

SECTION 22. This act shall be considered a public act, and shall be in force and take effect from and after its passage and publication.

Approved March 24, 1883.

[No. 94, S.]

[Published March 30, 1883.]

CHAPTER 174.

AN ACT to incorporate the city of De Pere.

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

CHAPTER 1.

CORPORATE POWERS.

SECTION 1. From and after the first Tuesday of April, 1883, the district of country in the county of Brown, contained within the limits and boundaries hereinafter described, shall be a city by the name of De Pere, and the people now inhabiting, and those who shall hereinafter inhabit the district of country herein described, shall be a municipal corporation by the name of the city of De Pere, and shall have the general powers possessed by municipal corporations at common law, and under the revised statutes, and in addition thereto, shall have and possess the powers hereinafter specifically granted, and the authorities thereof, shall have perpetual succession; shall be capable of contracting and being contracted with; suing and being sued; pleading and being impleaded in all courts of law and equity; and shall have a common seal, and may change and alter the same at pleasure.

Corporate name and powers.

SECTION 2. The territory lying in the county of Brown, and within the following limits and boundaries, to-wit: Commencing at the middle of the channel of Fox river, where the north line of private claim number twenty-nine (29), on the east side of Fox river, intersects, or, if extended, would intersect said channel, running thence easterly along said north line of private claim number twenty-nine (29), on the east side of Fox river, to a point eighty-three (83) rods beyond its crossing of the highway known as the "New Ridge Road;" running thence in a straight line at right

City boundaries.

angles to said claim line, to the south line of private claim number thirty-six (36), on the east side of Fox river; running thence westerly along the said south line of said claim number thirty-six (36), to the center of the channel of Fox river aforesaid, and running thence in a northerly direction along the middle of the channel of said river, to the place of beginning, shall comprise the territory and limits of the city of De Pere.

Ward boundaries.

SECTION 3. The said city shall be divided into two wards, as follows: The first ward shall be all that portion of said city lying north of the center of George street, and the north line of said street extended, to the center of Fox river, and the dividing line between private claims number thirty-one and thirty-two, east side of Fox river, where the same intersects said George street; thence easterly on said claim line to the city limits; the second ward shall be comprised of all that portion of said city not included in the first.

Corporate authority, in whom vested.

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

CHAPTER 2.

ELECTIONS, OFFICERS, ETC.

Officers.

SECTION 1. The elective officers of said city shall be a mayor, treasurer, assessor, city clerk and two justices of the peace for the city at large, three aldermen and one constable for each ward. All other officers necessary for the proper management of the affairs of said city, shall be elected by the common council.

Terms of elective officers.

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.

Elective officers shall be qualified electors.

SECTION 3. All elective officers shall be qualified electors of said city.

Annual election, when held.

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 a paper published in said city, of the time and place of holding such elections, and of the city and ward officers to be elected.

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.

Qualified electors.

SECTION 6. All the 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.

Elections shall be by ballot.

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.

How elections shall be conducted.

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 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.

Canvass of votes.

SECTION 9. The common council shall have power, for due cause, to expel any of their number. The mayor shall have power to suspend the marshal or any other 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,

Powers of council and mayor.

may be removed at the pleasure of the council, by a two-thirds vote of the aldermen elect.

What is deemed a vacancy.

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.

How vacancies are 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.

Special election to fill vacancies.

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.

Supervisors to represent city on county board.

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.

CHAPTER 3.

OFFICERS AND THEIR POWERS.

Duties of officers and their powers.

SECTION 1. Every person elected or appointed to any office under this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed by the constitution, and file the same, duly certified by the officer taking the same, with

the city clerk, and the clerk, marshal, constables and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of De Pere, a bond, with two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, liabilities or executions, [exemptions] and said bond shall contain such penal sum and such conditions, as the council may deem proper. The treasurer, before entering upon his duties, shall also execute a bond, with at least two, nor more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount, over and above all debts, liabilities or executions, [exemptions] and the aggregate of such amounts, shall at least exceed the penal sum specified in such bond. The council may, from time to time, require new or additional bonds from the treasurer or other officer of the city, and the council may remove from office, any officer refusing or neglecting to give the same. Justices of the peace, shall qualify in the same manner as in towns, except that their bonds shall be approved by the common council.

SECTION 2. The mayor shall, when present, ^{Duties of mayor.} _{or.} preside over the meetings of the common council. He shall take care that the laws of the state and ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police force of the city; and in case of riot or other disturbance he may appoint as many special or temporary constables as he may deem necessary. He shall have the authority to remove the marshal for inefficiency or neglect of duty, and appoint some one to fill the vacancy, but such removal and appointment, shall be subject to the ratification or approval of a majority of the common council. The mayor shall have a vote in the council only in case of a tie.

SECTION 3. At the first meeting of the council ^{Election of} after its election in each year, it shall proceed to _{president.}

elect, by ballot, one of its members president, and in the absence of the mayor, the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of mayor. In case both the mayor and president shall be absent from any meeting of the common council, it shall proceed to elect one of its number, a temporary presiding officer, who for the time being shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and any acts performed by them, shall have the same force and validity as if performed by the mayor, but the president of the council or temporary presiding officer, as acting mayor, shall sign no order, warrant or other proceeding whatever, which the mayor theretofore has refused to sign.

Duties of clerk.

SECTION 4. The clerk shall keep the corporate seal, and all 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 filed in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal of the city, shall be evidence in all courts in like manner as if the originals were produced; he shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof, in books provided for that purpose, and perform all necessary acts required of town clerks. Whenever the clerk and his deputy shall be absent from any meeting, the common council may appoint a clerk *pro tem.*, who, for the time being, shall be vested with the powers and duties of the clerk. The city clerk shall have power and authority to administer oaths and affirmations, and may appoint a deputy in writing, under his hand, and file such appointment in his office, and such deputy in case of absence or disability of the clerk, shall act in his place.

SECTION 5. The treasurer shall perform such

duties and exercise such powers, as may be lawfully required of him by the ordinances of said city, or the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, 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. He shall report to the common council, as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report; and also of the state of the treasury, which statement, shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition to the powers and duties already specified, shall have the same powers and duties, and be subject to the same liabilities as treasurers of towns.

Duties of
treasurer.

SECTION 6. The city marshal shall possess all the powers and authority of constables of towns, and be subject to the same liabilities. It shall be his duty to execute 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 laws of this state, may pursue and serve all writs and processes in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend, with or without warrant, any person in the act of committing any offense against any ordinance of said city or laws of this state, and forthwith bring such person before competent authority for examination; and for such services he shall receive such fees as are allowed by law to constables for like service. He shall do and perform all such duties as may lawfully be enjoined on him by the mayor, common council or ordinances of said city. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties. The marshal shall be appointed by the common council as soon as it shall organize, and it may, at the time of his appointment, or afterwards, allow him such further compensation than above described, as it may deem prudent.

Duties of
marshal.

SECTION 7. The common council may, at its first

Duties of
city attorney.

meeting, elect a city attorney, to conduct the law business of the corporation, but the council may omit such election, and when necessary, provide or employ such an attorney, or counsel as it may desire. The city attorney, if there be one, shall, when required, furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the common 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, 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 member or committee of the common council. It shall also be the duty of the city attorney, when required by the common council, to draft all ordinances, bonds, contracts, leases, conveyances and other instruments in writing necessary to the business of the city government, and to perform such other duties, as may be prescribed by the charter and ordinances of said city. He shall receive such reasonable compensation as may be agreed upon, for services rendered.

Other duties
may be re-
quired of any
officer.

SECTION 8. The common council shall have power from time to time, to require other and further duties to be performed, by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by it, where the compensation is not fixed by the statute or this charter. The council shall, at least ten days before the annual charter election in each year, fix by resolution, the salary which shall be paid to the clerk and assessor for the ensuing year, and such salary, shall not be increased or diminished during the term of the officer elected. Neither shall extra compensation be granted, except by unanimous vote of the council, approved by the mayor. For the year 1883, such compensation shall be fixed by the common council within ten days after it shall organize, and the notice of the first election held under this charter, may be given by the acting village clerk, and the inspectors thereof, may be appointed by the persons acting as the board of trustees of the present village of De Pere.

Salaries of
clerk and
assessor.

SECTION 9. If any person, having been an offi-

cer in said city, shall not, within ten days after notification and request, deliver to his successor in office, all property, books, papers and effects of every description in his possession, belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one hundred dollars (\$100), besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by laws of the state.

Penalty for refusal to deliver to successor.

SECTION 10. No mayor or alderman shall be a party to, or interested in, any job or contract with the city, and any contract in which they, or either of them, may be so interested, shall be null and void, and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid, from the parties to such contract, and the mayor or aldermen interested in the same, or either, or any one of them.

No officer shall be interested in any job or contract.

SECTION 11. The mayor or acting mayor, and each and every alderman, justice of the peace, marshal, constable 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 purpose, may command the assistance of all bystanders and other citizens; and if any person, bystander or citizen shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of five dollars (\$5); and in cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings.

Officers of the peace enumerated.

SECTION 12. All actions brought to recover any penalty or forfeiture under this charter, or the ordinances, by-laws, police and health regulations made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and determined by, or before any justice of the peace in the city. All fines and penalties collected by any justice in such cases, shall be paid over to the city treasurer. Each justice of the peace shall report to the common council, on the first Monday in January, April, July and Octo-

Actions to be under corporate name of city.

ber in each year, a statement of all such fines and penalties collected by him, and at the same time pay over the amount thereof, to the city treasurer, except as above mentioned.

Resignations.

SECTION 13. Any officer may resign his office by filing his written resignation with the clerk, and such resignation shall take effect, and his office shall be deemed vacant, from the time such resignation shall be accepted by the common council.

No city officer shall be accepted as surety on any bond.

SECTION 14. No alderman or other city officer, shall be accepted as surety upon any bond, note or obligation made to the city, nor shall any officer, required to give bonds as aforesaid, enter upon the discharge of the duties of his office, until such bond shall have been filed and approved, as by this act provided.

CHAPTER 4.

THE COMMON COUNCIL, ITS POWERS AND DUTIES.

Style of ordinances.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The mayor and common council of the city of De Pere do ordain." The common council shall hold its first annual meeting each year, on the second Monday in April, and thereafter stated meetings upon the first Monday of each and every month, during the year. A majority of the aldermen shall constitute a quorum.

Special meetings, how called.

SECTION 2. The common council shall hold special meetings by order of the mayor, or written request of two aldermen, by notice to each of the members, to be served personally or left at their usual places of business or abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualifications of its own members, and have power to compel the attendance of absent members, and to enforce its rules, to punish by fine, by a vote of two-thirds of its members, any member for disorderly or contemptuous conduct, and by a vote of two-thirds of its members, may expel any member for cause.

Council to have control of finances.

SECTION 3. The common council shall have the management and control of the finances and of all the property of the city; and shall likewise in addition to the powers herein vested in it, have full power and authority to make, enact, ordain, es-

tablish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health thereof, as it shall deem expedient, declaring and imposing penalties, and to enforce the same, against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and to have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinance, resolution or by-laws:

1. To license, regulate, suppress and prohibit the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement and removal of all nuisances, under the ordinances or at common law, and may grant licenses for, and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same; provided, that the license for so dealing in, or vending spirituous, vinous or fermented liquors, shall not be less than seventy-five dollars (\$75.00), nor more than three hundred dollars (\$300.00), per annum. Such licenses shall not be granted for a longer term than one year, and shall run from the first day of May and to expire on the first day of May; provided, however, where 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.

To license shows, saloons, etc.

2. To restrain and prohibit all descriptions of gaming, and fraudulent devices and practices, and playing of cards, dice, or other games of chance for the purpose of gaming, in said city, and to restrain any person from vending, giving, or dealing in spirituous, fermented or vinous liquors or drinks, unless duly licensed by the common council.

Gambling.

3. To prevent any riots, noise, disturbance, or disorderly assemblages; to suppress and restrain disorderly houses, or groceries, and houses of ill-

Riots and noise.

- fame, and to authorize the destruction of all instruments used for the purpose of gaming.
- Unwholesome places.** 4. 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.
- Slaughter houses and gunpowder.** 5. To direct the location and management of slaughter houses and markets, and to regulate the storage, safe-keeping and conveying of gunpowder or other combustible materials.
- Encumbering of streets.** 6. To prevent the encumbering of streets, sidewalks, lanes, alleys and bridges with carriages, carts, wagons, sleighs, boxes, lumber, firewood, logs, or any other material or substance whatever, and to prevent the loading and unloading of lumber, logs, shingle, bolts, or other material or substances, of whatever name or kind, upon the bridges in said city, or extending across Fox river between said city and any point on said river opposite to said city.
- Horse racing, swimming, etc.** 7. To prevent horse racing, and immoderate riding or driving in the streets, and upon any and all bridges, and to regulate the places of bathing and swimming in the waters within the limits of said city.
- Restrain cattle.** 8. 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.** 9. To prevent the running at large of dogs and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.
- Unwholesome substances.** 10. To prevent any person from bringing, depositing or having within the limits of said city, any putrid carcass or other unwholesome substance and to require the removal of the same by the owner thereof, or by the person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, and, on default, to authorize the re-

moval thereof by some competent officer at the expense of such person or persons.

11. To regulate, license and suppress omnibuses, hacks, cabs, drays, carts, and to regulate the charges of omnibus drivers, hackmen, cabmen, draymen and cartmen in the city. License hacks.

12. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and return the bills of mortality, and to exempt burial grounds set apart for public use from taxation. Boards of health.

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

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

15. 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 common council, dangerous to the city or any property therein, or annoying to the citizens thereof. Fire-arms and crackers.

16. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Restrain drunkenness.

17. To restrain and regulate runners and solicitors for stages, public houses, or other establishments, and to make rules and ordinances for the government and regulation of the police of said city. Runners, solicitors, etc.

18. 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. Public markets.

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

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

21. To compel the owners or occupants of buildings or grounds to remove snow, dirt or rub-

bish from the sidewalks, street or alleys opposite thereto, and to compel such owners or occupants to remove from the lot owned or occupied by them, all such substances as the board of health may direct; and on their default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owners or occupants.

Infectious diseases.

22. To regulate, control and prevent the landing or passing through said city, of persons from boats, vessels, cars or stages, who are infected with contagious or infectious diseases or disorders, and to make such disposition of such persons and their property as to preserve the health of said city.

Auctioneers.

23. To license auctioneers and transient dealers, and to regulate the time, place and manner of holding public auctions or vendues, and to require the payment into the city treasury of a certain percentage of amounts received from sales by auctioneers or transient dealers, or the payment of a license, or both, as the council shall determine.

Watchmen and policemen.

24. To appoint watchmen and policemen and prescribe their duties.

How ordinances shall be passed.

SECTION 4. All laws, ordinances, regulations and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council, and all ordinances, before the same shall be in force, shall be signed by the mayor, and shall be published once a week for three successive weeks, in the newspaper selected by the council, printed in said city, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk, in books to be provided for that purpose; but before the said laws, ordinances or regulations shall be recorded, the publication thereof respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

When to 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.

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 common 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 five 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 power defined.

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.

Rescinding votes.

SECTION 8. The power conferred upon the said council, to provide for the abatement or removal of nuisances, shall not bar nor hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, and houses of ill-fame, are hereby declared and shall be deemed public or common nuisances.

Shall not bar or hinder suits.

SECTION 9. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal, and all other officers and agents of the city, at such time as it may deem proper, also at the end of each year, and before the term for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts, moneys and vouchers, for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of his duties, in pursuance of this section, or shall wilfully neglect or refuse to render his accounts, or present his mon-

Council shall audit accounts.

eys, books 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 may order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

Appointment
of standing
committees.

SECTION 10. The mayor, at the first regular meeting of the common council in each year, shall appoint standing committees as follows: On streets and sidewalks, on bridges, on accounts, on finances and taxation, on ordinances, on fire department and public buildings and grounds, from the common council; and also a board of health and fire wardens from the members of the common council or otherwise, and such other committees as the ordinances of said city or common council may determine.

No compensa-
tion.

SECTION 11. No compensation or salary shall be paid to the mayor or any alderman of said city, except such fees as are now or may be hereafter allowed by law.

Contracts to be
let to lowest
bidder.

SECTION 12. All contracts for work ordered by the common council of said city, in which the amount thereof shall exceed the sum of one hundred dollars (\$100), shall be let to the lowest reasonable and responsible bidder who shall have complied with the requirements hereinafter set forth. All bids and proposals shall be sealed and directed to the common council, and shall be accompanied with a bond to the city of De Pere in the penal sum equal to the amount of the bid conditioned, which bond shall be signed by the bidder and by a responsible surety, who shall justify that he is worth the sum mentioned in such bond, over and above all his debts, liabilities and exemptions; such bond shall be conditioned that such bidder will execute a contract at such time as the common council shall require, with satisfactory sureties, to perform the work specified; and in case of failure 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.

CHAPTER 5.

OPENING OF STREETS, ALLEYS, ETC.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to enlarge or extend the same, and to use the land in said city for the purpose of constructing and repairing sewers and drains, as follows: Whenever ten or more freeholders residing in the city shall, by petition, represent to the common council that it is necessary to take certain lands within the city for public use, for the purpose of laying out public squares, grounds, streets or alleys, or enlarging or widening the same, or to use certain lands within the city for the purpose of constructing and repairing sewers and drains, giving the course and distances, metes and bounds of the lands proposed to be taken or used as aforesaid, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, the common council shall, if it deem it necessary to take and use such lands for the purpose specified in such petition, cause notice of such application to be given to the owner or owners of such land, in case such owner or owners, shall reside in the county of Brown, and to the occupant or occupants of such land, if any there be, which notice may be served personally or by leaving the same at the place of business or at the residence of such owner or owners, occupant or occupants; or if a portion of said lands shall not be in the actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in a public newspaper printed in the city of De Pere, for four successive weeks, at least once in each week.

Opening streets
and alleys.

SECTION 2. Such notice shall state that on a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge of the county of Brown for the appointment of six jurors to view said premises, and to determine whether it will be necessary to take or use the same for the purposes specified in said petition, and if so, to assess damages. Should any of the lands proposed

What notice
shall contain

to be taken or used, belong to the county judge, the application shall be made to the sheriff of the county.

**Appointment
of jurors.**

SECTION 3. Upon presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or sheriff, as the case may be, shall thereupon appoint as jurors six reputable freeholders, residents of the city, and not interested in the result of such application. The said judge or sheriff shall thereupon issue his precept, directed to said jurors, requiring them within thirty days from the date thereof to view such premises, to be specified in said precept, and to make return under their hands to the common council, whether in their judgment it is necessary to take or use said premises for the purposes specified in such application.

**In case any
juror is dis-
qualified.**

SECTION 4. If any juror so appointed shall be disqualified from acting, or shall refuse to act, at any time before the completion of their final award, the judge or sheriff shall appoint others in their place, and a memorandum of such substitution shall be indorsed on the precept.

**Jurors shall
view premises.**

SECTION 5. The said jurors, having first taken the oath hereinafter provided for, shall, at such times as they may agree, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

**Jurors shall
make a report.**

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take or use the premises in question for the public use; which said report, testimony and precept shall be returned to the common council within the time limited therein.

**Council shall
enter an order
confirming
report.**

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council shall, if it approves such report, enter an order among its proceedings confirming said report, and directing the same jurors, within one month thereafter, or such further time as may be necessary, to again view said premises for the purpose of ascertaining and determining the amount

of damages to be paid to the owner or owners of the property proposed to be taken, and to assess and return within the time limited, such damages to the common council; and after the jurors shall have made their report, as to the taking or use of any lands or premises under this act, and the same have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve, in ascertaining the amount of compensation as above.

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

In case there is a building on premises.

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

Ten days notice to be given.

SECTION 10. If the owner refuse to take the building at the value to remove, or fails to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the city treasurer, for the use of the owner, and shall thereafter be paid over to the owner on his application therefor; provided, it shall be necessary to remove such

In case owner refuses to take building at value.

building for the proper use of the lands so taken or used.

Jurors shall examine premises proposed to be taken.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken and used, and after hearing such testimony as may be offered, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessments and to determine and appraise to the owner or owners, the value of the real estate so proposed to be taken or used, and the injury arising to them respectively, in consequence of the taking or using thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom, for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owners of such lands), as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Jurors shall assess damages separately.

SECTION 12. The jurors shall assess the damages to every person separately, so that their return shall show how much is to be paid for each, and the amount shall be placed opposite their respective names.

If the land or buildings belong to different persons.

SECTION 13. If the lands or buildings belong to different persons, or be subject to lease, judgment or mortgage, or other incumbrance, or if there be any estate in it less than an estate in fee, to such person or interest respectively, the injury done shall be awarded to the person entitled thereto by the jurors, less the benefits resulting to such interests respectively, from the proposed improvements.

Award of jurors shall be signed.

SECTION 14. The award of the jurors shall be signed by them and returned, together with the testimony taken, to the common council within the time limited in their order of appointment, and shall be final unless appealed from in the manner hereinafter provided, and the damages allowed by such award shall be a legal charge against the city.

SECTION 15. The land required to be taken or used for the purposes mentioned in this act shall

not be appropriated until the damages awarded to the owner thereof, shall be paid or tendered to the owner or his agent, or, in case said owner or agent cannot be found or is unknown, deposited to his or their credit, in some safe place of deposit, to be determined by the common council; and then, and not before, such lands may be taken or used and appropriated for the purposes required, and the lands shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out, except in cases where the lands are only used for the purpose of sewers and drains, and then, in that case, the said city shall have the power to go upon said premises at any and all times for the purpose of examining and repairing said sewers and drains

Land shall not be appropriated until damages are tendered.

SECTION 16. When the whole of any lot or tract of land or other premises under lease or other contract or incumbrance shall be taken or used by virtue of this act, all the covenants, contracts, engagements or liabilities relating to the same or any part thereof shall, after the expiration of the time for appeal, as hereinafter provided, respectively cease and be absolutely discharged.

Covenants in land to cease.

SECTION 17. When only part of the lot or tract of land, or other premises so under lease, or other contract or incumbrance, shall be taken or used for the purpose aforesaid, such covenants, contracts or incumbrance shall be absolutely discharged as to the part thereof so taken, or used, but shall remain valid as to the residue thereof; and the rents, considerations, liens and payments reserved payable and to be paid for, in respect to the same, shall be so proportioned that the part thereof, justly and equitably payable for such residue thereof, and no more shall be paid or recoverable for, or in respect to the same.

When only a part is taken.

SECTION 18. The damages assessed on each separate lot or tract shall be paid, or tendered, or deposited as herein required within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case as to any lot or tract on which they are so unpaid, shall be void.

Damages shall be tendered.

SECTION 19. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant or labor under disability, the judge of the circuit court of Brown county,

In case of minor.

or the county judge may, upon the application of the common council, or of such party by his next friend, appoint a guardian for such party, and all notices required by this act, shall be served upon such guardian in the same manner as if he were the party interested.

Jurors shall
take an oath.

SECTION 20. The jurors mentioned in this act shall, before entering on the discharge of their duties, severally take an oath, before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken or used, and that they will faithfully and impartially discharge the trust reposed in them. If any juror shall neglect or refuse to serve after the return of the precept above mentioned, the county judge shall have power to appoint new jurors in place of those who shall so neglect or refuse to serve.

Either party
may appeal.

SECTION 21. The city council, or any party interested may, within twenty days from the return of the jurors to the common council of the benefits and damages so assessed, appeal to the circuit court of Brown county from the decision of said jurors so far as it affects the interests of said appellants. Notice of such appeal shall be filed by the appellant, with the clerk of said court, within twenty days above mentioned, and the issue on such appeal shall be made up and tried in said court in such manner as said court shall direct. If any party other than the common council shall file such notice of appeal, they shall, before the trial thereof, give a bond in such sum and with such sureties as shall be approved by said court, conditional to pay all costs of said appeal, if the appellant shall fail to obtain a more favorable judgment than the award appealed from.

In case the
amount of dam-
ages is changed.

SECTION 22. In case the amount of damages awarded by the jurors shall be increased or diminished upon the final determination of the appeal, the city clerk shall attach to said award a copy of the final judgment therein, and such award shall be considered as to such difference amended thereby.

Survey of
streets to be
made when
laid out.

SECTION 23. Whenever any streets, alleys or public grounds shall be laid out or extended, or sewers or drains constructed under the provisions above, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

SECTION 24. No street or alley, or part thereof, shall be vacated, except upon the petition of the owners of three-fourths of the front upon such street or alley in the block, in, or along which, such street or alley runs; but the boundaries of streets may be changed upon petition to the council by the parties interested. Vacating alleys

CHAPTER 6.

SECTION 1. The common council shall, at their first meeting for organization in each year, choose, by ballot, a street commissioner. Every street commissioner hereafter appointed by the common council, shall, before entering on the duties of his office, give a bond to the city of De Pere, with one or more sufficient sureties, to be approved by the council, in the penal sum of not less than fifteen hundred dollars, (\$1,500) conditioned to render an account to the common council, whenever required by law or the ordinances of said city, or by vote of said council, to safely keep, account for, deliver over when lawfully required, all property of said city that may come into his hands; to use, disburse or pay over as required by law or the ordinance of said city, all moneys that may come into his possession as such officer, to faithfully discharge the duties of said office. Street commissioner and his duties.

SECTION 2. Every street commissioner shall hold his office for the term of one year from the first Tuesday in April of the year in which he is appointed, and shall, on or before the first Monday in November, render an account under oath to the common council, showing the amount of money collected by him as such commissioner, from whom it was collected, showing the amount of money that has been expended, specifying the work for which it has been expended. Such an account shall be rendered as often as the common council shall require. Term of street commissioner.

SECTION 3. The street commissioner shall receive such compensation as the common council shall fix upon for his services, which may be by a per diem or per centage upon the tax collected and expended, as the common council shall determine, and his compensation shall be decided upon at the time of his appointment, and shall not thereafter be changed except in the manner Compensation of street commissioner.

heretofore prescribed for changing compensation of other officers.

Removal of
street commis-
sioner.

SECTION 4. The street commissioner shall hold his office for the the term as stated in section 5, unless sooner removed by the common council for cause which may by a vote of two-thirds of the aldermen declare his office vacant, after giving him due notice and a chance to be heard, and appoint his successor, who shall thereafter be entitled to all the emoluments, writs, records, books, papers, property and effects of every description in the hands of the person so removed.

Return of un-
paid taxes.

SECTION 5. The street commissioner shall return all unpaid taxes, in the manner and form prescribed for such return by the overseer of high ways in towns.

CHAPTER 7.

STREET IMPROVEMENTS.

Improvement
of streets.

SECTION 1. The common council may cause any street or any part of any street, not less than sixteen rods in length, to be graded, paved, macadamized or otherwise improved, or any sidewalk or gutter to be built, upon a petition therefor in writing, signed by at least a majority of all the owners of real estate bounding both sides, and of the owners of at least one-half the frontage of such street or part of street to be improved, or order any sidewalk or gutter on one side of a street to be built, on the petition of a majority of such owners, and of the owners of at least one-half of the frontage on such side; and may order any sidewalk or gutter previously built to be put in repair, or built, when necessary, without petition.

Street tax, how
levied.

SECTION 2. For the purpose of so improving any street, or building, or repairing any sidewalk or gutter, the common council may levy and cause to be collected upon the lots, tracts or parcels of ground on such street or part of a street improved, or on the side thereof where only such sidewalk or gutter is to be built, and upon the owners thereof, a tax sufficient to pay the expense of constructing such improvement as ordered, opposite such property to the center of the street, or such proportion thereof, not less than half, as they shall deem justly assessable to such property, if they shall think the whole ought not to be so

assessed; in which case the remainder of such expense shall be paid from the city treasury. Every such tax for repair shall be for the entire cost of repairs in front of the property so assessed. If any tax levied under this section shall prove insufficient to pay the cost or proportion thereof assessed to such property, the common council may levy an additional tax thereon to make good such deficiency.

SECTION 3. Whenever the common council shall levy any such tax as specified in the preceding section, they shall make out and deliver to the street commissioner of such city a list of the persons and a description of the property taxed, together with a warrant, signed by the mayor and clerk, for the collection and expenditure of such tax, and thereupon the street commissioner shall notify the persons named in such tax list, by publishing a notice two weeks in some newspaper published in said city, and shall specify in such notice a time or times, not less than twenty days, nor more than forty days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials or money; and the persons charged with such tax may, at such time and place as may be required by the said street commissioner, pay their taxes in labor or materials; provided, the labor and materials offered in payment of such taxes are such as may be required by the said street commissioner and done and furnished to his satisfaction.

To be delivered to the street commissioner.

SECTION 4. The street commissioner shall be provided with a book by the city clerk, in which he shall keep an accurate account of all moneys coming into his hands by virtue of his office, the amount received and disbursed by him, the name of every person from whom money or labor is due, the amount paid in money or labor, and a correct account of all expenditures by him made as street commissioner. The book containing the account so kept shall at all times, when required, be furnished for the inspection of the mayor or common council, and ten days before the expiration of his term of office shall be handed to the city clerk, to be filed in his office for the inspection of the tax payers of his district.

Street commissioner to be provided with a book.

SECTION 5. At the expiration of forty days from the date of said notice given by said street commissioner, he shall make out and deliver to

Certified list of unpaid taxes to be delivered to clerk.

the city clerk a certified list of the lots, pieces or parcels of lands in said city upon which any such tax remains unpaid, with the amount of such delinquent tax upon each of such lots or parcels of land, and the said clerk shall add the said delinquent taxes to the next tax roll, opposite to the description of the proper lots, pieces or parcels of lands therein; and such delinquent taxes shall be collected with and in the same manner as other taxes in said city.

Work on delinquent lots to be at expense of city.

SECTION 6. Whenever any lot, parcel or tract of land shall be returned delinquent for any such tax as hereinbefore provided, the common council may cause the work to be done at the expense of the city, to be reimbursed by such tax when collected.

Immediate repairs.

SECTION 7. Whenever the public convenience or safety shall require any sidewalk or gutter, in case of injury or defect, to be immediately repaired, and the cost of the repairs will not exceed the sum of five dollars (\$5), the street commissioner may give written notice to the party subject to the tax for the repairs thereof, if known, and residing in said city, and if unknown and not residents thereof, then may post written notices in three or more public places in such city, that unless such sidewalk or gutter, therein to be specified, be repaired to the satisfaction of the street commissioner within three days thereafter, he will repair the same at the expense of the property; and if the same be not in such time repaired, such commissioner shall so repair and return the cost as a delinquent tax on such property, and the same shall be collected as other delinquent assessments, as hereinbefore provided.

Ornamental trees.

SECTION 8. The common council shall have power to require the owner of any lot or parcel of ground in the city to set out ornamental trees in the street or streets fronting on the same, and in default thereof to cause the same to be done, and to levy a special tax upon such lot or parcel of ground to pay the expense of the same.

CHAPTER 8.

FIRE DEPARTMENT.

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 materials that shall not be considered fire proof, shall be erected, repaired or moved, and to direct that all and any buildings within the limits prescribed shall be made and constructed of such fire proof material, and in such a manner as they may ordain, and to prohibit the removal of buildings into such fire limits, or the removal of any building or buildings situated or located within such fire limits, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of value thereof, and to prescribe the manner of ascertaining such damages.

SECTION 2. The common council shall have power to regulate the building, 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 require the inhabitants to provide as many fire buckets and in such manner and times as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactories dangerous in causing and 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 bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulation for the prevention and extinguishment of fires as the common council may deem expedient, and enforce the provisions of this chapter, and the ordinances under it, by suitable penalties.

Building and construction of buildings, chimneys, etc.

SECTION 3. The common council shall have power to purchase fire engines and other 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 company to be disbanded, and to prohibit their meetings as such when disbanded. Each company

Purchase fire engines.

Exempt from
taxation.

shall be officered and governed by its own by-laws; provided such by-laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city. Every active member of any company in said city shall be exempt from serving on juries and from poll tax and military duty, except in case of war, invasion or insurrection, and whenever a member of a fire, hook and ladder, bucket and hose company shall have served therein for ten years, he shall be entitled to a discharge, signed by the mayor, and shall thereafter be exempt as aforesaid.

Fire tax.

SECTION 4. The common council shall have power to raise a tax each year, not exceeding two mills on the dollar of the taxable property within said city, for fire purposes, the same to be assessed and collected in the same manner as the general tax of said city, and the moneys arising therefrom shall be expended under the direction of the common council of said city for fire purposes.

CHAPTER 9.

PUBLIC SCHOOLS.

Regarding the
public schools.

SECTION 1. All members of the school board now in office in the village of De Pere, shall hold their respective offices as members of the school board for the city of De Pere for the full term for which they were elected, and until their successors are elected and qualified in the manner hereinafter provided. 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 elected under this act shall hold their office for three years, and until their successors are elected and qualified. At the regular meeting of said council in June, 1883, the said council, in addition to electing a commissioner to fill the vacancy that shall then occur by expiration of term of office, shall also elect two additional commissioners, one of whom shall hold office for one year, and one of whom shall hold office for two years, and thereafter said board of education shall consist of five members who shall be elected to hold office for

three years; it being hereby intended that the term of office of no more than two members of said board of education shall expire in any one year. The treasurer of the school district of the village of De Pere as now existing, shall continue to act as school treasurer of and for said city until the expiration of his term of office in June, 1885, and until his successor as such commissioner is elected and qualified, and up to the last mentioned date shall receive and disburse all school funds belonging to said city as hereinbefore he has received and disbursed all school funds belonging to said district. From and after said date the city treasurer shall receive, hold and disburse as a separate fund, all school money belonging to said city as provided in this act; provided, that in case a vacancy occurs in the office of school treasurer, prior to said June, 1885, the city treasurer shall thereupon receive, hold and disburse said school funds.

SECTION 2. The school commissioners elected under the provisions of this chapter shall form the board of education of the city of De Pere, 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.

Board of education.

SECTION 3. The school commissioners shall, at their first regular meeting in July, 1883, 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 three years 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. And said school commissioners shall fill any vacancy in said office at any regular meeting.

City superintendent and his term of office.

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

President of board of education.

orders drawn by the secretary for the payment of teachers' and janitors' wages, and all other incidental and necessary expenses of said board of education. 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 votes shall be taken by ayes and noes, and on any other question the ayes and noes shall be called when any member shall request it; provided further, that in the absence of the president the board shall elect a president *pro tempore*.

Monthly meet-
ings.

SECTION 5. The board of education shall have one regular meeting in each month, upon the first Monday, at such 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 more than one hundred and fifty dollars (\$150), to be paid quarterly, 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.

Duties of board
of education.

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

1. To elect at their regular meeting in July in the years when a vacancy shall occur, a city superintendent of schools; but if such election shall not then be had, the said superintendent shall be elected within fifteen days thereafter.

2. 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.

3. To arrange and determine terms and vaca-

tions 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.

4. 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 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.

5. 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 (\$100) 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.

6. 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 teachers' 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 received from the county school tax during the ensuing year.

Building and
repair of school
buildings.

SECTION 8. Whenever repairs to a larger amount than one hundred dollars (\$100) 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 its opinion, another school house or school houses shall be required, it shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a 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.

Teachers' and
janitors' wages.

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 expenditures authorized by this act.

Shall have no
interest in any
contract.

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.

Duties of city
superintendent.

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

1. 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.

2. To annul a teacher's certificate for cause;

provided, that such teacher shall have the right of appeal to the board of education.

3. To visit each school department of said city at least once a month.

4. 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.

5. To report to the board of education, at each regular meeting, relative to the condition of 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.

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

7. To make such reports to the state superintendent, and at such times and in such manner as the law may require. He shall, between the first and tenth day of September in each year, make a statement of the number of children, male and female designated separately, over the age of four and under the age of twenty years, residing in said city, on the last day of August previous to the day of such report.

CHAPTER 10.

AUDITING ACCOUNTS.

SECTION 1. No account or demand against the city, shall be paid, until it has been audited and allowed, and an order drawn on the treasury therefor. Every such account shall be made out by items, and verified by affidavit, indorsed or annexed, that the same is just, true and correct, and no part thereof paid (or, if paid in part, except as therein stated), and that said account has not been presented before. When an account shall have been audited, the clerk shall indorse on each account the word "allowed" or "disallowed" as the fact is, adding the amount allowed, if any, and specifying the items or parts of items disallowed,

All accounts must be audited before paid.

if disallowed in part only. The minutes, of the proceedings of the council, shall show to whom, and for what purpose every such account was allowed, and the amount. Every such account allowed in whole or in part, shall, with the affidavit thereto, be filed with the clerk, and those of each year consecutively numbered, and have indorsed the number of the order issued in payment therefor; and the clerk shall take receipts for such orders.

Manner in which money may be borrowed.

SECTION 2. Neither the common council, nor any officer of the city, shall issue, at any time, a negotiable order, or borrow any money except in the manner and for the purposes expressly declared by statute or this act; but the common council may, in temporary necessity, by unanimous vote of the council, and not otherwise, borrow money in anticipation of the tax to be levied for the current year, not exceeding one per centum of the assessed valuation of the property in said city, according to the last assessment, and may give orders on the treasury, payable at a future date, therefor, with or without interest; but no such order shall be made payable at a later date than the first day of March following the date of issue of such order, and for the payment of any such order, the city tax for the same year, or a sufficient amount thereof, shall stand irrevocably pledged.

Property of citizens not to be levied on to satisfy city judgments.

SECTION 3. No real or personal property of the city, or any of its inhabitants, or of any individual or corporation therein, shall be levied on or sold by virtue of any execution, issued to satisfy any judgment against said city.

Actions against city cannot be maintained unless claim has been presented.

SECTION 4. No action shall hereafter be maintained by any person against the city of De Pere, upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim or demand to the common council of said city.

Right of appeal granted.

SECTION 5. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council, to the circuit court of Brown county, 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 such city, with sufficient surety, to be approved by said

clerk, county judge, or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

SECTION 6. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by the ordinance or resolutions 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 its 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 appeals from justices of the peace, and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appellant shall pay the 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.

Duty of clerk in case of appeal.

SECTION 7. The determination of the common council, disallowing in whole or in part, any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such claim, unless an appeal be taken as hereinbefore provided, or the common council shall consent to the institution and maintenance of the action; provided, however, that when the council shall refuse or neglect to act upon a claim duly presented to it, this chapter shall not be construed as to prevent the institution and maintenance of an action by said claimant against said city.

Determination of council shall be final.

CHAPTER 11.

FINANCES AND TAXATION.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the com-

Funds shall be under control of council.

mon council, and in no other manner; and all orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable, generally, out of any funds in the treasury belonging to the city. All orders shall be payable to the person in whose favor they may be drawn, or to the bearer thereof.

A majority vote required to pay a debt.

SECTION 2. No debt shall be contracted against the city, or order be drawn on the city treasury, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by ayes and naves upon the journal of the council, whenever the same shall be asked by any one member, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act, and for the payment of indebtedness now existing. The common council shall have power to, and shall levy, annually, to defray the current expenses of said city, a sum sufficient for that purpose; provided, that the amount to be raised in any one year, for the general city purposes, other than state, county and school taxes, and interest on bonded indebtedness of said city, as authorized by law, exceed three per centum of the taxable property in said city, as shown by the last assessment.

Penalties to be paid into city treasury.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or any of the ordinances, by-laws, rules, and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury, and become a part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city, shall be remitted or discharged by a vote of five of the aldermen elect.

All property subject to taxation.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers and perform the same duties as are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the

form of assessment rolls and more fully define the duties of assessors.

SECTION 5. The assessor elected by virtue of this act shall, in all things pertaining to his office, so far as practicable, be governed by the same laws as assessors in towns. Laws governing assessors.

SECTION 6. The mayor, clerk and assessor shall constitute the board of review, and shall meet at the chambers of the common council on the first Monday in August, in each year, and shall proceed in all respects as town boards are by law required to proceed. Board of review.

SECTION 7. The county board of supervisors shall have the right to regard the city of De Pere as a town, in equalizing the assessment rolls of the several cities and towns in Brown county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards. City regarded as a town for equalizing purposes.

SECTION 8. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law, in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law, in relation to town or town clerks; and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided. Instructions in regard to levying taxes.

SECTION 9. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land, or person named therein, which statement shall be called "the tax list of the city of De Pere," and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council. City clerk shall make out tax roll.

SECTION 10. The tax list made out and preserved as aforesaid, shall be *prima facie* evidence Tax list to be evidence.

in every court of record in this state, that every act or thing required by law to be done, relating to assessing or levying of taxes, from the election of officers to the completion of the tax list inclusive, has been done regularly, correctly, and as required by law.

Duplicate copies to be made.

SECTION 11. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the first day of December of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

Respecting the collection of taxes.

SECTION 12. 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 receive one per cent. fees upon all taxes paid to him before the tenth day of January, and three per cent. fees upon all taxes collected after that time, to be added to the amount of taxes and collected with the same, which shall be in full for all services performed by said treasurer, under this act or the ordinances of the city.

List of delinquent taxes.

SECTION 13. 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 also settle with and pay 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 chapter 49 of the revised statutes of 1878, and acts amendatory thereof, shall extend to, and may be enforced to collect any delinquent personal property tax.

County treasurer to sell delinquent lands.

SECTION 14. The county treasurer shall sell all delinquent lands and lots, returned from the city of De Pere, at the same time and in the same

manner as other delinquent lands are sold in the county.

SECTION 15. All the directions hereby given, Only directory. except in section 9 of this chapter, for the assessing of lands and the levying, collecting and return of taxes and assessments, and the sale thereof, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

SECTION 16. In addition to the amount herein Special taxes. limited for taxes for general city purposes, special taxes may be levied for the purchase of fire engines, cemetery grounds, public squares, gas purposes, and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the common council, and afterwards submitted to a vote of the people and approved by them. Whenever the council shall recommend such a tax, it shall specify the amount to be raised, and the object thereof, and cause notice thereof, and of the time and place of voting thereon, to be published in the same manner as in case of the annual city election.

SECTION 17. When the treasurer shall be unable In case there is no money in treasury. to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council; thereupon the council shall direct its finance committee to examine the accounts of the treasurer, and if all funds in his hands have been paid out, then the council shall take such action as will enable the city to preserve its credit.

SECTION 18. Out of the taxes collected by the State tax shall first be paid. city treasurer, the state tax shall first be paid; then all school taxes; then county taxes; then judgments; then all special taxes in the order in which they were levied. Delinquent returns shall be received by the county treasurer in payment of county taxes in the manner provided by law.

SECTION 19. The common council shall meet on Meeting to dispose of unfinished business. Monday evening, two weeks previous to the holding of the charter election, for the purpose of disposing of the unfinished business, and shall not thereafter, during its term of office, allow any bills against the city, but may anticipate and pro-

vide for the payment of salaries of officers for the balance of its term.

Investment of surplus funds.

SECTION 20. The council shall have power to direct that all surplus funds belonging to the city, not needed for immediate use, may be invested as the council may direct, or borrowed for the temporary use of the other funds of the city, and all interest and profits arising from such investment, shall belong to the city, and shall be accounted for in the same manner as other funds are accounted for; provided, however, that the provisions of this section shall in no manner apply to the school fund, which shall be held by the treasurer as a separate fund, and paid out only upon the proper order of the school board.

Bridge taxes.

SECTION 21. The common council may also, when occasion shall require, levy a special tax, not to exceed three mills on the dollar of the taxable property of said city, for the purpose of building or repairing bridges; such tax to be levied in the same manner, and collected in the same way, and at the same time as the general city taxes for that year.

CHAPTER 12.

ACTION TO RECOVER PENALTIES, ETC.

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.

How to begin actions.

SECTION 2. In all prosecutions for any violation 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 criminal cases, before justices of the peace under the general statutes of the state for the time being.

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

COUNTY OF BROWN, }
 City of De Pere. } ss.

Form of
 summons.

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

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, justice of the peace in and for said city, at my office in said city, on the _____ day of _____, A. D. 18—, at _____ o'clock in the _____ noon, to answer the city of De Pere, to the damage of said city, two hundred dollars or under.

Given under my hand, this _____ day of _____, 18—. C. D., Justice of the Peace.

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 this 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.

When return-
 able.

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

The city of De Pere against A. B., in justice court, before C. D., justice of the peace.

Form of
 complaint.

The plaintiff complains against 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 De Pere, to recover of the defendant the sum of _____ dollars debt. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

SECTION 6. In all cases where oath is made for a 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:

Complaint for
 warrant.

City of De Pere against A. B., before C. D., justice of the peace, ———, county of Brown—ss.

E. F., being duly sworn, on oath, complains to C. D., justice of the peace in and for the city of De Pere, 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 A. B. may be arrested, and held to answer to said city of De Pere therefor.

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

C. D.,

Justice of the Peace.

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, 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:

COUNTY OF BROWN, }
City of De Pere, } ss.

Form for
warrant.

The state of Wisconsin to the sheriff or any constable of said county, and to the marshal or any policeman of the city of De Pere, 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 De Pere on the complaint aforesaid.

C. D., Justice of the Peace.

Action of justice defined.

Upon the return of the warrant the justice shall 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 surety to be

approved by the court for his, her or their appearance, in such sum as the court shall direct; or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the lock-up in such city, or the common jail of Brown county, and shall be received and kept therein, the same as in criminal actions, except as modified by this act or the ordinances of said city. The complaint made as aforesaid, shall be the only complaint required; and the plea of "not guilty" shall put in issue all subject matter embraced in the action.

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

Printed copy to be evidence.

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

Witnesses and jurors shall attend without prepayment of fees.

SECTION 9. In city prosecutions, both plaintiff and defendant shall enjoy the right of trial by jury, as in civil actions in justices' courts, and the findings of the court shall be, "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 suits; 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 cases of tort, in case the action was commenced by summons, and 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 shall be in the following form:

Trial by jury granted.

Form of
execution.

COUNTY OF BROWN, }
City of De Pere. } ss.

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

Whereas, the said city of De Pere, on the —— day of ——, 18—, recovered a judgment before the undersigned justice of the peace 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, twenty-five (25) cents for this writ, and the same return to me within 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 of Brown county; and said keeper is thereby 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., Justice of the Peace.

Commitment.

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.

Right of appeal
granted.

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, 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; such defendant shall, within twenty-four hours, enter into a recognizance, with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court, and abide the judgment of the court therein. The justice, from whose judgment an appeal shall be taken,

shall make a special return of the proceedings had before him, and shall forthwith cause the summons, or warrant, and return, together with the proceedings, and a copy of the entries in 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.

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, and the next term thereof, after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to, or by either party.

Appeal to stand for trial.

SECTION 12. If the judgment of the justice shall be affirmed, or if, upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law, or regulation, under which he, or they, are prosecuted, and enter judgment against him, or them, and their sureties, for such penalty, together with the costs in both courts; and enforce the same by execution as in actions of tort.

Final judgment.

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.

Shall not work incompetency.

SECTION 14. All ordinances and regulations now in force in the village of De Pere, 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.

Village ordinances to remain in force.

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

Village actions to be assumed by city.

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

How to serve process against city.

proceeding as by the ordinance or resolution of said council, may be in such cases provided.

Penalties etc.,
to be paid into
treasury.

SECTION 17. 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.

General bridge
and other laws
to be in force.

SECTION 18. 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 extending across Fox river, and shall apply to any wilful or malicious damage which may be done to 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 do now, or may hereafter exist.

Adoption of
village plats
and additions.

SECTION 19. The plats of the village of De Pere, and the additions thereto, are hereby adopted as the plats of the city of De Pere, and additions thereto, and the real estate included in said plats, may be hereafter described by lots and blocks as they appear on said plats, and by describing the plats as "the original plat of the village, now city of De Pere," or "the plat of Dickinson's addition to the village, now city of De Pere," and in like manner with the plats of other additions, or in any other manner, so as to describe the land with reasonable certainty.

Poor laws to be
in force.

SECTION 20. All laws in relation to the support of the poor in towns shall apply and be in force in said city, except, that at the first meeting of the council in each year, or as soon thereafter as may be, the council shall appoint some suitable person as poor commissioner, who shall have charge of the poor fund of said city, subject to the control of the council.

Village property
to be trans-
ferred to city.

SECTION 21. All moneys, property, effects and credits belonging to the present village of De Pere shall belong to the city of De Pere, and shall be transferred to the proper officers of said city by

the person in charge of the same, as soon as such officers shall be elected and qualified.

SECTION 22. Any lawful debt, claim, demand or right of action against the present village of De Pere, shall be and become a lawful debt, claim, demand or right of action against the city of De Pere, and any and all irregularities that may exist by virtue of re-incorporating said village, and the election or appointment of any and all officers, and the acts of any and all officers or pretended officers of said village, shall in no way invalidate or be set up as a defense by the said city of De Pere, or any person or persons in any action upon any bond issued by said village, or any other debt, claim and demand against said village.

Village lawful debts to remain.

SECTION 23. All duties herein required of the mayor, aldermen, common council or clerk in regard to elections, shall be performed so far as may be necessary, by the present president, trustees, board of trustees and clerk of the village of De Pere, in regard to the first election and the organization of the city government under this act.

Official duties.

SECTION 24. Chapter 245 of the general laws of the state of Wisconsin for the year 1881, is extended so as to include and be made applicable to the said city of De Pere.

Law extended.

SECTION 25. The city clerk of said city is hereby authorized and empowered to enter upon the tax roll of said city for the year 1883, in a separate column as an additional tax, opposite to each and every lot, tract, piece, or parcel of land in said city, the amount of taxes thereon, which remain unpaid, for the years 1881 and 1882, as returned to the county treasurer of Brown county, by the treasurer of the village of De Pere, and the same shall be collected by the treasurer of said city, the same as other taxes upon the roll, and in case of non-payment, the same shall be returned to the county treasurer of Brown county, and be sold therefor, the same as other property. All amounts of money heretofore paid by any and all persons for taxes, for said years 1881 and 1882, upon each and every piece of property in said village of De Pere, shall be in full for all taxes thereon for said years, and the said payment shall be a perpetual bar against any and all suits for the recovery of any and all sums of money paid therefor.

Instructions in regard to making out tax roll for 1883.

SECTION 26. The first election for said city shall be held for the first ward, at the engine house; for

First election, when held.

the second ward, at the store building of Mary A. Call, on Broadway, in said city. The acting president of the village of De Pere shall, by and with the consent of the board of trustees of said village of De Pere, appoint three inspectors and two clerks for each ward, who shall act as inspectors and clerks of election of the said precincts at all elections, till their successors are appointed, as is provided, and their powers and duties shall be the same as is now provided by law.

Repeal.

SECTION 27. No general law, contravening the provisions of this act, shall be considered as repealing, amending, or modifying the same, unless such purposes be expressly set forth in such law.

Public act.

SECTION 28. This act is hereby declared to be a public act, and shall be liberally and favorably construed in all the courts of this state.

SECTION 29. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1883.

[No. 420, A.]

[Published March 29, 1883.]

CHAPTER 175.

AN ACT to incorporate the city of Sparta.

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

CHAPTER I.

CITY AND WARD BOUNDARIES.

Boundaries,
corporate
name, and
manner of
holding
elections.

SECTION 1. All that district of country described as follows: Commencing at the center of the northeast quarter of section number thirteen (13), in township number seventeen (17) north, of range number four (4), west of the fourth (4th) meridian; running thence west on the one-eighth ($\frac{1}{8}$) line to the center of the north west quarter of section number fourteen (14), in said township; thence south on the one-eighth ($\frac{1}{8}$) line to the center of the southwest quarter of section number twenty-three (23), in said township; thence east on the one-eighth ($\frac{1}{8}$) line to the center of the southeast quarter of section number twenty-four (24), in said town; thence north on the one-eighth ($\frac{1}{8}$) line to the place of beginning, making an area of thirty-six (36) forties, or fourteen hundred and forty (1440) acres, according to government survey, and