 13. A supervisor to represent each ward of said city in the county board of supervisors of Brown county, shall be annually elected at the time and place of the election of aldermen for said city. Each supervisor so elected shall hold his office for one year, and shall be, when so elected, a resident of the ward for which he is elected.

TERMS OF OFFICE.

Terms of office.

SECTION 14. All the city and ward officers now in office, 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 on 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.

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

SECTION 16. Should there be a failure by the people 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 of holding the election first being given.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES—OATH AND BOND.

Powers and duties of officers.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer taking the same, with the clerk of the city. The treasurer, clerk, chief of police, and such other officers as the common council may direct, shall each, before entering upon the duties of his office, execute to the city of Green Bay a bond with two or more sureties, the aggregate amount of whose property within the state above all their respective debts, liabilities and exemptions as shown by their several and respective affidavits attached to or endorsed on such bond, shall be at least double the

sum named as penalty in such bond. Said bonds shall contain such penal sum and such conditions as the common council may deem proper, and shall be subject to the approval of said council. The council may from time to time require new additional bonds, and remove from office any officer neglecting or refusing to give the same. All official bonds executed to the city of Green Bay, except that of the city clerk, shall be filed with and safely preserved by the city clerk in his office, unless the common council shall otherwise direct. The bonds of all officers who may be charged with the collection or safe keeping, or with the disposition or disbursement of any of the funds of said city, or may have any control over such funds at any time, and such other bonds as the common council may direct, shall be duly witnessed and acknowledged, and recorded in the office of the register of deeds for the county of Brown. The bond of the city clerk shall be filed with the city treasurer.

MAYOR—HIS DUTIES.

SECTION 2. The mayor shall preside over the meetings of the common council; but shall have a vote only in case of a tie. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all 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 chief executive officer and head of the police of the city. He shall appoint a chief of police and other policemen, which appointments shall be approved by the common council before they shall enter upon the duties of their office; and the compensation of said chief of police and policemen, as well as of such temporary policemen and watchmen as may be appointed, shall be fixed by the common council; and when, in his judgment, occasion requires, he may appoint as many special or temporary policemen as he may deem necessary, but their appointment shall not continue beyond the next meeting of the common council thereafter unless approved by said council. The mayor shall, at the first regular meeting of the common council in each year, make out and announce such standing committees of the year, and on such subjects as may be by ordinance or resolution of the common council required.

PRESIDENT—HIS DUTIES.

Duties of president.

SECTION 3. The common council shall, after their first meeting for organization each year, after the annual election, choose by ballot from their number a president, who, in the absence of the mayor, shall preside over the meetings of the common council, and, in case of the absence of the mayor from the city, or his inability, for any reason, to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor for the time being, except the signing of city bonds. In case of the absence of both mayor and the president at any meetings of the council, the council may choose from their number a president pro tem., who, for the time being shall discharge all the duties of mayor. The president or president pro tem., while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and their acts, except the signing of city bonds, shall have the same force and validity as if done by the mayor.

CITY CLERK—HIS DUTIES, ETC.

Duties of clerk.

SECTION 4. The clerk shall keep the corporate seal, and all the papers and records of the city, and keep a full record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of any and all books, papers, instruments or documents duly filed and kept in his office, and of the indorsements thereon, and transcripts from the records of the proceedings of the common council, duly certified by him under the corporate seal of the city, shall be evidence in all courts, in like manner as the originals. 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 and of the fund on which the same is drawn, in books provided for that purpose. He shall also keep, in such manner as the council may direct, an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection, and all sums of money paid into the treasury. The clerk shall have power and authority to administer oaths and affirmations. Whenever the clerk shall be absent from any cause, the council may appoint a clerk pro tem., who, for the time being shall be vested with the powers and duties of the clerk. The clerk shall receive an annual salary to be fixed by the council.

CITY ATTORNEY AND DUTIES.

SECTION 5. The city attorney shall conduct all the law business of the corporation. He shall when required furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the council or any of its committees. He shall keep a docket of all cases to which the city may be a party, in any court of record, in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city, and shall at all times be open to the inspection of the mayor or any committee of the common council. It shall also be the duty of the city attorney to draft all general ordinances, all bonds, contracts, leases, conveyances and other instruments of writing that may be required by the business of the city, and to perform such other duties as may be prescribed by the charter and ordinances. He shall receive an annual salary to be fixed by the council.

Duties of city attorney.

STREET SUPERINTENDENT — HIS DUTIES, ETC.

SECTION 6. The common council shall also at their first meeting for organization each year after the annual election, choose by ballot a street superintendent. The street superintendent shall see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, bridges, alleys, public grounds, reservoirs, gutters, sewers and waters of the rivers in said city are duly observed and kept, and to control the persons employed therein. He shall have the general supervision over all work let by contract for the making, grading, paving, graveling, planking, repairing and cleaning of streets, bridges, alleys, public grounds, reservoirs and gutters, unless the common council shall otherwise direct. He shall receive such compensation as the council may determine.

Duties of street superintendent.

CITY SURVEYOR — HIS DUTIES.

SECTION 7. The common council may also at their first meeting for organization after the annual election, or as soon thereafter as convenient, elect 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 service 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 said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested.

Duties of city surveyor.

JUSTICES OF THE PEACE—JURISDICTION, ETC.

Jurisdiction of
justices of
peace.

SECTION 8. The justices of the peace elected under this act shall have the same jurisdiction and perform all the 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 shall be approved by a majority of the common council. The police justice shall in addition to such jurisdiction as is conferred by law upon justices of the peace also have exclusive jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said city council; and no such case shall be removed from the police justice on the grounds of prejudice. His fees shall be governed by the general laws concerning fees of justices of the peace, but he shall not be furnished by said city, nor shall he receive any perquisites or compensation from said city, except so far as the city may become liable to him for fees as a party to a suit before him.

ASSESSOR—HIS DUTIES.

Duties of as-
sessor.

SECTION 9. The assessor shall assess all the taxable property of the city of Green Bay, as required by law, without regard to wards, and shall complete and return his assessment roll in the manner hereinafter provided, and receive such compensation as the council may determine.

TREASURER—HIS DUTIES.

Duties of treas-
urer.

SECTION 10. The treasurer of said city shall perform such duties and exercise such powers as may be required of him by the ordinances of said city and the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, and of each fund separately, together with an account of all disbursements, in suitable books to be provided for that purpose, and in such manner as the common council shall direct. At the first regular meeting of the common council in each month, he shall make a report embracing a statement in detail of the receipts and disbursements in his office since the last preceding monthly report, an account of the general fund and of each fund which he is required to keep distinct and separate from other funds in the city treasury, and also the total receipts and disbursements during the same time, and the condition of each of said funds at the date of the report. Such reports, when made, shall be published with the proceedings of the common council. He shall disburse none of the

money belonging to any of the funds of the city except by an order thereon, duly issued by direction of the common council, which order shall be signed by the mayor and countersigned by the clerk; provided, that the school fund may be drawn out as provided by other provisions of this act. He shall collect all general and special taxes and assessments which may be levied or assessed upon the real and personal property in the city, and exercise the same powers and be governed by the same laws, and be subject to the same liabilities as treasurers of towns, except when a special direction and duty is imposed by this act. The common council shall, at its last meeting in March, fix the salary of the treasurer to be elected at the next ensuing election, and the salary so fixed shall not be increased or diminished during the term. All sums received by the treasurer as fees shall be paid by him into the general fund of the city, and when required by the common council he shall make report under oath, of all fees or other moneys received by him as treasurer.

TREASURER — ANNUAL REPORT.

SECTION 11. On the first day of April in each year the treasurer shall file in the office of the city clerk a statement showing in detail the monthly receipts and disbursements of the preceding year, an account of each separate fund and the condition of such funds at the date of the report. Annual report of treasurer.

CHIEF OF POLICE—HIS DUTIES.

SECTION 12. The chief of police shall attend all 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, and shall receive such compensation as the council may determine. He shall possess all the powers of constables of towns and be subject to the same liabilities. He shall 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. He shall suppress all riots, disturbances and breaches of the peace, and abate all nuisances therein. He shall apprehend all persons 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 ser- Duties of chief of police.

vices 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 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.

OTHER DUTIES MAY BE REQUIRED OF OFFICERS.

Other duties may be required of officers.

SECTION 13. 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, when the same shall not be fixed by law. Such compensation shall be fixed by resolution or ordinance at the time the office is created, or as soon as practicable after the commencement of the municipal year, and shall not be increased or diminished during the term of such officer. The common council shall also have power to dismiss any officer appointed by said council under the provisions of this section, at any time when, in the judgment of said council, the services of such officer are no longer needed.

Public newspaper.

SECTION 14. The council, at the first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers, printed in said city, in which shall be published all ordinances, notices and other proceedings and matters required by this act, or the by-laws or ordinances of the common council, to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders.

Affidavit of publication.

SECTION 15. The city printer or printers immediately after the publication of any notice, 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 or by-law or resolution, and the clerk shall file and keep the same in his office.

Penalty for not delivering to successor.

SECTION 16. If any person, having been an officer in the 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 not less than one hundred dollars nor more than five hundred dollars besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers, property and effects in the manner prescribed by the laws of this state.

SECTION 17. The mayor, acting mayor, sheriff of ^{Officers of the} Brown county, and each and every alderman, justice of the peace, chief of police, under sheriff and deputy sheriff of Brown county, constable, policeman and watchman 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 bystanders, and, if need be, of all citizens; and if any person, bystander, 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 riotous or disorderly behavior, the superior officer present in the order mentioned in this section, shall direct the proceedings.

CHAPTER IV.

THE COMMON COUNCIL—ITS SPECIAL POWERS.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the city of Green Bay do ordain," etc.

MEETINGS.

SECTION 2. The common council shall hold their ^{Meetings.} first annual meeting each year on the second Tuesday of April, and thereafter stated meetings at such time and places 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 his usual place of abode, which notice shall specify the object of the meeting and the business to be transacted, and no other business shall come before such meeting. The common council shall determine the rules for their own government and proceedings, provided such rules are consistent with the provisions of this act. A majority of the aldermen elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn; their

sessions shall be open and public; their proceedings shall be recorded in full, and all their papers and records, and all election returns, shall be deposited with the clerk of the common council and the same may be examined at any time, in the presence of the clerk. The vote of the common council shall, in all cases, be taken by ayes and noes, and every vote shall be entered at length upon the journal. The common council shall be judge of the election and qualification of its own members, and may punish its members or other persons present, by fine, for disorderly behavior, may compel the attendance of its members upon its sessions, and may employ the chief of police and police of said city for that purpose; and may fine or expel any member for neglecting his duty as such member, or for unnecessary absence from the sessions of the board.

POWERS OF COUNCIL.

Power of council.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all other property of the city; and shall likewise, in addition to all other powers 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, and for carrying into effect the powers vested in said common council, and to declare and impose penalties, and to enforce the same against any person or persons who may violate any of the provisions of said ordinances, rules, by laws and regulations; 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-law:

GROCERIES, TAVERNS, SALOONS, ETC.

Regulation of groceries, taverns, saloons, etc.

(1.) To regulate groceries, taverns, victualling houses, saloons, gardens, and all other places within said city where spirituous, vinous or fermented liquors are sold or given away, and to license, regulate and restrain tavern keepers, groceries, keepers of saloons, victualling houses or other houses or places for dealing in, selling or giving away spirituous, vinous or fermented liquors, and to regulate the amount to be paid

for such licenses, and to restrain or prohibit any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by authority of the common council; provided, that the amount charged for such licenses shall in no case be less than fifty dollars nor more than three hundred dollars per annum. Such licenses shall not be granted for a longer term than one year, and shall run from the first day of May; provided, however, when any such license is applied for after that date, the same be granted to expire on the first day of May next following, on the applicant paying pro rata therefor.

BILLIARD TABLES, ETC.

(2) To license, tax, regulate, suppress or prohibit billiard tables, nine or ten pin alleys, bowling saloons and ball alleys. Billiard tables.

LICENSE SHOWMEN.

(3.) To license, tax, regulate, suppress and prohibit all exhibitions of common showmen, shows of any and every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements. Showmen.

PROHIBIT GAMING.

(4) To restrain, prohibit and suppress all descriptions of gambling, and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting. Gaming.

PREVENT RIOTS, ETC.

(5.) To prevent any riot, 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. Riots, etc.

CLEANSE NAUSEOUS PLACES.

(6.) To compel the owner or occupant of any grocery, cellar, tallow chandler 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 deemed necessary for the health, comfort and convenience of the inhabitants of said city. Nauseous places.

LOCATE SLAUGHTER HOUSES, ETC.

(7.) To direct the location and management of, and regulate breweries, tanneries and packing houses; Slaughter houses.

and to direct the location, management and construction of, and regulate, license, restrain, abate or prohibit, within the city limits and the distance of two miles therefrom, distilleries, slaughter houses, establishments for steaming or rendering lard, tallow, offal, and such other substances as can or may be rendered, and establishments or places where any nauseous, offensive or unwholesome business may be carried on.

PREVENT ENCUMBERING OF STREETS.

Encumbering
of streets.

(8.) To prevent the encumbering of the streets, sidewalks, lanes or alleys with railroad cars, locomotives, engine or engines, carriages, carts, wagons, sleighs, boxes, lumber, fire wood, or any other materials or substances whatever.

PREVENT HORSE RACING.

Horse racing.

(9.) To prevent horse racing, and immoderate riding or driving in the streets, and to authorize any person to stop persons immoderately riding or driving as aforesaid; to prohibit and punish the abuse of animals, and to compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public ground.

GUNPOWDER.

Gunpowder.

(10.) To license, regulate and restrain the keeping, conveying, vending and storage of gunpowder and other combustible and dangerous material.

BATHING.

Bathing.

(11.) To regulate and determine the times and places of bathing and swimming in the rivers, harbor and other waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

RESTRAIN CATTLE.

Restrain cattle.

(12.) To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the costs of the proceedings, and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto.

DOGS.

Dogs.

(13.) 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.

PUTRID CARCASSES.

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

POUNDS.

(15.) 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, and to prevent unnecessary waste of water. Public pounds

LAMPS.

(16.) To erect lamps, and regulate the lighting thereof; and to provide for lighting streets, public grounds and public buildings with gas or otherwise. Street lamps.

LICENSE HACKMEN, ETC.

(17.) To regulate, license and suppress omnibus drivers, hackmen, coachmen, cabmen, cartmen, draymen, and all others who may pursue like occupations in this city, and to prescribe their compensation. Hackmen, etc.

REGULATE RUNNERS.

(18.) To restrain and regulate runners and solicitors for boats, vessels, cars, railroads, stages, public houses, or other establishments. Regulate runners.

BOARD OF HEALTH.

(19.) To establish and regulate boards of health, and define their powers and duties. Board of health.

PROVIDE HOSPITALS, ETC.

(20.) To provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and exempt burial grounds set apart for public use from taxation. Cemetery grounds, etc.

ESTABLISH PEST HOUSES.

(21.) To erect or establish one or more pest houses, hospitals and dispensaries, and control and regulate the same. Pest houses.

CONTAGIOUS DISEASES.

(22.) To regulate, control and prevent the landing of persons from boats, vessels, cars, and stages, wherein Contagious diseases.

are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city, and also to make regulations to prevent the introduction of contagious diseases into the city, or their spread therein, and to make quarantine laws or regulations, and enforce the same within the city, and not exceeding two miles beyond the city limits.

ABATE NUISANCES.

Abatement of nuisances.

(23.) To abate and remove all nuisances under the ordinances, the laws of the state, or at common law, and punish the authors thereof by penalties, fine and imprisonment; and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of its jurisdiction to abate and remove nuisances in the streets, or any other part of the city, or within its jurisdiction, by indictment, information or otherwise.

PUBLIC MARKETS.

Public markets.

(24.) To establish public markets, and to 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.

WEIGHT OF BREAD.

Bread.

(25.) To regulate the size, weight, quality and sale of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

RIDING ON SIDEWALKS.

Riding on sidewalks.

(26.) To prevent all persons from riding, or driving any ox, mule, cattle or other animals on the sidewalks in said city, or in any way doing any damage to said sidewalks.

FIRE ARMS, ETC.

Shooting off firearms.

(27.) 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.

RESTRAIN DRUNKENNESS.

Drunkenness.

(28.) To restrain and punish vagrants, mendicants street beggars and prostitutes, and 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.

BUTCHERS, ETC.

(29.) To regulate butchers, and to regulate and re-^{Butchers.}strain the sale of game, poultry, fresh meat, vegetables, fish, butter, eggs, and other provisions in the city, and to cause the seizure and destruction of tainted or unwholesome meat, butter, vegetables, fruit or provisions.

HAY, WOOD, ETC.

(30.) To regulate the place and manner of the^{Hay, wood, etc.} 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 a fish inspector, and regulate by ordinance his duties and fees, and to regulate the measuring and inspection of lumber, shingles, timber, posts, staves and headings, and all building material, and to appoint an inspector.

REMOVE SNOW, ETC.

(31.) To compel the owners and occupants of build-^{Removal of snow.}ings 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.

PIERS AND WHARVES.

(32.) To regulate the construction of piers and^{Piers and wharves.} wharves extending into Fox and East rivers within the limits of the city.

WHARF AND DOCK LINES.

(33.) To establish wharf and dock lines upon the^{Dock lines.} banks of Fox and East rivers within said city; and restrain and prevent encroachment upon said rivers, and obstructions thereto; and to construct, alter and 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 rivers.

POLICE.

(34.) To appoint watchmen and policemen, and to^{Police.} establish and regulate the police of the city, and prescribe their duties.

AUCTIONS.

Auctions. (35.) To regulate the times, places and manner of holding public auctions and vendues.

PEDDLERS, ETC.

Peddlers. (36.) To tax, license and regulate auctioneers, distillers, brewers and pawn-brokers, and to tax, license, regulate and restrain hawkers and peddlers, keepers or proprietors of gift book stores, gift concerts and other gift enterprises.

TREES AND MONUMENTS.

Trees and monuments. (37.) To protect monuments in the city, and to direct and regulate the planting and preservation of ornamental trees in the streets and public grounds.

WEIGHTS AND MEASURES.

Weights and measures. (38.) To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

GUTTERS AND SEWERS.

Gutters, etc. (39.) To provide for and regulate the construction of gutters or sewers within said city.

GRADE STREETS, ETC.

Grade of streets. (40.) To control, regulate, repair, amend and clear the streets and alleys, bridges and side and cross walks, and lay out, open, widen, straighten, alter and vacate streets and alleys, and establish and alter the grade thereof, and alter or change the name thereof, and prevent the encumbering of the streets and alleys in any manner, and protect the same from any encroachment or injury; or to regulate the manner of using the streets and pavements in said city, and protect the same from injury by vehicles used thereon.

POLICE JUSTICE.

Police justice. (41.) The police justice elected under this act shall have exclusive jurisdiction as justice of the peace for two years, or until his successor is appointed or elected, 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, or the police justice be unable for any cause to perform the duties of that office, the common council shall appoint one of the other justices to hold such office until the disability is removed or the vacancy filled by a new election.

POLICE COURT.

(42.) The police justice shall hold a police court in Police court. said city at some convenient place.

STREETS, ALLEYS, ETC.

(43.) To control and regulate the streets, alleys and Streets, alleys, etc. public grounds in said city, and to remove and abate any obstructions and encroachments therein.

LUMBER.

(44.) To regulate or prohibit the keeping of any Lumber. lumber yard, and the placing, piling or selling of lumber, timber, wood or other combustible materials within the limits of said city.

STEAM ENGINES.

(45.) To provide for the inspection and regulation Steam engines. of stationary steam engines and boilers.

RIVERS AND HARBORS.

(46.) To preserve the rivers and harbors; to prevent any use of the same or any act in relation thereto Rivers and harbors. inconsistent with or detrimental to the public health, or calculated to render the waters of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein of any earth, dead animals, ashes or other substance, or logs or floating matter; to prevent and remove all obstructions therein and punish the authors thereof.

VAGRANTS.

(47.) To authorize the arrest, fine and imprisonment Vagrancy. as vagrants, of all persons, who, not having visible means to maintain themselves and without employment, idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame or houses of bad repute, gambling houses; or who shall be found trespassing in the night time upon the private premises of others, or begging, or placing themselves in the street or other thoroughfare or public place to beg or receive alms; also keepers, exhibitors or visitors at any gambling table, gambling house, or other place of device; and all persons who go about for the purpose of gaming, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any concert, theater or other public entertainment, or place where public or private schools are held, either week day or Sunday, or places where religious worship is held.

CONCEALED WEAPONS.

Concealed
weapons.

(48.) To regulate or prohibit the carrying or wearing by any person, under his clothes or concealed about his person, of any pistol, sling shot, or knuckles, bowie knife, dirk knife, or dirk or dagger, or any other dangerous or deadly weapon; and to provide for the confiscation or sale of such weapon.

ORDINANCES, BY-LAWS, ETC.

Ordinances, by-
laws, etc.

(49.) 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.

ORDINANCES TO BE PUBLISHED — APPROPRIATIONS —
DEBT.Publication 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 be published in the official paper or papers of said city once before the same shall be in force, and they shall be recorded by the city clerk, in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all times and in all courts and places shall be deemed and taken as sufficient evidence of the time and manner of such publication; such record of such law, ordinance, regulation or by-law, and the proof of such record, certified by the clerk, under the seal of the city, or any printed books 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 ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which may create a debt or liability against said city, or a charge upon any fund thereof, shall be adopted without a vote in its favor of a majority of all the aldermen entitled to seats in the common council.

WHEN ORDINANCES TAKE EFFECT.

SECTION 5. No ordinance or resolution, requiring the signature of the mayor, shall take effect until seven days after the passage of the same, unless sooner approved in writing by the mayor, or acting mayor for the time being.

When ordinances take effect.

VETO.

SECTION 6. The mayor shall have power to veto any ordinance, act or resolution passed by the common council, by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and the clerk shall thereupon call a special meeting of the council in the manner provided by section 2 of this chapter, to consider such veto and 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. If the mayor shall not return any ordinance, act or resolution so presented to him within seven days after the passage thereof, it shall take effect in the same manner as if he signed it.

Veto.

WHEN VOTES NOT TO BE RECONSIDERED.

SECTION 7. No vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

Reconsideration of votes.

ORDINANCES REFERRED TO COMMITTEES.

SECTION 8. All ordinances, petitions and communications to the common council, and all accounts and resolutions appropriating money, or creating any charge against any of the funds of said city, shall be referred to appropriate committees, and shall only be acted on by the common council at a subsequent meeting not held on the same day, on the report of the committee to which the same were referred. Action upon any report of a committee made to the common council shall be deferred to the next regular meeting of the same, by request of one-third of the aldermen present.

Ordinances referred to committees.

COMMON NUISANCES.

Common nuisances.

SECTION 9. The powers conferred upon the 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 or houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold, without license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

AUDIT ACCOUNTS — MAY REQUIRE AN EXHIBITION OF BOOKS AND VOUCHERS.

Auditing accounts.

SECTION 10. The council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, superintendent of streets, and all other officers and agents of the city, at such times as they may deem proper, and 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, funds and money 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 account 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.

CHAPTER V.

OPENING STREETS, ETC. BY PETITION.

Opening streets, etc.

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 one ward shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such

petitioners reside, for the public use, for the purpose of laying out public squares, grounds, streets, or alleys, or the enlarging or widening 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 the petitioners, to be set forth in such petition. The common council may then, by resolution, resolve to grant the prayer of said petitioners; and it shall forthwith cause an accurate survey and plat of all lands necessary for said purposes to be made and filed with the city clerk, and it may purchase or take by donation such grounds as shall be needed, by agreement with the owner, and take from them conveyances thereof to the city for such use or in fee; but otherwise it shall by resolution declare its purpose to take the same and therein describe by metes and bounds the location of the proposed improvement, and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned by a distinct owner, mentioning the names of the owners or occupants so far as known, and therein fix a day, time and place, when and where it will apply to the county judge of Brown county for a jury to condemn and appraise the same.

SECTION 2. It shall thereupon cause to be made by the city clerk a notice of the adoption of said resolution, embracing a copy thereof, and notifying all parties interested that the common council will, at the time and place named, apply to the county judge for the appointment of a jury to condemn and appraise such lands. A copy of such notice shall be served by the street superintendent or any policeman of said city, on the owner of such parcel of land to be taken, if known and resident within the county, such service to be made in the manner prescribed for serving a summons in an action in the circuit court, and the return of the officer shall be evidence of the facts stated therein. If the notice cannot be so given as to all of the parcels then the same shall be also published once in each week, for three consecutive weeks, in a newspaper published in said city; and the affidavit of the printer or foreman of such newspaper shall be evidence of such publication. Such notice shall be served and such publication made for three weeks, complete at least one week before the time fixed therein for such application. If any person so served with notice be a minor or of unsound mind, the county judge shall before proceeding on the day fixed for hearing such ap-

Manner of serving notice.

plication, appoint for him a guardian for the purposes of such proceeding, who shall give security to the satisfaction of the county judge, and act for such ward.

Manner of making list of jurors.

SECTION 3. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of the service of the notice, as provided in the last section, shall be filed with the county judge, who shall thereupon make a list of twenty-four competent jurors, residents of said city, but not residents of said ward nor interested in said application. He shall hear and decide any challenges for cause or favor made to any one, and if sustained shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under direction of said county judge, each party, the common council by the city attorney of said city on one side, and the owners of land or their agents present, or if none be present, or if they disagree, a disinterested person appointed by the county judge on the other, shall challenge six names, one at a time, alternately, the common council beginning. To the twelve jurors remaining, the county judge shall issue a precept, requiring them at an hour, on a day named, not more than ten nor less than three days thereafter, to appear before him to be sworn and serve as a juror to view lands and appraise damages, in the said proceedings, and at the same time shall publicly adjourn the proceedings to the time and place so named; such precept shall be served by the street superintendent or any policeman of said city, at least one day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode in presence of a member of his family.

When jurors shall appear.

SECTION 4. The jurors summoned shall appear at the time and place named; and if any be excused by the county judge, or fail to attend, he shall direct other qualified disinterested persons to be forthwith summoned in their stead, until twelve be obtained. The county judge shall then administer to them an oath, that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

Jury shall view the lands.

SECTION 5. Under the direction of said county judge the jury shall view the lands to be taken, and shall then sit before him to hear such competent evidence as shall be produced by any party; and for

such purpose such county judge shall possess the same powers as a court in session, with a jury, and if there be necessity may adjourn the sitting from day to day. The jury shall render a separate, unanimous verdict, in writing, signed by it, in which it shall find whether it be necessary to take such lands, or any part thereof for such purpose, describing such as it finds necessary to be taken; and if any be found necessary to be taken, then a verdict or appraisement of damages, specifying therein the damages to each owner, and separately the value of the land taken from each, and the damage otherwise sustained by each by reason of the taking thereof; in estimating which it shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvement; and a majority of such jury may render such verdict or appraisement of damages, and shall sign the same. Any technical error in such verdict may be immediately corrected, with the consent of the jury, and shall be thereupon discharged, and its verdict filed by the county judge. In case the jury shall fail to find a verdict, another jury shall be then and there selected, and shall be summoned and sworn, and shall proceed in the same manner.

SECTION 6. Within ten days after such verdict, any land owner whose land has been found necessary to be taken, may appeal from the award of damages to him in such verdict, to the circuit court, by filing with such county judge a motion of appeal, specifying whether the appeal is from the whole award to him or a part, and if a part what part, and therewith an undertaking with two sufficient sureties to be approved by the county judge, to pay all costs that may be awarded against such appellant on appeal, and paying said county judge for his return thereof. The city may likewise appeal from the award of damages to any owner by filing with such county judge a notice of appeal, specifying whether the appeal is from the whole award to such owner or a part, and if a part, what part, and paying said county judge for his return on said appeal. Any party not so appealing shall be forever concluded by such verdict. Upon an appeal being taken, the county judge shall transmit to the clerk of the circuit court within ten days the notice of appeal and undertaking, and thereto annex a copy of all the papers and proceedings before him, with his certificate thereof. He shall, after the time for appealing has expired, file with the city clerk, annexed together, all the original papers including the verdict,

Land owner
may appeal.

with a certificate by him thereof, and that no appeal has been taken from such verdict, except as the facts are, which he shall briefly specify; and the city clerk shall record all such proceedings.

Appeal to be considered an action.

SECTION 7. Upon filing such transcript in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, the land owner as plaintiff, the city as defendant, and be subject to a change of place of trial, and appeal to the supreme court. The appeal shall be tried by a jury unless waived; and costs shall be awarded against the appellant, if a more favorable verdict be not obtained than the one appealed from; otherwise, against the respondent. Upon entry of judgment the clerk of the circuit court shall transmit a certified copy thereof to the city clerk.

Common council may enact an ordinance.

SECTION 8. If the verdict of the jury shall determine that it is necessary to take such land, or any part thereof, the common council may, upon return thereof to the clerk, enact an ordinance according thereto, for laying out or widening any such street, public square, grounds or alleys, but shall not enter upon any such land therefor until the owner be paid in full the damages awarded him by such verdict or appraisement, or such damages be set apart for him in the hands of the city treasurer, there permanently to remain subject to his order. At any time before causing any such land to be actually taken or put to public use, and before the rendition of a judgment in the circuit court for damages, the common council may discontinue all proceedings theretofore taken, and the city shall in such event be liable for the costs only. All the costs of every such proceeding shall be paid by the city, except when it recovers costs in the circuit court or supreme court. All jurors and witnesses in proceeding under this chapter shall receive the same fees as jurors and witnesses in the circuit court.

Expenses may be levied.

SECTION 9. For the payment of the expenses, including all damages and costs incurred for the taking of private property, and of making any improvement mentioned in this chapter, the common council of said city may, by resolution, levy and assess the whole or any part, not less than one-half, of such expenses as a tax upon such property as it shall determine is specially benefited thereby, making therein a list thereof, in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite. Such

resolution, signed by the mayor and city clerk shall be published once in each week for two weeks in a newspaper published in said city, and a notice therewith that at a certain time therein stated the said common council will meet at its usual places of meetings and hear all objections which may be made to said assessment or to any part thereof. At the time so fixed the said common council shall meet and hear all such objections, and for that purpose may adjourn from day to day, and at the conclusion of such hearing may modify said assessment in whole or in part, and shall adopt a resolution which shall be published in the same manner as ordinances of said city, levying said assessment as the same shall have been finally determined by said common council. The sums so assessed shall be a lien upon said lands upon which they are assessed from the date of the passage of said resolution, and the said several amounts shall be entered against said lot or lots in the tax roll, in addition to and as a part of all other city taxes therein levied on such land, to be collected therewith.

VACATE STREETS.

SECTION 10. The common council shall have power ^{Vacate streets.} and are hereby authorized to vacate, in whole or in part, such highways, streets, alleys, and public walks within the corporate limits of the city, as in their opinion the public interest may require to be vacated, or such as in their opinion are of no public utility; provided, however, the necessity of vacating any such highways, streets, alleys or public walk, or any part thereof, shall first be established by a verdict or report of a jury in like manner as is provided for laying out public squares, grounds and streets in this chapter.

CHAPTER VI.

CITY IMPROVEMENTS AND SPECIAL ASSESSMENTS.

SECTION 1. Opening, grading, working, graveling, planking, replanking, paving and repaving of streets and alleys, to the center thereof, and the construction, reconstruction, and rebuilding of sidewalks shall be chargeable to and payable by the lots fronting on such street, alley or sidewalk; but no street or alley shall be opened, graded, graveled, planked or paved, or sidewalks constructed, unless upon the petition of a majority of the resident owners of the lots or parts of lots chargeable with the expense thereof, or by a two-thirds vote of the aldermen elect. The cost and expense of establishing grades, <sup>City improve-
ments.</sup>

surveying streets, alleys or gutters, and of cleaning out gutters, and of estimating work thereon in the execution of any public improvement, shall be chargeable to and payable by the city. Gutters may be ordered by the common council and built at the expense of the lots or parts of lots benefited thereby, and fronting upon or abutting to the street along which said gutter shall be constructed; provided, that in all cases where improvements or work of any kind are charged by virtue of this section, upon lots as aforesaid, all such improvements across streets, alleys and public grounds shall be made and paid out of the general fund of the city.

PLANS, ETC., WHERE FILED.

Plans, etc.,
when filed.

SECTION 2. Whenever the common council shall determine to make any of the improvements mentioned in the preceding section, it shall cause plans and specifications of such improvements to be filed with the city clerk for the inspection of all parties interested. Upon the filing of such plans and specifications, the clerk shall immediately give one week's notice by publication in the official paper to the several owners and occupants of the lots or parts of lots chargeable with the expense of such improvements to do the work according to the plans and specifications on file, within a time specified in such notice, which shall in no case be less than fifteen days after said one week's notice. If the improvement shall not be completed within the time specified, the clerk shall immediately advertise for proposals for doing the same; such advertisement shall be published in the official city paper not less than one week. It shall state the nature of the improvement, the time within which it must be completed, that plans and specifications thereof may be seen at the clerk's office, and shall also state when and up to what time bids will be received. All bids shall be opened in a general or special meeting of the common council. The council may authorize the clerk or any appropriate committee of its body to enter into contract for the making and completion of the improvement. All contracts shall be let to the lowest reasonable responsible bidder. Upon the completion of the work done under contract as provided in this section, and the acceptance thereof in writing by the street superintendent and committee on streets and bridges, the contractor shall be entitled to a certificate therefor, which shall be signed by the mayor and street superintendent, and countersigned by the city clerk, and which shall state the amount due for

work done by such contractor, the nature thereof, and a description of the lot or parcel of land upon which the same is chargeable; said certificate may be transferred by endorsement thereon; and if the amount thereof is not paid before the time of making out the annual assessment roll, the certificate may be filed with the city clerk, and amount thereof shall be assessed upon the said lots or land respectively, as a special tax, and shall be collected for the benefit of the holder of the said certificate, as other taxes on real estate are collected under this act. If notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate such assessment.

SIDEWALKS — HOW REBUILT, ETC.

SECTION 3. Whenever a sidewalk, graveled, planked or paved street, shall become so out of repair as to require rebuilding, regravelling, replanking or repaving the common council may, by a two-thirds vote of the aldermen-elect, so order, and the expense thereof shall be chargeable to lots, and parts of lots, fronting upon that part of the street or alley where such rebuilding of sidewalk, or regravelling, replanking or repaving of a street has been ordered; and the same proceedings for the doing and completion of the work and the payment therefor shall be had as provided in section 2 of this chapter. Sidewalks.

EXPENSE OF REPAIRS OF STREETS.

SECTION 4. The expense of keeping streets and pavements, or other surface thereof, in repair, shall be paid out of the general fund. Expenses and repairs of streets.

OF SIDEWALKS.

SECTION 5. The expense of keeping sidewalks, gutters, drains, and ditches in repair, shall be chargeable to the lots or parts of lots abutting; and the duty of always keeping the sidewalks, gutters, drains and ditches on or adjacent to the lots and premises of any person, in safe condition and good repair, is hereby expressly enjoined and imposed upon all owners or occupants of said lots and premises. Sidewalks.

ABATEMENT OF NUISANCES.

SECTION 6. The common council shall cause notice to be given 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 Abatement of nuisances.

of the city for two weeks, to abate such nuisance by draining or filling such lots within a reasonable time therein to be specified, which shall in no case be less than ten days; and if such nuisance shall not be abated or removed within the time specified, the council shall cause the same to be abated or removed at the expense of the property upon which the same may exist; and to that end the same proceedings shall be had as provided in section 2 of this chapter, except as herein otherwise provided.

DUTY OF STREET SUPERINTENDENT — REPAIR OF SIDEWALKS.

Duty of street superintendent.

SECTION 7. It shall be the duty of the street superintendent to make frequent inspections of the streets, sidewalks, pavements, bridges and other public ways in all parts of the city, and whenever he shall find any defect or want of repair therein, he shall note the same in a book to be kept for that purpose. And whenever a sidewalk shall be out of repair, and shall so remain for the space of twenty-four hours, which, in his opinion, will not cost to exceed five dollars to repair, he shall be authorized, and it is hereby made his duty, to immediately repair the same; but if it shall, in the opinion of said street superintendent, cost to exceed five dollars to make said repair, and the said defect or want of repair shall, at the same time, in his opinion, be dangerous to public travel, he shall give written notice to the owner of the lot chargeable with such repair, if said owner shall be known to him and be a resident of said city, to repair said walk immediately, and if said owner shall not be known or shall not reside in said city, or if he shall not, within twenty-four hours after service of said notice, proceed to repair said walk, the street superintendent shall immediately repair said defect. If, in the opinion of said street superintendent, said defect or want of repair in any sidewalk shall not be immediately dangerous to public travel, he shall report said defect to the common council, who may, by resolution or ordinance, require said sidewalk to be repaired; but personal notice shall be given to the lot owner chargeable with said repair, if practicable, and if not practicable, then notice by publication for such time as said common council shall prescribe, to make said repairs. Whenever the street superintendent shall have made any repairs as provided by this section, he shall make out an itemized bill of the cost thereof, specifying the lot or piece

or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the clerk, and the clerk shall forthwith present the same to the owner of such lot or piece or parcel of land, if a resident of the city of Green Bay and to be found, for payment; and if said owner shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the common council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land to pay the same, and the said tax shall be put upon the tax roll and collected in the same manner as other taxes upon real estate are collected. In case the owner of such lot, piece or parcel of land does not reside in the city of Green Bay or cannot be found, the said clerk shall return said account to the common council with his certificate stating the fact, and the same shall then be collected in the same manner as upon refusal of the owner to pay upon presentation of the account as aforesaid.

WHO TO SUPERVISE WORK.

SECTION 8. All work provided in this chapter shall be done under the supervision of the street superintendent, unless the common council shall otherwise direct. The street superintendent is authorized and empowered, and it shall be a part of his duties to contract with the lowest bidder for all material which the city may use in carrying out the provisions of this chapter.

Who to supervise work.

WHEN CITY NOT RESPONSIBLE.

SECTION 9. Where work is ordered to be done at the expense of any lot or parcel of land for which payment is to be made in certificates as provided in section 2 of this chapter, no contractor or other person holding said certificate or certificates, shall receive any pay therefor from the city under any circumstances, until the tax levied for that purpose shall have been paid to the city or county.

When not responsible.

HOW STREETS KEPT CLEAN.

SECTION 10. Streets, sidewalks and alleys shall be kept clean at the expense of the lots or parts adjacent thereto, and the common council may, by ordinance, adopt general rules and regulations relative thereto, requiring the owners or occupants of lots to keep such streets, sidewalks and alleys clean, and enforce the same by proper and reasonable penalties.

Cleaning streets.

ALDERMEN MAY ORDER WORK DONE.

Aldermen may
order work
done.

SECTION 11. If, after having advertised for proposals to do the work as provided by said section 2, no bids are received or filed as required by said section, the common council, by a two-thirds vote of all the aldermen elect, may order the work to be done and paid for out of the general fund. The amount so paid shall be assessed against the respective lots or parcels of land, as provided by said section 2, in case of unpaid certificates.

SEWERS.

Sewers.

SECTION 12. The common council may by an affirmative vote of two-thirds of the aldermen elect, order the construction or reconstruction of a sewer or sewers in said city, the expense of which shall be chargeable to the lots or parts of lots abutting upon said sewer, and in case a sewer shall be laid along the center of the street, the property on each side of said street shall bear its portion, or one-half of said expense. Such work or improvement shall be ordered, and contracts therefor let, and the cost thereof paid, and notices given, the same and in the same manner as is provided in this chapter for the paving and repaving, building and rebuilding of streets and sidewalks, and shall be under the supervision of the street superintendent; but the expense of repairs on sewers shall be paid out of the general fund.

POLL TAX — HOW COLLECTED AND EXPENDED.

Poll taxes.

SECTION 13. Every male inhabitant in the city of Green Bay over twenty-one years of age, and under fifty, except active members of the fire department, and those holding a diploma for ten years' service therein, shall pay into the city treasury annually the sum of one dollar each as a poll tax. The assessor shall, at the time of assessing the annual taxes in each year, make out duplicate lists of persons liable to pay such tax, and deliver one of said lists to the city clerk, and one to the city treasurer at the time he returns to the board of review of said city his assessment roll of real and personal property of the city of Green Bay. The said assessor, in making such lists, shall designate the ward in which each person on said list resides; and the city treasurer shall collect the same at the time of collecting the annual taxes, and all such taxes shall be paid to the city treasurer on or before the first day of February next after the delivery of said lists to him; and all persons liable to pay said tax who shall not

have paid the same within five days after demand, either personally or by written notice left at their usual place of abode, shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Green Bay. The process in such case shall be by warrant, and in case judgment should be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail, not to exceed ten days. The treasurer shall credit each ward of the city with the amount collected from the inhabitants of such ward. The moneys collected as above shall be kept as a distinct fund, and shall be expended under the direction of the aldermen of each ward, and at their request, under the supervision of the street superintendent, on the repair and improvement of streets of their several wards, and to be drawn out upon itemized account certified to by the said aldermen, and audited by the common council. The board of review of said city shall determine the liability of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board during its regular sessions; provided, that if any person shall desire to be shall be permitted to perform one day's work upon the streets of the city in the ward in which he resides, and the certificate of the street superintendent that such person has performed one full day's labor, shall be received by the city treasurer in full discharge of such tax; but a person desiring to work his poll tax shall notify the street superintendent to that effect, at some time between the first day of May and the first day of October of the year in which he shall be listed, and shall perform the work at such time and place, in his ward, as the street superintendent shall designate.

CHAPTER VII.

PUBLIC SCHOOLS.

SCHOOL COMMISSIONERS — TERM OF OFFICE, ETC.

SECTION 1. All members of the school board now Public schools. in office shall hold their respective offices for the full term for which they were elected, and until their successors are elected and qualified. Whenever a vacancy shall occur in said board, or when the term of any member thereof shall expire, the common council shall elect a school commissioner or commissioners from the city at large to fill such vacancy for the unexpired

term, or to take the place of the commissioner whose term is about to expire, as the case may be. The school commissioners shall hold their office for two years, and until their successors are elected and qualified.

BOARD OF EDUCATION.

Board of education.

SECTION 2. The school commissioners elected under the provisions of this chapter shall form the "board of education of the city of Green Bay," 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.

CITY SUPERINTENDENT OF SCHOOLS.

City superintendent.

SECTION 3. The school commissioners shall at their first regular meeting in each year, 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 August of the year in which he is elected, and who shall hold his office for one year and until his successor shall be elected and qualified, unless sooner removed by a two thirds vote of all the members elect of the board of education, for misconduct or other sufficient cause.

PRESIDENT OF BOARD—HIS DUTIES.

Duties of president of board.

SECTION 4. The board of education shall, at its first regular meeting in each year, 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 teacher's and janitors' wages, and all other incidental and necessary expenses of said board of education. He shall declare all votes taken on questions coming before the board; provided, that on all questions requiring appropriation of money or the adoption of new text books, the vote 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.

MEETINGS OF BOARD OF EDUCATION.

Meetings of board of education.

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 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 said meeting.

SALARY OF CITY SUPERINTENDENT.

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

Salary of city superintendent.

DUTIES OF BOARD OF EDUCATION.

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

Duties of board of education.

ELECT CITY 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 within fifteen days thereafter.

Elect city superintendent.

SALARIES, ETC.

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 to each, and to hire and make contracts with the 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 the board of education, or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the clerk, and the other delivered to such teacher.

Salaries, etc.

TERMS, TEXT-BOOKS, ETC.

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

Terms, text books, etc.

ESTABLISH RULES.

4th. To establish rules and regulations for the schools not in conflict with the constitution or laws of this state; but the mayor and council may, in their

Rules.

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.

Contracts. 5th. To make contracts for all fuel, stationery and articles of furniture required for the schools; to make all necessary repairs on school houses, not exceeding one hundred dollars in value for any one school house; to make contracts for incidentals required for carrying on the school houses, 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.

AUDIT CLAIMS.

Audit claims. 6th. To audit all claims and demands payable out of the school fund. The said board shall annually, on or before the first day of November in each year, submit a statement to the mayor and common council, showing the amount of teachers' wages that have accrued and become due during the year, and the amounts 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 with the teachers, and the amount of salary to be paid, and 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 common council a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amount required for teacher' wages, and other items separately and specifically. Nothing in this section contained shall prevent the mayor and common 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.

HOW REPAIRS TO BE MADE.

How repairs to be made.

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 or school houses 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 de'ray 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 majority 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 be erected; and it shall be the duty of said board, in the name of said city, to enter into contract 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.

HOW ORDERS TO BE DRAWN.

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

WHEN CONTRACT OF BOARD VOID.

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. When contracts of board void.

DUTIES OF SUPERINTENDENT.

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

TO EXAMINE TEACHERS.

1st. To examine all the 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. Examination of teachers.

TO ANNUL CERTIFICATES.

Annual certificates. 2d. To annul a teacher's certificate for cause; provided, that such teacher shall have the right of appeal to the board of education.

TO VISIT SCHOOLS.

Visit schools. 3d. To visit each school department of said city at least once in each week.

REPORT TEXT BOOKS.

Report of text-books. 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 CONDITION OF SCHOOLS.

Condition of schools. 5th. To report to the board of education at each 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.

ATTEND MEETINGS OF BOARD.

Attend meetings of board. 6th. He shall attend at the meetings of the board of education and act as secretary thereof, and there make any suggestions he may think advisable relative to the government of the schools of said city.

CHAPTER VIII

FIRE DEPARTMENT—FIRE LIMITS.

Fire limits. SECTION 1. The common council for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other material that shall not be considered fire-proof shall be not erected, placed 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, where 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 damages.

MAY REGULATE BUILDING OF CHIMNEYS, ETC.

Building of chimneys. 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 or 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 regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs, 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 by-standers 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 extinguishments of fires as the common council may deem expedient.

MAY PURCHASE ENGINES AND AUTHORIZE FIRE COMPANIES.

SECTION 3. The common council shall have full Engines and fire companies. power to purchase fire engines, hose, and all other necessary fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose 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. Each company shall not exceed fifteen able-bodied men, between the ages of eighteen and fifty years, and may elect their own officers and form their own by-laws, not inconsistent with the laws of this state or the ordinances or regulations of said city, and shall be formed only by voluntary enlistments. Every active member of said company hereby authorized to be formed, shall be exempt from highway work, poll tax, and from serving on juries, during the continuance of such membership; and any person having served for the term of ten years in either such companies, shall be forever thereafter exempt from poll tax and military and jury duty.

ENGINEERS AND FIRE WARDENS.

SECTION 4. The common council, at its first regular Engineers, etc. meeting in January in each year, shall elect one chief engineer and one assistant engineer of the fire department, and two fire wardens for each ward, who shall perform such duties as the common council shall prescribe, and who may at any time enter into or open

any house, store-house or other building or enclosure, for the purpose of inspecting the same, and with a view to guard against fire. At the time of the election of said engineers their compensation shall be fixed by the common council.

FINES, ETC.

Fines, etc.

SECTION 5. The net proceeds of all fines and penalties recovered and collected for 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.

ARREST FOR DISOBEDIENCE OF ORDERS.

Disobedience of orders.

SECTION 6. When any person shall refuse to obey the lawful order of the chief engineer, or the assistant chief engineer, fire warden or alderman of the city, the mayor or chief of police, at any time when said company or companies or any of them are on duty as a company, either at the time of a fire, fire alarm, parade or inspection, it shall be lawful for the officer giving such order to arrest or direct orally the chief of police, constable or watchman, or any citizen, to arrest such person and to confine him temporarily in any safe place until such companies return with their apparatus to their respective engine houses; and in the same manner such officers, or any of them, may arrest, or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to arrest or aid in such arresting, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

MAY ORGANIZE SACK COMPANY—THEIR POWERS.

Sack company.

SECTION 7. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more 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 Green Bay, and are hereby vested with all the power and authority which now is or may hereafter be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire de-

partment, 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 may 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 services rendered in their official capacity. They shall, in case of riot or other disturbances of the 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.

SECRETARY AND TREASURER — THEIR DUTIES.

SECTION 8. There shall be a meeting of the members of the different fire companies on the third Monday of April in each year, at such place as may be designated by the chief engineer, when the active members of said companies shall nominate and recommend to the common council, for appointment, one treasurer, and one secretary or clerk. The common council shall thereupon confirm or reject said nominations, and the persons so appointed shall perform such duties as the common council shall prescribe. In case the common council should reject such nominees, the said members shall, at a meeting held one week after such rejection, nominate other persons to hold such offices, which nominations shall also be subject to the approval of said council. The treasurer of the fire department shall receive and pay out all moneys belonging to said 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 engineer or acting chief engineer, and countersigned by the clerk of said department.

Duties of secretary and treasurer.

CLERK OF COMPANY — HIS DUTIES.

SECTION 9. There shall be elected by members of such company aforesaid, annually, at their annual meetings, a clerk or secretary, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the name of each member of their respective companies; and when a member of either of said companies shall cease to be a member

Duties of clerk of company.

thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

CITY CLERK TO KEEP RECORD OF MEMBERS OF COMPANIES.

City clerk to keep record.

SECTION 10. 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 clerks or secretaries, as above described; and no person shall be exempt from jury duty, unless the name is entered on such list. In case any member 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 clerk of the board of supervisors for the county of Brown, 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 meeting for the said board, and said board shall not place the names of any such persons on the jury list for the ensuing year.

CHAPTER IX.

AUDITING ACCOUNTS, ETC.

Auditing accounts.

SECTION 1. The common council shall have power to audit, adjust and allow all claims and demands of every nature against the city, except such claims or demands as are payable out of the school fund.

WHEN ACTION MAINTAINED.

Maintaining action.

SECTION 2. No action shall hereafter be maintained by any person against the city of Green Bay, upon any claim or demand mentioned in the preceding section, other than a city bond or order, unless such person shall first have presented such claim or demand to the common council of said city. The determination of the common council disallowing in the whole or in part any such claim or demand, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such claim or demand, unless an appeal shall be taken from the decision and determination of such common council, as hereinafter 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 such claim or demand duly presented to them, this chapter shall

not be so construed as to prevent the institution and maintenance of an action of said claimant against said city.

CLAIMANT MAY APPEAL TO CIRCUIT COURT.

SECTION 3. When the claim or demand 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 said city within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety, to be approved by said clerk, a 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.

Claimant may appeal to circuit court.

NOTICE OF APPEAL.

SECTION 4. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the city attorney, 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 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 actions originally brought in said court, and costs shall therein 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 costs, which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

Notice of appeal.

ACCOUNTS TO BE VERIFIED.

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

Accounts to be verified.

CHAPTER X.

FINANCE AND TAXATION — WHO CONTROL FUNDS.

Who controls
funds.

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 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, which shall be collected in money or in orders drawn upon such funds respectively. *Provided*, that the amount or proceeds of all orders which shall be received in payment of taxes, shall be credited to the several and respective funds on account of which such orders were issued. All orders shall be payable to the order of the person in whose favor they may be drawn, and shall be transferable by endorsement. No tax certificates shall be received in payment of taxes.

TAXATION FOR GENERAL PURPOSES.

Taxation for
general pur-
poses.

SECTION 2. The common council shall levy annually, to defray the current expenses of said city, a sum not exceeding fifteen mills upon the dollar of the total assessed valuation of all taxable property in said city, and for all other purposes, except for schools and bridges; and the payment of principal and interest of outstanding bonds, debts and obligations of said city a sum not exceeding five mills upon a dollar of the said valuation.

NO EVIDENCE OF DEBT TO BE ISSUED.

No evidence of
debt to be is-
sued.

SECTION 3. The common council 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 especially authorized by law, nor shall the common council issue in any one year, orders upon the city treasurer to an amount greater than the amount of taxes which may be levied under the provisions of this act; *provided*, that whenever it shall be necessary to rebuild or repair bridges, a special tax may be levied for such purpose, not exceeding five thousand dollars in any one year. Said taxes, when so

levied, shall be collected at the same time as other city taxes are collected.

MAY LEVY TAX FOR SPECIAL PURPOSES.

SECTION 4. Special taxes may also be levied by the city council at any regular meeting for the purpose of paying the interest or principal of any outstanding bonds now due or hereafter to become due, issued by the borough or the city of Green Bay, 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 will be due on such bonds at the time such tax shall be collectible by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes. Said taxes when so levied shall be collectible at the same time as other city taxes are collected.

Levy for special purposes.

APPROPRIATIONS FOR PUBLIC PURPOSES.

SECTION 5. The common council of said city by a two thirds vote of all the aldermen elect and not otherwise shall have power to appropriate a sum not exceeding five hundred dollars to any public purposes they may deem proper.

Appropriation.

MAY SELECT DEPOSITORY FOR CITY FUNDS.

SECTION 6. When the common council shall think best they may select some bank, banks, or banking associations within the city with which all funds in the treasury of the city, or which shall be thereafter collected or received by the treasurer, shall be deposited; provided, however, that such bank, banks, or banking association so selected shall, before receiving such funds, give security to an amount fixed by said council, and in the same manner as is now required of the treasurer of said city, conditioned upon the safe keeping and proper distribution of such funds, which security shall be approved by the common council.

Depository for city funds.

TREASURER TO DEPOSIT FUNDS.

SECTION 7. The city treasurer shall daily deposit with the bank, banks or banking association so selected, all moneys collected or received by him during the day, it or they giving proper vouchers therefor. From the times of so depositing such funds the said treasurer shall be relieved from all liability to the city arising from the failure of the bank, banks or banking associations safely to keep said funds. Such funds

Treasurer to deposit funds.

shall be drawn out only by the check of said treasurer countersigned by the city clerk.

MAY RECEIVE INTEREST ON CITY FUNDS DEPOSITED.

Interest on funds.

SECTION 8. The common council may, before or after so selecting a depository or depositories, contract with such bank, banks or banking association, that it or they shall pay to the city such interest upon said funds so to be deposited as they may mutually agree upon. The council may at any time direct all sums so deposited to be paid into the city treasury, or to such other bank or banks as they may select under the law.

PROPERTY SUBJECT TO TAXATION.

Property subject to taxation.

SECTION 9. All property in said city, real, personal and mixed, except such as may be exempt by the laws of the state, shall be subject to taxation for all purposes authorized by law; and the same shall be assessed annually by the assessor elected under this act. In making such assessments and his return thereon, and in making re-assessments or assessing property omitted previous years, the said assessor shall have the same powers and be subject to the same duties as town assessors, and shall in all things be governed by the general laws of this state in relation to the assessment of taxes, 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 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.

NO PROPERTY EXEMPT FROM SPECIAL TAXES.

No property exempt.

SECTION 10. Real estate exempt from taxation by the laws of this state shall be subject to special taxes for sidewalk, sewer and street improvements on the same

TAXES TO BE A LIEN UPON PROPERTY.

Taxes a lien on property.

SECTION 11. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the tenements upon which they may be assessed from the time of the final completion of the assessment roll, and on all personal property of any person or body politic assessed for personal taxes from the date of the warrant for collection thereof, until such tax shall be paid, and no transfer of such real or personal property shall affect such lien.

COMPLETION AND RETURN OF ASSESSMENT ROLL

SECTION 12. The assessor shall complete and return his assessment roll to the board of review of said city, on or before the first Monday in August each year. During the last week of the month of July, in each year, the assessor shall attend at the chambers of the common council for the purpose of hearing the complaints of persons who may feel themselves aggrieved by such assessment, and shall make alterations and such amendments thereto as justice and equity may require.

Completion of assessment roll.

LANDS OMITTED TO BE RE-ASSESSED

SECTION 13. In all cases of the re-entry of real estate omitted from assessment for previous years, and in all cases where property shall be re-assessed or re-assessable as provided by the general laws of this state, the common council shall, in addition to the taxes of the current year, levy and collect such taxes as such omitted lands ought properly to have paid, in case they had not been omitted or such re-assessment had not been necessary.

Lands omitted to be re-assessed.

BOARD OF REVIEW.

SECTION 14. The mayor, clerk and assessor shall constitute a board of review, and shall meet at the chambers of the common council on the first Monday of August in each year, and shall proceed in all respects as town boards are by law required to proceed.

Board of review.

ASSESSMENT ROLL TO BE FILED WITH CLERK.

SECTION 15. After the corrections and revisions of the assessment by the board of review the same shall be filed with the city clerk, who shall record all changes made therein by said board; the common council shall thereupon, by resolution, levy such sum or sums of money not exceeding the authorized percentage as may be sufficient for the several purposes for which taxes are herein authorized to be levied, particularly specifying the purposes for which the same are levied.

Assessment roll to be filed with clerk.

CLERK TO COMPLETE TAX ROLL.

SECTION 16. The city clerk, on receiving the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, shall calculate and carry out the total amount of such taxes, together with all the city and other local taxes, setting down opposite to the several sums set

Clerk to complete tax roll.

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.

DUPLICATE COPY FOR TREASURER.

Duplicate copy
for treasurer.

SECTION 17. Upon completion of said roll, the clerk shall make a duplicate copy thereof, and deliver the same to the city treasurer on or before the second Monday in December each year. To the roll so delivered shall be annexed a warrant, under the hand of the clerk and the corporate seal of the city, which warrant shall be substantially in the form prescribed by the general laws of this state, to be delivered to town treasurers.

ASSESSMENT ROLL AS EVIDENCE.

Assessment
roll as evi-
dence.

SECTION 18. The said 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.

MAY ALTER COMPLETED ROLL.

May alter com-
pleted roll.

SECTION 19. After the assessment roll is completed and placed in the hands of the city treasurer for collection, it shall not be lawful for the common council to remit, annul or cancel any tax charged against any real or personal property except in the following specified cases.

1st. When a clerical error has been made in descriptions or transfer of the property from the original assessment lists or books to the tax roll or in the extension of the tax.

2d. When improvements by the erection of buildings have been assessed on lots or lands when none had been made at the time fixed by law for making the assessments.

3d. When the tax is manifestly illegal and void by reason of the exemptions of the property from taxation by law.

TREASURER TO COLLECT—HIS FEES.

Treasurer's
fees.

SECTION 20. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions, as town treasurers, except as otherwise provided in this act. The city treasurer shall charge and collect no fees whatever on any tax paid on or be-

fore the tenth day of January in each year, and upon all taxes paid after that day, he shall charge and collect two per cent. fees to be added to the amount of taxes, and collected with the same; and all fees so collected by him shall be paid into the general fund of the city.

WHEN SHALL MAKE DELINQUENT LIST.

SECTION 21. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Brown county, a list of all lands, lots and personal property upon which taxes have not been paid, and shall add to said taxes remaining unpaid five per cent. upon all delinquent lands or lots so returned by the city treasurer to the treasurer of Brown county, and shall make return of said taxes with said five per cent. added, and shall also settle with and pay over all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required of town treasurers; and all the provisions of the general laws of this state shall extend to and may be enforced to collect any delinquent personal property tax, of whatever year, now due to said city.

When delinquent list shall be made.

WHO TO SELL DELINQUENT LANDS.

SECTION 22. The county treasurer shall sell all delinquent lands and lots returned from the city of Green Bay, at the same time and in the same manner as other delinquent lands are sold in said county.

Who to sell lands.

OF ERRORS.

SECTION 23. No error or informality in the proceedings of any of the officers in assessing property, levying or collecting taxes, or making return of unpaid taxes, not affecting the substantial justice of the tax itself, shall invalidate, or vitiate, or anywise affect the validity of the assessment or tax.

Error.

OF TAX CERTIFICATES.

SECTION 24. All tax certificates belonging to the city of Green Bay shall continue and remain the property of the city, and may be sold and transferred by the city treasurer in the same manner as heretofore, and nothing contained in this act shall be construed so as to limit the right now existing in such treasurer to make such sale or transfer, nor shall any repeal, amendment or alteration of the said city charter by this act in any manner change the mode or limit the

Tax certificates.

right now existing in the city treasurer to receive redemption money, issue redemption certificates, cancel tax certificates, and issue tax deeds in case of all tax sales of real estate made by the said treasurer prior to the first day of August, 1880, but in respect thereto he shall have, exercise and perform all the right, power and duty as fully and in the same manner as though this act had not been passed.

SECTION 25. All the general laws of this state which now or hereafter may be in force, relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided. The city treasurer shall proceed to enforce the collection of all taxes and assessments in the manner provided by law for the collection of taxes by town treasurers, except as herein otherwise provided.

CHAPTER XI.

ACTION TO RECOVER PENALTIES, ETC., TO BE IN NAME OF CITY.

Action 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 regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

PROCESS

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

SUMMONS — FORM.

Form.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form :

County of Brown, City of Green Bay — ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the chief of police of the city of Green Bay:

You are hereby commanded to summon A. B., if he

shall be found within your county, to appear before the undersigned _____, in and for said city, at his office in said city, on the _____ day of _____, 18—, at _____ o'clock in the _____ noon, to answer to the city of Green Bay, to the damage to said city, two hundred dollars or under.

Given under my hand at the said city this _____ day of _____, 18—. C. D. _____.

SERVICE AND RETURN OF SUMMONS.

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be 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.

COMPLAINT—FORM.

SECTION 5. When the actions commenced by summons, the complaint may be substantially in the following form: Forms.

The City of Green Bay against A. B. In _____ Court, before C. D., _____.

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 said _____ is now in force. By reason of such violation an action hath accrued to the city of Green Bay 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.

COMPLAINT UPON OATH FOR WARRANT.

SECTION 6. In all cases where oath is made for a warrant, the complaint shall be made on oath, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form:

The city of Green Bay against A. B., in _____ court, before C. D., _____ County of Brown— ss.

_____, being duly sworn, complains on oath to C. D., _____ in and for the city of Green Bay, 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 this complainant verily believes, and prays that said A. B. may be arrested and held to answer to said city of Green Bay therefor.

Sworn and subscribed to, this — day of —, 18—, before me.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated, or particular part thereof 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.

County of Brown, City of Green Bay—as:

The State of Wisconsin, to the sheriff or any constable of said county, and to the chief of police of the City of Green Bay, greeting:

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 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 full force, as the complainant believes; therefore, you are commanded to arrest the body of said A. B., and bring him before me forthwith to answer to the city of Green Bay on the complaint aforesaid. C. D., —.

Upon the 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 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 common jail of Brown county. The complaint as aforesaid shall be the only complaint required, and the answer of not guilty shall put in issue all subject matter embraced in the action.

COPIES AS EVIDENCE.

Copies as evidence.

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, or 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.

ATTENDANCE OF WITNESSES AND JURORS.

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

Attendance of witnesses and jurors.

FINDINGS OF COURT.

SECTION 9. In city prosecutions the findings of the court 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 other cases 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, for non-payment, 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:

Findings of court.

County of Brown, }
 City of Green Bay } ss.

Forms.

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

Whereas, the said city of Green Bay, on the — day of —, 18—, recovered a judgment before the undersigned, — —, in and for said city, against — —, 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 or by-law or regulation of said city, describing it by its title): You are hereby commanded to levy distress of the goods and chattels of the said — —, excepting such as the law exempts

and make sale thereof according to law to the amount of said sums, 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 ——— and him convey and deliver to the keeper of the common jail in Brown county; and said keeper is hereby commanded to receive and keep in custody in said jail, the said ——— 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—,
C. D.

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

APPEAL, ETC.

Appeal.

SECTION 10. Any 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, in the manner provided by the general laws of this state for appeals from justices' courts in criminal cases. 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 a copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment as in other cases before justices of the peace.

APPEAL, HOW TRIED.

Appeals, how tried.

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.

JUDGMENT TO BE ENTERED ON CONVICTION.

Judgment to be entered on conviction

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 ordinances, resolution, by law, or regulation under which he or they are prosecuted, and enter

judgment against him or them and their sursties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

NOT TO WORK INCOMPETENCY

SECTION 13. No person shall be an incompetent judge, justice, witness 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.

Not to work in-competency.

ORDINANCES TO REMAIN IN FORCE.

SECTION 14. All ordinances and regulations now in force in the city of Green Bay, 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.

Ordinance to remain in force.

PREVIOUS ACTIONS VESTED IN CITY.

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

Previous actions vested in city.

PRESERVATION OF BRIDGES.

SECTION 16. The general laws for the preservation of bridges and the punishment provided by such laws for wilful and malicious injuries done thereto are hereby extended to and shall include all of the bridges erected or owned by said city over the Fox and East rivers, and shall apply to any wilful or malicious damage which may be done to either of them by any person or persons whatever; and the common council of said city may, from time to time, make such by-laws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage done to any of said bridges by any vessel or water craft, or by the master or any person in command thereof, such vessel or water craft may be proceeded against by the said city under the law to provide for the collection of demands against boats and vessels which does now or may hereafter exist.

Preservation of bridges.

HOW PROCESS SERVED AGAINST CITY.

SECTION 17. When any suit or action shall be commenced against said city, the service thereof 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 the

Serving process against city.

said mayor or clerk so served, forthwith to inform the city attorney thereof, or to take proceedings as by ordinance or resolution of said council may be in such cases provided. Judgments against said city shall be collected in the same manner as judgments against towns.

PENALTIES, ETC., TO BE PAID INTO THE TREASURY.

Penalties.

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 8 of this act.

EXECUTION NOT TO BE ISSUED AGAINST CITY PROPERTY.

Execution against city.

SECTION 19. No execution or attachment in any legal proceedings shall be issued or levied upon or against any property belonging to the city of Green Bay. Nor shall private property in said city be subject to levy or seizure upon attachment or execution, issued to collect or satisfy any contract, debt, obligation, demand or judgment against said city.

MISDEMEANORS OF CITY OFFICERS AND THEIR PUNISHMENT.

Misdemeanors.

SECTION 20. Every member of the common council of the city of Green Bay, who shall directly or indirectly vote to himself, or knowingly to any other person, any sum of money for any other purpose whatever, in violation of the city charter or any amendment thereto, or shall ask or receive any compensation for doing any official act, except as inspectors of elections, member of the board of registry, and a member of the board of review; any member of the common council or other city officer who shall be directly or indirectly interested in any contract made with or in behalf of the city, and any member of said council or other city officer, who shall directly or indirectly purchase, or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted by complaint before the police court, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days nor less than ten days, or both, at the discretion of the court.

CHAPTER XII

MISCELLANEOUS.

CONTRACTS FOR WORK TO BE LET TO THE LOWEST BIDDER.

SECTION 1. All contracts for work ordered by the common council shall be let to the lowest reasonable responsible bidder, who shall have complied with the requirements hereinafter set forth. All bids or proposals shall be sealed and directed to the common council, and shall be accompanied with a bond to the city of Green Bay, in the penal sum of one-third the city's estimate of the cost of the work, which bond shall be signed by the bidder, and by a responsible surety, who shall make affidavit that he is worth the penal sum of such bond, over and above all his debts, liabilities and exemptions; such bond shall be conditional that such bidder will execute a contract, at such time as the common council shall require, with satisfactory sureties, to perform the work specified; said bond may be prosecuted in the name of the city, and judgment recovered thereon for the full amount of the penalty thereof as liquidated damages in any court having jurisdiction of the action; provided, that the penal sum of any bond in this section required to accompany a bid need in no case exceed the sum of one hundred dollars.

Miscellaneous provisions.

CONTRACTS TO BE EXECUTED BY SURETIES.

SECTION 2. No contract shall be entered into by the city unless the same shall be executed by two or more sureties for the contractors, guaranteeing to the satisfaction and approval of the proper authorities the performance of such contract by the contractors, each of which sureties shall make an affidavit indorsed on or attached to such contract, that he is worth the estimated amount of money to be paid on such contract, over and above all his debts, liabilities and exemptions. Whenever the lowest bid for any work to be let by said city shall appear to the said council to be unreasonably high, the said council is authorized to reject all bids therefor, and to relet the work anew.

Contracts to be executed by sureties.

BARRIERS AND LIGHTS.

SECTION 3. Whenever the city shall let any work or improvement which shall require the digging up, use or occupancy of any street, alley, highway or public ground within said city, there shall be inserted in

Barriers and lights.

the contract therefor substantial covenants requiring such contractors during the night time, and during all times when work thereon is suspended, to put up and maintain such barriers and lights as will effectually prevent the happening of any accident in consequence of such digging up, use or occupancy of said street, alley, highway, or other public grounds for which the city might be liable, and also such other covenants and conditions as experience has proved or may prove necessary to save the city harmless from damages; and it shall also be provided in such contracts that the party contracting with the city shall be liable to said city for all damages occasioned by the digging up, use or occupancy of the street, alley, highway or public grounds or which may result therefrom, or which may result from the carelessness of such contractor, his agents employes or workmen.

TO BE SECURED AGAINST JUDGMENTS, ETC.

Security
against judgments.

SECTION 4. Whenever any work or improvement shall be let by contract to any person or persons, firm or corporation, covenants shall be inserted in such contract, binding such person or persons, firm or corporation, and the sureties, to save and indemnify and keep harmless, the said city against all liabilities, judgments, costs and expenses which may in anywise come against said city in consequence of the granting of such contract, or which may in anywise result from the carelessness or neglect of such person or persons, firm or corporation, or his or its agents, employes or workmen, in any respect whatever.

APPROPRIATION OF MONEY.

Money appropriations.

SECTION 5. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

REMITTAL OF PENALTIES AND JUDGMENT.

Remittal of penalties.

SECTION 6. 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. The common council may by an affirmative vote of two-thirds of the aldermen elect, the mayor concurring, grant pardons or commutations, after conviction, for all offenses against the ordinances of the city, upon such conditions as they may deem proper.

SURVEYS OF STREETS, ETC.

Surveys of streets.

SECTION 7. The common council may at any time cause a new and accurate survey to be made of the

line and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent landmarks as they may deem necessary, and to 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.

SURVEYS TO BE EVIDENCE.

SECTION 8. The surveys and landmarks 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.

Surveys to be evidence.

ESTABLISH GRADE OF STREETS.

SECTION 9. The common council may, at such time as it may deem proper, establish the grades of all the streets, alleys and sidewalks in said city, or any or either of them, and shall cause accurate profiles thereof to be made, which shall be filed in the office of the city clerk; and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom shall be paid by the city to the owners of lots or parcels of land, or tenements which may be affected or injured in consequence of the alteration of such grade.

Grade of streets.

CITY MAY HOLD PROPERTY.

SECTION 10. The said city may have, purchase or 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.

City may hold property.

EXECUTION OF LEASES, ETC.

SECTION 11. When the city of Green Bay 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 Green Bay, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Executions of leases.

THE MAYOR TO EXECUTE LEASES.

SECTION 12. The mayor of said city is hereby authorized, when the common council shall, by a two-thirds vote, so direct, and shall, by ordinance or resolution, describe the real estate and interest to be conveyed, 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 counter-

Mayor to execute leases.

signed 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.

DEEDS AND LEASES TO BE RECORDED.

Deeds to be recorded.

SECTION 13. 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, in all courts of this state, be prima facie evidence of the authority of the mayor to make and execute such deed or lease.

FAILURE OF ELECTION NOT TO SUSPEND CORPORATION.

Failure of election not to suspend corporation.

SECTION 14. If any election by the people or common council shall, for any cause not be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein 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 the said act may be done and performed.

GENERAL LAWS NOT TO MODIFY THIS ACT.

General laws not to modify this act.

SECTION 15. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose is expressly set forth in such law.

CITY TO HAVE JURISDICTION OF BRIDGES.

Jurisdiction of bridges.

SECTION 16. All bridges belonging to the city of Green Bay shall be under the jurisdiction of the corporate authorities thereof.

ON RELIEF AND SUPPORT OF POOR.

Relief and support of poor.

SECTION 17. The laws of the state for the relief and support of the poor in towns shall apply to said city of Green Bay, and the common council shall appoint at least three of its number, who shall organize and act as a poor board, with the mayor as president thereof; such board shall be governed by such rules as

the common council may prescribe, and in respect to the poor of the city shall have the same powers, be subject to the same liabilities and governed by the same laws as supervisors of towns.

SALARIES OF CITY OFFICERS.

SECTION 18. The salaries of all city officers of said city shall be paid monthly. Salaries.

APPLICATION OF THIS ACT TO CITY OFFICERS, ETC.

SECTION 19. No member of the common council shall be elected or appointed to any office, agency or place of public trust or profit by the council, except as provided by this act; neither shall the common council sell or authorize the sale of any city order or certificate of indebtedness for the purpose of raising money for the payment of any debt for less than the amount expressed upon the face thereof. Application of this act, etc.

OF SALARIES.

SECTION 20. No compensation or salary shall be paid to the mayor or any alderman of said city, except as provided in section 21 of chapter 11 of this act. Salaries.

REPEALED.

SECTION 21. Chapter 262 of the laws of 1875 and the several acts amendatory thereof, and all other 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 shall not in any manner affect, injure or invalidate any contract, act or suits, claims, penalty 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 of them; but the same shall exist and be in force, and carried out and be completed as fully and effectually, to all intents and purposes, as if this act had not been passed. Repealed.

PUBLIC ACT.

SECTION 22. This is hereby declared a public act, and shall be liberally construed in all courts of this state. Public act.

SECTION 23. This act shall take effect and be in force from and after its passage.

Approved March 18, 1882.