

[No. 162, S.]

[Published March 21, 1885.]

## CHAPTER 99.

AN ACT to incorporate the city of West Bend.

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

## CORPORATE POWERS.

Corporate powers.

SECTION 1. All that district of country hereinafter described, from and after the first Tuesday in April, 1885, shall be a city by the name of West Bend, and the people now inhabiting, and those who shall hereafter inhabit the district of country hereinafter described shall be a municipal corporation by the name of "the city of West Bend," and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers herein specially granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with; suing and being sued; pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

## BOUNDARIES.

SECTION 2. All of the following described territory, to wit: The south half of section number eleven, the southwest quarter of section number twelve, the west half of section number thirteen, the east half of section number fourteen, and the northwest quarter of section number twenty-four, all being in township number eleven north, of range number nineteen east, in the county of Washington, state of Wisconsin, shall be included in, and constitute the limits and boundaries of the city of West Bend.

## WARDS.

Ward boundaries.

SECTION 3. The city shall be divided into two wards, as follows: The first ward shall be all that portion of said city, lying and being north of the following described line, to wit: Beginning at a point on the west limits of the present village of

West Bend, directly west of the center of the west end of Hickory street, running thence east to the center of the west terminus of said Hickory street; thence east along the center of Hickory street to a point in the center of River street, in line with the center of said Hickory street; thence in a southeasterly direction, along the center of said River street, to a point in line with the center of Water street; thence in a northeasterly direction, along the center of said Water street, to the center of the Milwaukee river; thence in a northerly direction, along the center of said river, to the section line, between said sections eleven and fourteen; thence east along said section line, and the section line between said sections ten and thirteen, to the east limits of the city of West Bend. The second ward shall comprise all that portion of said city not included in the first ward.

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

Corporate authorities in whom vested.

SECTION 5. The annual election for city officers shall be held on the first Tuesday in April in each year, at such places as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon to five o'clock in the afternoon; provided, however, that an adjournment may be had for one hour from twelve M. to one o'clock P. M., if due notice thereof be given at the opening of the polls. Six days' previous notice of such elections shall be given, signed by the clerk, stating the time and place of holding the same, and of the officers to be elected, which notice shall be posted in three public places in the city.

Annual elections when held

SECTION 6. The elective officers of said city shall be a mayor, a treasurer, an assessor, a clerk, a city marshal, one constable and two justices of the peace, from the city at large, and two aldermen and one supervisor from each ward. The treasurer, assessor, marshal, clerk, justices of the peace and constable, shall be qualified voters and residents of the city of West Bend; and the mayor,

Elective officers.

aldermen and supervisors shall be qualified electors and freeholders in the city of West Bend. All the other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council. All elective officers except justice of the peace, unless otherwise provided, shall hold their offices for one year, and until their successors are elected and qualified; provided, however, the common council shall have power, for cause, to expel any of its own members, except the mayor, and to remove from office any officer or agent, under the city government, due notice in writing being first given to the officer complained of. The justices of the peace shall hold their offices for two years and until their successors are elected and qualified; provided, however, that no person shall be eligible to the office of treasurer of the city for two successive years.

**Vacancies how filled.**

**SECTION 7.** Whenever a vacancy shall occur in the office of mayor, 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 in any other office, shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof, for the unexpired term, and with the same rights and subject to the same liabilities, as the person whose office he shall be elected or appointed to fill.

**Elections shall be by ballot.**

**SECTION 8.** All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal and the highest number of votes for the same office the election shall be determined by casting lots in the presence of the common council and in such manner as it shall direct.

**Qualified electors.**

**SECTION 9.** All persons who are qualified electors of the state of Wisconsin and entitled to vote at a general election, and who are actual residents of the city of West Bend, shall be entitled to vote for any officer to be elected, and be deemed qualified electors at the city elections.

**First election when held and manner of holding the same.**

**SECTION 10.** The first city election for said city of West Bend, for the election of city officers, shall be held in the respective wards of said city

on the first Tuesday of April, 1885. The election for the first ward shall be held at the public school-house situated therein. And the election for the second ward shall be held at the public school-house situated therein. At the time of opening the polls at each ward, the electors present shall choose, *vica voce*, from the qualified electors present, three inspectors of election and two clerks of election, and the persons so chosen to act as inspectors and clerks, shall before entering upon the duties of their offices take and subscribe the oath required of inspectors and clerks of general elections. Six days previous notice of the time and place of holding such first elections, shall be given, signed by the village clerk of the village of West Bend, which notice shall be posted in three public places in said city.

SECTION 11. If either of the inspectors of election at any charter election shall suspect that any person offering to vote does not possess the requisite qualifications, or if any such vote shall be challenged by any elector, the inspector before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear or affirm that you are twenty-one years old; that you are a citizen of the United States (or have declared your intention to become a citizen, conformably to the laws of the United States on the subject of naturalization); that you have resided in the state of Wisconsin one year next preceding this election; and that you are an actual resident within this ward and that you have not voted at this election, and that you have made no bet or wager, depending on the result of this election. Which oath any member of the board of inspectors is hereby authorized to administer, and if the person so offering to vote, shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter, shall vote at any election, or shall vote more than once at any one election, he shall forfeit and pay a sum, not exceeding two hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors of elections to keep a list of the

Illegal voting  
how punished.

names of all persons whose votes may be challenged, and who shall swear in their votes, which list shall be filed with the city clerk. The penalty for any unlawful conduct of clerk or inspectors of election, shall be the same as that provided by statute of this state, for similar conduct at any general election.

The counting  
of votes how  
conducted.

SECTION 12. When the polls of any election shall be finally closed, the inspectors shall proceed to count and canvass the votes, one box being completed before another is opened, and shall make a return of the number of votes for each and every office, and the number of votes for each and every person for each and every office, and shall declare the result and who are elected as aldermen and supervisors; and they shall deliver such return to the city clerk within four days after such election, who shall lay the same before the common council, which shall declare the result of the same; provided, however, that at the first election under this charter the said two boards of inspectors shall, after canvassing the votes in their respective wards and declaring the result, meet together and decide and declare the result and make a statement thereof under their hands, which said statement shall be filed in the office of the said village clerk within three days after such election. In all cases of election or appointment of any person to office, the common council shall file with the clerk a certificate, signed by at least a majority of them, giving the name of the person elected or appointed, and the time for which he was so elected or appointed and the clerk shall record such certificate in a book, to be provided for that purpose. Whenever a justice of the peace, or city marshal, shall be elected, the clerk shall forthwith give notice thereof, in writing, to the clerk of the circuit court for Washington county, giving both the names and terms for which elected, and upon the election of mayor or treasurer, the clerk shall give like notice to the county clerk of said county, and those county officers upon receiving such notice, shall file the same in their respective offices.

## SPECIAL ELECTIONS.

SECTION 13. Special elections to fill vacancies or for other purposes, shall be held and conducted in the same manner and upon the same notice, and the returns thereof shall be made in the same manner and form as regular elections, and within such time as may be provided by the common council; provided, however, that after the first election of officers under this charter the aldermen and supervisors for the respective wards shall constitute the board of inspectors for such wards, and may choose one of their number chairman, and any two electors of such wards as clerks of election; but this provision shall not apply to general elections, nor to charter elections at which judges of courts of record are to be elected, but such elections shall be conducted in the manner provided by the laws of this state; provided, that the voters of the city of West Bend shall be entitled to cast their votes in the judicial election to be held on the first Tuesday in April, 1885, at the voting places for said city herein before designated.

Special elections.

SECTION 14. 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 his election or appointment, to qualify, and enter upon the discharge of his duties, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

What is deemed a vacation in office.

SECTION 15. The term of every officer elected under this act, shall commence on the second Tuesday in April of the year for which, and in which, he shall be elected.

When term of office shall commence.

SECTION 16. The annual election of officers under the provisions of this act, shall be held on the first Tuesday in April. The election of justices of the peace shall be held at the same time and place, and one justice of the peace shall be elected each year for the term of two years, and the justices of the peace now residing in, and holding their offices within the limits of and in and for the village of West Bend, shall hold their offices until their terms expire, as and for justices of the peace of the city of West Bend, with all the powers and duties pertaining to said office.

Annual election when held.

In case of failure to elect.

SECTION 17. Should there be a failure to elect any officers herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place being first given.

Shall take and subscribe the oath of office.

SECTION 18. 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 an oath of office and file the same with the city clerk. The treasurer, clerk, marshal and such officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices execute to the city of West Bend, a bond with two sureties in such penal sum and with such conditions as the common council shall prescribe, to be approved by the common council or a majority thereof; and said common council may, from time to time, require new and additional bonds, and remove any officer refusing or neglecting to give the same.

Duties of the mayor defined.

SECTION 19. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all executive officers of the city discharge their respective duties. The mayor shall be the chief executive officer of the city, and the head of the police of the city; and in case of riot and other disturbances, or apparent necessity, he may appoint as many special or temporary policemen as he may deem necessary. The mayor shall have a seat and vote in the common council, and shall give the common council such information and recommend such measures as he may deem proper and advantageous to the city. The common council shall, at its first regular meeting, after its election, choose one of the aldermen as president of the board of aldermen, who in the absence of the mayor, shall act as mayor and have and possess all the rights and privileges of such officer and be subject to all the liabilities thereof, during the absence of the mayor, and when acting as such shall be styled "acting mayor." In the absence of both mayor and president, the common council may choose one of its number to preside.

SECTION 20. The supervisors shall represent

their respective wards in the county board of supervisors, and also act as members of the board of inspectors of election in their respective wards at charter elections. No supervisor shall receive any compensation from the city for any of his services.

What wards supervisors shall represent.

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

Duties of city clerk.

SECTION 22. The justices of the peace elected under this act, or who hold over, shall have the same and equal jurisdiction, and perform all and like duties of justices of the peace in towns, under the general laws of the state of Wisconsin, and shall be subject to the same liabilities and have in addition thereto, jurisdiction of all offenses against the provisions of this charter, and the ordinances and police regulations of the city, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreement required to be given by them, shall be approved by the common council of said city.

Duties of justices of peace.

SECTION 23. The city treasurer shall perform all the duties required of him by law; collect all city, county and state taxes, and pay over all moneys in his hands according to law. He shall keep in a proper book an account of all moneys received,

Duties of city treasurer.

and all moneys paid out by him, and the same shall, at all times, be open to the inspection of the voters of the city. He shall make reports quarterly, and render an itemized account to the common council of all sums received, when and by whom the same were paid, and also of all moneys by him paid out. All fines and penalties imposed for violation of any city ordinance, resolution, by-law or regulation, and all license moneys, including license moneys for the sale of intoxicating drinks, shall belong to said city, and shall be paid into the treasury thereof, and be part of the general fund. All moneys raised, received, recovered or collected by means of any tax, license, penalty, forfeiture, fine or otherwise belonging to said city, under the authority of this act, shall be paid into the treasury of the city, and shall not be drawn therefrom, except by an order issued by order of the common council, and signed by the mayor or acting mayor, and countersigned by the city clerk. The treasurer shall have the same power, and be subject to the same laws and liabilities, and governed by the same laws, as treasurers of towns in the state, except as changed by this charter, but he shall receive no other fees, except the compensation hereinafter provided.

Duties of marshal defined.

**SECTION 24.** The marshal shall perform such duties as shall be prescribed by the common council, for the preservation of the peace, and collection of license moneys and fines. He shall possess all the powers and authority of constables of towns, and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city, or law of this state may pursue and serve the same in any part of this state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend with or without warrant, any person in the act of committing any offense against any ordinance of said city, or the laws of this state, and within reasonable time bring such person before competent authority for examination or trial, and for such service he shall receive such compensa-

tion as the common council shall determine. He shall have power to appoint one or more deputies subject to the approval of the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. Such deputies shall also take and subscribe the proper oath of office, which shall be filed in the office of the city clerk, and when duly qualified as aforesaid, such deputies shall possess all powers and authorities, and be subject to the same liabilities as the marshal.

**SECTION 25.** If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office, all property, books, papers and effects, belonging to said city pertaining to the office, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver over the same, and such successor may recover possession of such books, papers and effects in the manner prescribed by the law in this state.

Penalty for failure to deliver to successor.

**SECTION 26.** No mayor or alderman shall be a party to or interested in any job or contract with the city, or any job or contract in which they, or either of them may be so interested shall be null and void, and in case any money has been paid on such contract, the city may sue for and recover back the amount so paid from the parties to such contract and the mayor or aldermen interested in the same.

Shall not be interested in any job.

**SECTION 27.** The mayor, each and every alderman, justices of the peace, marshal, deputy marshal, policeman, watchman and constable of said city, and the sheriff of Washington county and his deputies, shall be officers of the peace, and may command the peace and suppress in a summary manner all riotous or disorderly behavior within the limits of said city, and for that purpose may command the assistance of all bystanders, and if any person, bystander or private citizen shall refuse to aid in maintaining the peace, when so required, every such person so refusing shall forfeit and pay a fine of not less than five dollars nor more than fifty dollars.

Officers of the peace.

**SECTION 28.** Every justice of the peace shall account for and pay over to the treasurer of said city all fines and penalties collected by him and

Justices to account for fines.

belonging to said city within ten days after receiving the same, and take his receipt for the same in his docket. Said justices shall be entitled to receive in all cases had before them in which the city is interested, the same fees as are provided by law for justices of the peace of the several towns of this state in similar cases.

Duties of assessor.

SECTION 29. The assessor shall assess the real and personal property of said city at the time and in the manner provided for assessing in the towns of this state, and shall perform all other duties prescribed and directed by this act for him to perform, and he shall receive as compensation therefor such sum as the common council shall prescribe.

#### STREET COMMISSIONER.

Street commissioner.

SECTION 30. The street commissioner, before entering upon the duties of his office, and within ten days after his appointment shall execute a bond to the city of West Bend, with sureties, conditioned for the faithful discharge of the duties of his office, and to pay over to his successor, on demand, all moneys which may remain in his hands as such street commissioner, in such penal sum and with such further conditions as said common council shall at the time of his appointment prescribe; said bond to be approved by the common council and to be filed with the city clerk.

Duties of street commissioner.

SECTION 31. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the obstruction and cleaning or closing of sidewalks, cross walks, streets, bridges, alleys, public grounds, gutters, sewers and water in said city are duly observed and kept, and he shall have the general supervision over all grading, paving, graveling, planking, repairing and cleaning streets, bridges, alleys, public grounds and gutters, and such other duties as the ordinances of said city may prescribe, subject to the order and under the advice and direction of the common council, and shall receive therefor such compensation as the common council shall prescribe.

Further duties.

SECTION 32. The said street commissioner shall proceed and collect the said highway taxes on his tax list in the same manner and with the same authority in all respects except as herein other-

wise modified as is prescribed for, and govern overseers of the several towns of the state by the general laws thereof. But the said street commissioner shall keep an accurate account of the collection of said taxes in a book to be provided by said common council, stating therein the name of each person who pays such tax against him, the date when paid in money, and the amount paid in labor, and by whom; which books shall be held for the inspection of the street committee, or of said council or any other citizen of the place at any and all reasonable times, and shall also be returned by said street commissioner and filed in the clerk's office of the city at the time he rendered his annual account to the common council in March of each year. The street commissioner shall notify, or cause to be notified by his assistant commissioners, in case he has such, as many persons residing as near the work to be done, as he conveniently find them, and as many as he may judge he can profitably employ on the streets at any time he shall choose to work, and have a proper proportion of teams, shovelers or others which he may need, suitable to the work to be done; and all the prices shall be regulated by the usual prices paid in and about the city for like services or usages in such year, and in case any dispute shall arise as to what they are, the common council shall determine and settle them by resolution.

#### COMMON COUNCIL.

**SECTION 33.** The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services. The style of all ordinances shall be, "The common council of the city of West Bend do ordain," etc. A majority of the members of the common council shall constitute a quorum, but a less number may adjourn from time to time.

Common council.

**SECTION 34.** The common council shall hold its first annual meeting in each year on the second Tuesday in April, and thereafter at such times as they shall appoint. The mayor may call special meetings by notice to each of the members personally, or left at their several places of abode. The common council shall determine the rules of its own proceedings, and have power to compel

First annual meeting when held.

the attendance of absent members by fine or otherwise.

Street commissioner to be appointed.

SECTION 35. At the first meeting of the common council of each year under this act, or as soon thereafter as may be, the common council shall appoint one street commissioner for said city, and one assistant in each ward, if the common council shall deem it necessary, who shall hold the office for one year, and until their successors are appointed, unless sooner removed as herein provided for, and whose duties and liabilities shall be as hereinbefore provided.

Control and management of finances.

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

Power to grant licenses.

SECTION 37. The common council shall have the power to license and regulate the exhibitions of common showmen and shows of any kind, or the exhibitions of caravans, circuses, or theatrical performances, billiard tables, bagatelle tables, pigeon hole tables and bowling saloons, etc., and to provide for the abatement and removal of nuisances under the ordinances or at common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing-houses, and all persons vending or dealing in spirituous, vinous or fermented liquors and to revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less than the minimum nor more than the maximum amount per annum, established by the general laws of the state of Wisconsin, and that al

such licenses hereafter granted, shall run from the first day of May of each year; provided, however, that when any license may be applied for after that date, the same may be granted, to expire on the first day of May of each year, the applicant paying *pro rata* therefor; but no license shall be granted for a longer time or period than one year.

1. To suppress, restrain and prohibit all description of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance with betting and to restrain, prohibit and suppress any person or persons from vending or giving away, or dealing in, spirituous, fermented or vinous liquors, unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers.

Gambling and fraudulent devices.

2. To prevent or regulate the blowing of steam-whistles, and prevent riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gambling.

Blowing of steam whistles.

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

Unwholesome places.

4. To direct the location and management of slaughter-houses and markets, and to prevent the erection, use, and occupation of the same, when offal or filth therefrom shall discharge into the waters of the rivers, streams, ponds or sloughs.

Location and management of slaughter houses.

5. To prevent the incumbering of streets, sidewalks, crosswalks, lanes or alleys with railroad cars, carriages, sleighs, boxes, lumber, firewood or any other materials or substances whatever.

Incumbering streets.

6. To prevent horse racing and immoderate driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Horse racing.

7. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the restraining, impounding and sale of the same.

Estrays.

8. To prevent the running-at large of dogs and

Dogs.

to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

Putrid carcasses.

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

Pound, hacks and lighting streets.

10. To establish and make public pounds, pumps, wells, cisterns and reservoirs for the city; to regulate and license hacks, cabs, drays, carts and charges of drivers of the same, and to erect lamps for lighting the streets, public grounds and public buildings, with gas or otherwise.

Boards of health.

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

Driving on sidewalks.

12. To prevent all persons riding or driving any horse or mule, or any other animal, on the sidewalks of said city, or in any way doing damage to sidewalks and bridges.

Shooting of fire-arms.

13. To prevent shooting of fire-arms or fire-crackers and to prevent the exhibition of any fireworks in any place or situation which may be considered by the common council dangerous to the city or any property therein, or annoying to the citizens thereof.

Restrain drunkards.

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

Runners and solicitors.

15. To restrain and regulate runners and solicitors for stages, cars, public-houses and other establishments.

Government of police.

16. To make rules, regulations and ordinances, for the government of the police of the city.

Markets.

17. To establish public markets, and make rules and regulations for the government of the same; and to punish and restrain all persons for attempting to interfere or interfering with the due observance of such rules and regulations. To

license and regulate butcher's stalls, shops, stands for the sale of game, poultry, meat, fish and other articles.

18. To regulate the place or places and manner of weighing or selling hay, and measuring and selling fuel, lime and other gross commodities. Weighing and selling hay.

19. To compel owners or occupants of buildings or grounds, when the same are occupied, to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite or adjacent thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his or her default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant. Removal of snow and rubbish.

20. To regulate, control and prevent the stopping and removal from carriages of common carriers, or any vehicle whatever, any person or persons afflicted with any infectious or contagious diseases or disorders, and to make such disposition of any person or persons so afflicted as to best preserve the health of the city. Infectious or contagious diseases.

21. In cases of emergency, in the discretion of the common council, to appoint watchmen, and prescribe their duties. Watchmen and their duties.

22. To provide by ordinance for a standard of weights and measures. Weights and measures.

23. To protect trees and monuments in said city. Protect monuments.

24. To prescribe and regulate the construction of bridges, culverts and sewers within said city. Bridges and culverts.

25. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, alleys, and sidewalks, and to keep them free from any incumbrances and to protect them from injury. Highways.

26. To change the name of any street in said city. Change the name of streets.

27. To consolidate or change the boundaries of school districts in said city, under the same restriction, and with the same power, as is now conferred on town boards under the general laws of the state. School district boundaries.

28. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, Ordinances and police regulations.

necessary for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.

Law suits.

29. To provide for the prosecution or defense of all actions or proceedings in which the city is interested, and employ council therefor.

Purchase and hold real estate.

30. To receive, purchase and hold for the use of the city, any estate, real or personal, and to sell, lease and convey the same.

Special elections.

31. To call a special election for the purpose of raising a tax, when in their opinion, the amount which they are authorized to raise by the provisions of this act, is insufficient to meet the requirements.

Grades of streets.

32. To establish grades of any or all the streets in the city, to cause sidewalks, gutters and pavements to be constructed in the manner which the common council shall prescribe.

Fire department.

33. To establish a fire department and to provide for the due and proper support and regulation of the same, and to appoint or direct the election of such officers for such department as they shall see fit, and to define their powers and duties; to provide protection from fire by the purchase of fire engines, and all the necessary apparatus for extinguishing of fires, and by the erection of pumps and the construction of water mains, reservoirs, or other water-works; to erect engine-houses; to compel the inhabitants of the city to aid in the extinguishing of fires, and to pull down and raze such buildings in the vicinity of fires as shall be directed by them or any two of them, who may be present at the fire, for the purpose of preventing its spreading to other buildings; to regulate the storage of gunpowder, and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the construction of, and cleaning of chimneys; to prevent bonfires, and the use of fire-works and fire-arms in the city, or any part thereof; to authorize fire-wardens, at all reasonable times, to enter into and examine all dwellings, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to

cause such as may be dangerous to be put in a safe condition; and generally to establish such necessary measures for the prevention or extinguishing of fires, as may be necessary and proper; and to declare by ordinance the punishment for the violation of any such ordinance or regulation.

34. To make from time to time such by-laws and ordinances as it may deem necessary for the preservation of bridges now erected or hereafter erected over any stream or pond in the city of West Bend, and enforce the same by adequate penalties.

Preservation  
of bridges.

35. To appoint one street commissioner, and one assistant for each ward in said city, and to remove them at pleasure, whose compensation shall be such sum as shall be determined by the council at the time of making the appointment, not exceeding, however, two dollars per day.

Street com-  
missioner.

36. To remove at pleasure any officer of said city appointed by the common council pursuant to this act.

Remove from  
office.

37. To prescribe fines and penalties for the violation of any ordinance, by-laws, or police regulation, to be not less than one dollar nor more than two hundred dollars, in any case, besides the cost of the suit in all cases; and in default of payment to provide for committing the person convicted to the watch-house or lock-up, of the city, or to the county jail until payment be made, but not to exceed ninety days in all in any one case.

Prescribe fines  
and penalties.

38. To cause a new and accurate survey to be made of all the lots in said city according to the deeds thereof, and of the streets, alleys, public grounds or other places, and to cause to be established permanent land marks or monuments of said survey in said city.

Surveys to be  
made.

39. To provide for the planting, pruning and protecting of shade trees in and about the streets.

Planting of  
trees.

SECTION 38. All laws, ordinances, regulations, and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in a newspaper published in the city of West Bend, before taking effect; and within fifteen days thereafter they shall be recorded by the city clerk in books provided for that purpose; but before any such by-laws, ordinances or regulations shall be recorded, the publication thereof respect-

Ordinances—  
how passed.

ively within the same time shall be proved by the affidavit of the foreman or publisher of the newspaper in which the same shall be published, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of the publication.

Printing to be let to the lowest bidders.

SECTION 39. All printing and publication required by this act, or by the common council shall be let to the lowest bidder therefor; provided such bid shall not be higher than the legal rates. Such bidder shall be an actual resident of the city of West Bend, and shall be required to give bonds with such conditions and sureties as the common council shall determine and require.

Shall not bar or hinder suits.

SECTION 40. The power conferred upon said council, to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, houses or places where spirituous, vinous or fermented liquors are sold without the licenses required thereof, houses or buildings of any kind wherein more than one hundred pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed nuisances.

Examine and adjust accounts.

SECTION 41. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and other officers or agents of the city, at such times as they may deem proper; also at the end of each year and before the time for which the officers of said city are elected or appointed, shall have expired, and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer shall refuse to comply with the orders or requirements of the council in the discharge of their duties, in pursuance of this section, or shall neglect or refuse to render their account, or present their books and vouchers to said council, it shall be the duty of said council to declare the office of such person vacant; and the council shall order suits and proceedings at law against any such officer or person or agent of said city, who may be delinquent or defaulting in his accounts, or discharge of his

official duties, and shall make a full record of all such settlements.

SECTION 42. All funds in the treasury except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding debt of said city. All orders shall be payable to the person or order of the person in whose favor they may be drawn.

Control of funds in the treasury.

SECTION 43. The common council of said city shall annually levy upon the taxable property of said city, to defray the current and lawful expenses of said city, a tax sufficient to defray the same; provided, said common council shall not levy in any one year a tax of more than one cent on the dollar of the assessed valuation of the taxable property of said city, nor more than three mills of which shall be a highway tax, unless authorized to raise a greater sum by a majority vote of the electors of said city, at a general or special election.

Annual tax levy.

SECTION 44. The common council of said city shall not have power to issue any bonds or other evidences of debt, payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, and no bonds shall be issued to aid the construction of a railroad until the proposition for their issue shall have been submitted to the electors of the city, and adopted by a majority voting thereon; nor shall the common council issue, in any one year, orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act.

Power to issue bonds.

SECTION 45. No account shall be allowed by the common council unless the same is properly verified by the oath of the owner thereof, or some person in his or her behalf, except it be for street work or hire under the supervision of the street commissioner, duly certified by him.

Verifying accounts.

Accounts dis-  
allowed.

SECTION 46. When the claim of any person against the said city shall be disallowed in whole or in part by the common council, the determination of the common council disallowing the same in whole or in part shall be final and conclusive and a perpetual bar to any action in any court founded on such a claim, unless an action to recover the same shall be commenced within sixty days after such disallowance by the common council of said city.

Annual report  
of receipts and  
disbursements.

SECTION 47. The common council shall annually, on the second Tuesday next preceeding the annual election, make a report showing in detail all the receipts and disbursements of the said city for the past fiscal year, and cause the same to be published in a newspaper published in said city before the annual election.

Power to lay  
out streets,  
alleys.

SECTION 48. The common council shall have power to lay out public streets and alleys, and to widen the same as follows: Whenever five or more freeholders residing in the city shall by petition represent to the common council that it is necessary to take certain lands within the city for the public use for the purpose of laying out public streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the owners or occupants of such lands, if any there be, or if any portion of said lands shall not be in the actual occupation of any person, then the common council shall cause such notices describing as near as may be the premises proposed to be taken, to be published in a newspaper published in said city four weeks successively, at least once in each week.

Application to  
be made to a  
court com-  
missioner.

SECTION 49. Such notice shall state, that upon a day therein to be named, not less than ten days from the service of such notice, or expiration of such publication, as the case may be, application will be made to a court commissioner of said county of Washington for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary and proper to take

the same for the purpose specified in said petition.

SECTION 50. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said court commissioner shall appoint twelve resident freeholders of said city, not interested in the result of such application. The said court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in said precept and to make returns under their hands to the common council whether, in their judgment, it is necessary and proper to take such premises, for the purpose specified in said application; and the said jurors before entering upon the discharge of their duties shall take and subscribe an oath faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the clerk.

Twelve freeholders to be appointed.

SECTION 51. The city marshal shall serve the said precept immediately on the jurors named therein by reading the same to each one that can be found, and immediately after such service he shall return the said precept to the court commissioner who issued the same, together with his doings thereon; and if the jurors so appointed can not be found, or shall be disqualified from acting or shall be excused from acting by the said commissioner, the court commissioner shall appoint others, to be summoned in like manner, in their places, and a memorandum of such substitution shall be indorsed on the precept.

City marshal to serve precept.

SECTION 52. The said jurors at such times as shall be designated in said precept, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing and either of the jurors shall be authorized to administer oaths to witnesses. After viewing the premises in question, and hearing testimony, if offered, the jurors shall make a report of their proceedings, which shall be signed by them, and which shall state whether, in their judgment, it is necessary to take the premises in question for public use, which said report, testimony and precept shall be returned to the com-

Jurors to view the premises.

mon council. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report, and directing the same jurors within twenty days thereafter, to again view the premises and ascertain the amount of damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return within the twenty days, such damages to the common council, who shall enter an order confirming the same.

Value of buildings to be estimated.

SECTION 53. If there should be any building in whole or in part, upon said lands to be taken, the jurors shall first estimate the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him, and secondly, the value of such building to him to remove.

Ten days' notice to be given to owner.

SECTION 54. At least ten days' notice of such determination, shall be given to the owner or his agent, if known, and a resident of the city, if not known or a non-resident, notice to all persons interested shall be given by publication in a newspaper of said city for three successive weeks. Such notice shall specify the building and the award of the jurors, and it shall require the parties interested to appear by a day named therein, and give notice of their election, to the common council, either to accept the award of the jurors, and allow such buildings to be taken with the land appropriated, or of their intention to remove such building, and he shall have such time to remove such building as the common council shall allow.

In case the owner shall refuse to take the building.

SECTION 55. If the owner shall refuse to take the building at the value assessed by the jurors to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale; the proceeds shall be paid to the owner, or deposited for his use. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgage, or if there be any estate in them less than an estate in fee, the injury done to such person or interests respectively, shall be awarded to them by the jurors.

SECTION 56. The award of said jurors shall be signed by them and returned, together with the testimony taken and the precept, to the common council, within the time limited in such precept. Any person whose property is taken, or against whom any assessments are made, may, within ten days from the return of the jurors to the common council, appeal from such assessment of damages, to the circuit court of Washington county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond to said city conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court; said bond to have a good and sufficient surety, to be approved by the clerk of said city, or county judge, or court commissioner.

Award to be signed by jurors.

SECTION 57. The lands required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owners thereof, or party entitled thereto, shall be paid or tendered to the owner, or party entitled thereto, or his agent, or in case the owner or party entitled thereto, or his agent, cannot be found or is unknown, deposit it to his credit in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys and public grounds opened or laid out. The damages assessed shall be paid within one year, or tendered, or deposited, as herein required, and if not so paid, tendered or deposited within one year from the confirmation of such assessment, the proceedings shall be void.

Lands shall not be appropriated until damages are paid.

SECTION 58. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or other person under legal disability, having no general guardian, the county judge of Washington county, on the application of the mayor of the city, or such party, or his next friend, shall appoint a guardian for such party, and all notices required by this act shall be served upon such guardian. Whenever any street, alley or public grounds shall be laid out under the provisions of this chapter, the common council shall cause an accurate survey and profile

In case of infant.

thereof to be made and filed in the office of the city clerk.

All property to  
be subject to  
taxation.

SECTION 59. All property, real or personal, within the city, excepting such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, schools, and the payment of debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act, shall have and possess the same powers that are or may be conferred upon township assessors, except so far as they may be altered by this act; provided, that the common council may prescribe the form of the assessment roll, and more fully define the duties of the assessor, and make such rules and regulations in relation to revising, altering or adding to such rolls as it may, from time to time, deem advisable. When the assessment roll shall be completed the assessor shall return the same to the board of equalization of the city, the board of equalization may supply omissions in said roll, and for the purpose of equalizing the same, may alter and add to, take from, and otherwise correct the same. If it shall appear to the assessor that any lot or parcel of land was omitted, in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall in addition to the taxation of that year, assess upon the lot or tract so omitted for such year or years, that it shall have been omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force as it would have had if made the year when the same was omitted. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or any informality in assessing or levying said tax, or conveying said land, but not affecting the justice and equity of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be relieved in such manner as it shall direct by ordinance.

Board of  
equalization.

SECTION 60. The mayor, treasurer, assessor and clerk shall constitute the city board of equalization, and shall meet on the first Monday of July in each year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are

required by law to proceed, as far as the law is applicable to them, revising, correcting and equalizing the assessment roll of the city. The mayor shall be president of the board, and the city clerk thereof. When the assessment roll shall have been completed, revised and corrected, it shall be filed with the clerk, and all changes of the assessment roll by the board of equalization, shall be recorded by the clerk. Thereupon the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage, specifying the purposes for which the same are levied. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and on all personal property of any person or body politic, assessed for personal tax, from the delivery of the warrant for collection thereof, until paid.

SECTION 61. It shall be the duty of the city clerk, immediately on the receipt of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with the city and other local taxes, setting down opposite the several sums set down as the valuation of real and personal property, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of one cent when less than one half, otherwise reckoning said fraction as a cent; and the clerk shall immediately make out a duplicate copy of such assessment roll when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year, and to such assessment roll so delivered a warrant under the hand of the clerk and the corporate seal of said city, shall be annexed, substantially in the following form: The state of Wisconsin, to the city treasurer of the city of West Bend in the county of Washington: You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite their respective names, and to the several

Duty of city clerk in regard to the roll.

parcels of land therein described; and in case any person or corporation, upon whom such tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, after deducting your fees, you are first to pay to the treasurer of the county of Washington, on or before the last Monday in January next, the sum of ——— for state taxes; and the further sum of ——— for county taxes, and the balance of the money you are required to retain and pay out according to law; and in case said tax and assessment shall not be paid by the fourth Monday of February next, you are required to return the same to the county treasurer of the county of Washington.

Given under my hand and the corporate seal of the city of West Bend, this — day of —, —.

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

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

General laws  
to govern.

SECTION 62. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city, in the same manner as is required by law of the town treasurer to collect taxes except as herein provided.

Public notice  
to be given.

SECTION 63. Upon the receipt of the tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city that such tax list has been delivered to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing the date of said notice. If the taxes are not paid in that time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale by posting up not less than three writ-

ten or printed notices in as many public places in said city.

SECTION 64. The treasurer shall collect as fees Treasurers' fees. for the collection of taxes one and one half of one per cent. on all taxes collected by or paid to him on or before the second Monday of January in each year, and three per cent. upon all taxes or assessments paid to or collected by him upon after said day, and in case of a distress or sale made by him of goods and chattels for the payment of any tax, he shall collect the same fees as are allowed constables on sales of goods on execution.

SECTION 65. The treasurer shall, on or before State tax. the last Monday in January in each year, pay to the county treasurer, the state tax assessed upon the property in said city.

SECTION 66. In case the city treasurer is unable In case of delinquent taxes. to collect any tax assessed upon any personal property and payable by any person named in the tax list, he shall proceed in all things as prescribed by the laws of this state and any act that may be hereafter passed amendatory of said acts or in addition thereto.

SECTION 67. The laws of the state for the relief Relief of poor. and support of the poor shall apply to said city in the same manner as if it were a town.

SECTION 68. All of the district of country School district. within the corporate limits of the city of West Bend shall be one school district, and be known and designated as school district number one of the city of West Bend, subject to alteration by the common council of said city, as hereinbefore provided, and shall be subject to the control and supervision of the present school district board of the present school district number one of the village of West Bend, in the same manner as if this act had not been passed; and the same relation shall be sustained between said city and said schools and Washington county, as near as may be, as between towns and schools and the counties in which the same are situated.

SECTION 69. The city of West Bend, in its corporate name, may sue for and recover any and all To sue in the corporate names. fines, penalties and forfeitures, under this charter; and the acts amendatory thereof, or under the ordinances, by-laws or police or health regulations made in pursuance thereof, any general law of the state to the contrary notwithstanding.

ing, and all such prosecutions shall be commenced in the name of the city of West Bend, and shall be conducted in the same manner, and the same proceedings shall be had, as in civil actions in justice's courts, including the right of either party to appeal, except as herein otherwise provided; and it shall be lawful to complain generally in debt for such penalty or forfeiture, stating the section of the act, or the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. In all prosecutions for any violation of any of the provisions of this act, or any ordinance, by-law or regulation, the first process shall be a summons, unless oath be made for a warrant, as hereinafter prescribed, and when commenced by summons, such summons may be substantially in the following form:

Form of summons.

County of Washington, )  
 City of West Bend. ) ss.

The State of Wisconsin, to the sheriff or any constable of said county, or the marshal of the city of West Bend: You are hereby commanded to summon \_\_\_\_\_ to appear before the undersigned, a justice of the peace in and for the city of West Bend, on the \_\_\_\_\_ day of \_\_\_\_\_, 18—, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, to answer to the city of West Bend, to the damages of said city, two hundred dollars or under.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

\_\_\_\_\_, Justice of the Peace.

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

Form of complaint.

City of West Bend ) In Justice Court.  
 against ) County of Washington.  
 A. B. ) Before C. D.,  
 Justice of the Peace.

The plaintiff complains against the defendant, that on the \_\_\_\_\_ day of \_\_\_\_\_, at the said city, the defendant did violate section \_\_\_\_\_ 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 has accrued to the city of West Bend, to recover of the defendant the sum of \_\_\_\_\_ dollars, wherefore the plaintiff demands judgment

against the defendant for the sum aforesaid, beside the costs of this action. In all cases where a warrant is desired, the complaint shall be made on oath by the complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form:

City of West Bend, In Justice Court.

against  
A. B. } County of Washington.

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

Subscribed and sworn before me this — day of —.

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

County of Washington, )  
City of West Bend, ) ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of West Bend: Form of  
warrant.

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

C. D., Justice of the Peace.

Upon the return of the warrant, the justice shall proceed summarily with the case, unless it be adjourned. The defendant, if required by the court, shall recognize, with security to be approved by the court, for his appearance, in such sum as the court may direct, and in default may be put in charge of the officer who made the arrest, or be committed.

Printed ordinance to be prima facie evidence.

SECTION 70. A printed copy of an ordinance, by-law or regulation passed by the common council and purporting to be published by its authority as certified by the clerk of said city so to have been published, shall be *prima facie* evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

Witnesses shall attend without fees.

SECTION 71. Witnesses and jurors shall attend before a justice of the peace in all city and criminal suits without payment of fees in advance, or a tender thereof, upon a process duly served, and in default thereof their attendance may be compelled by attachment.

City prosecution—the answer.

SECTION 72. In city prosecutions, the answer of "not guilty" shall put in issue all the subject matter embraced in the action, and the finding of the court or jury shall be "guilty" or "not guilty." If guilty, the court shall render judgment against the defendant for the fine, forfeiture or penalty prescribed in this act, or in an ordinance, by-law or regulation, and for cost of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon rendition of the judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution as in other cases of tort in justice's court, in case the action was commenced by summons or a commitment in case in 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. The form of the execution and commitment shall be the same, as near as may be, and conform to the provisions of this act, as are prescribed in similar or like cases in justices' court in this state.

Shall not be incapacitated as witnesses.

SECTION 73. No person shall be incapacitated or excused from testifying in any offense committed against the provisions of this act or any ordinance of the city of West Bend, by reason of his or her being implicated in such offense but the testimony of such witness shall in no case be used against such witness.

Shall not work incompetency.

SECTION 74. No person shall be an incompetent witness, judge, justice or juror, by reason of his being an inhabitant of said city, in any proceed-

ing or action in which the city shall be a party in interest.

SECTION 75. No real or personal property of any inhabitant or corporation of said city shall be levied on or sold to satisfy any contract or debt or obligation of said city, or any judgment against said city of West Bend. Personal property.

SECTION 76. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two-thirds vote of all the members of the common council. Penalties shall not be remitted.

SECTION 77. The said city may have, purchase and hold real and personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same while owned or held by said city, shall be exempt from taxation, except as provided by the general laws of the state. City may purchase and hold property.

SECTION 78. When the city of West Bend deeds or leases any real estate or any interest therein owned by said city, the party of the first part shall be the city of West Bend, and the person or persons authorized to execute such deed or lease need not be named in the body thereof. Respecting deeding property.

SECTION 79. Deeds or leases executed by the city shall be signed by the mayor and clerk, and the clerk shall attach to said deed or lease a true copy of an ordinance or resolution authorizing the same by the city council, which said corporate seal shall also be attached to said deed or lease, and the certified copy of such ordinance or resolution, when so attached shall be recorded with such deed or lease by the register of deeds, and such copy, when so attached, and the record thereof shall in all courts of this state, be *prima facie* evidence of the authority of the mayor and clerk to execute such deed or lease. Deeds and leases shall be signed by the mayor and clerk.

SECTION 80. If any election by the people or common council shall, for any cause, not be held at the time or in the manner prescribed, or if the council should fail to organize as provided, it shall not be considered reason for arresting, suspending or abolishing said corporation; but such election or organization may be held at any subsequent day by order of the mayor, and if any of the duties enjoined by this act or the ordinances or by-laws or regulations of said city to be done by any officer, at any specified time, are not then per- In case there is a failure to hold election.

formed, the common council may appoint another time at which said act may be done.

Does not repeal or modify.

SECTION 81. No general law of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same unless such purpose be expressly set forth.

Levy poll taxes.

SECTION 82. The common council shall levy the same poll tax as is or may be required by the general law to be levied in towns, and the general laws relative to the collection and expenditure of poll taxes and of highway taxes in towns shall, as far as applicable, govern the collection and expenditures thereof in said city.

City shall be regarded as a town for equalizing purposes.

SECTION 83. The board of supervisors of the county of Washington shall regard the city of West Bend as a town in equalizing the assessment rolls of the several towns in said county, as provided for by law, and shall receive the supervisors whose election is, or may be provided for by this act or any act amendatory thereof as members of the county board. The said board of supervisors may levy tax or taxes as now is and may hereafter be provided by law in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns and town clerks.

Copy of assessment roll to be transmitted to county clerk.

SECTION 84. Before the annual meeting of the board of supervisors of the county of Washington, and by the time required by law for the return of the assessment roll from the several towns, the city clerk shall transmit a copy of the assessment roll or such statement as is required by law to be made by the towns, to the clerk of the board of supervisors of said county, who shall lay the same before the board of supervisors at its annual meeting.

Sale of delinquent lands.

SECTION 85. The county treasurer shall sell all delinquent lands and lots returned from the city of West Bend, at the same time and in the same manner as other delinquent lands are sold in the county.

Duty of county treasurer as regards sale of delinquent lands.

SECTION 86. It shall be the duty of the county treasurer of the county of Washington, where lots, tracts, pieces or parcels of lands have been returned by the city treasurer as delinquent for any general tax of this state, or for any tax authorized under this act, immediately after the sale of such delinquent lots, tracts, pieces or parcels of

land by him, to pay such city treasurer the amount which may have been returned delinquent, belonging to the city of West Bend, either in cash or in certificates of sale of said lots, tracts, pieces or parcels of lands so returned as delinquent.

SECTION 87. The use of the jail of Washington county shall be granted to the city of West Bend, until otherwise provided, for the confinement of offenders; and every such offender shall be delivered to the sheriff of said county, who shall be responsible for the safe keeping, custody and delivery of said offender as in other cases.

Use of county jail.

SECTION 88. From and after the first Tuesday in April, 1885, the connection between the village of West Bend, and the town of West Bend, and all that part of the same included within the limits of the city of West Bend, shall be dissolved; and all that part of the town of West Bend not included within the limits of the city of West Bend, shall constitute the town of West Bend, and continue as a body corporate, as though this act had not been passed.

Connection between village and city to cease.

SECTION 89. The present village officers of the village of West Bend shall continue in office retaining all of the powers and duties pertaining thereto under and by virtue of the charter of said village of West Bend, and the laws of this state, until the officers of the city of West Bend shall be elected and qualified.

Present village officers to continue in office.

SECTION 90. The city treasurer and clerk elected under this charter on the first Tuesday of April, 1885, shall be considered the successors in office of the village treasurer and clerk of the present village of West Bend, and shall be authorized to demand and receive of their predecessor in office all the moneys, books, papers and other personal property belonging to said village of West Bend, remaining in their hands.

Successors in office.

SECTION 91. Real estate exempted from taxation by the laws of this state, shall be subject to special taxes or assessments which become, or shall be chargeable against particular property as provided by this act.

Real estate subject to special assessments.

SECTION 92. The city officers whose compensation is not herein provided for, shall receive as compensation for their services such sum as the common council shall determine. No such officer

Compensation for city officers.

shall receive a higher or lower compensation than his predecessor, unless such increase or reduction of his compensation shall have been determined by the city council before the election or appointment of such officer; and in case of an officer elected or appointed to fill vacancy, he shall receive the same *pro rata* compensation that his predecessor would have received.

All village ordinances to remain in force until repealed.

SECTION 93. All ordinances and by-laws now in force under and by virtue of the village charter of the village of West Bend, shall remain in full force and effect as by-laws and ordinances of the city of West Bend, until specially repealed, modified or amended by the common council of the city of West Bend.

Powers of council.

SECTION 94. The mayor and common council of the city of West Bend shall possess all the powers and shall exercise all the duties vested in town boards of supervisors of this state for all purposes whatsoever, except as otherwise provided for by this act.

Village property to be vested in city.

SECTION 95. All the property, both real and personal, and all claims, credits or choses in action, now due or to become due to the village of West Bend, shall on and after this act takes effect, belong to and become the property of the city of West Bend, and from and after the said time, all rights, claims, credits, and choses in action now existing against said village of West Bend, shall be paid by the city of West Bend.

Public act.

SECTION 96. This act is hereby declared a public act, and shall be liberally construed in all courts.

SECTION 97. This act shall take effect and be in force from and after its passage and publication.  
Approved March 18, 1885.