

[No. 136, S.]

[Published March 27, 1882.]

CHAPTER 141.

AN ACT to revise, consolidate and amend chapter 231 of the laws of 1881, entitled "an act relating to the incorporation of the city of Oconomowoc, and amendatory of chapter 230 of the laws of 1879."

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

SECTION 1. Chapter 231 of the laws of 1881 is hereby revised, consolidated and amended so as to read as follows: Section 1. The amount of the highway fund for the said city, exclusive of the poll taxes, shall be determined by the common council thereof, on or before the third Monday in November in each year, and shall be raised in money, but the sum fixed for the said highway fund shall not exceed one mill upon the dollar of the assessed valuation of the property in said city at said time. This limitation is not to apply to moneys raised for the building of bridges or repairing of bridges or approaches thereto. Tax shall not exceed one mill.

SECTION 2. The amount so fixed and determined by said common council for highway fund purposes shall be collected and received by the treasurer of said city, and shall remain in his hands, and shall not be paid out or expended except as is hereafter provided for in this act, and this amount, together with the poll tax collected by the street commissioner, shall constitute the entire highway fund of said city for the fiscal year, and under the direction of the common council and street committee thereof, it shall be expended by the street commissioner in repairing and grading the streets of said city, and in keeping said streets free from filth and obstructions; said moneys shall not be expended faster than the said common council may direct, and a reasonable sum shall be kept on hand to be expended during the year in keeping the streets clean and passable. Highway

SECTION 3. The street commissioner of said city shall, under control of the common council thereof, or its committee on streets, have the supervision of all work done on the streets and highways of said city; but the common council may, by resolution, direct the letting by contract of any work on said streets, gutters, sidewalks or bridges as it may see fit. It shall be the duty of the street commissioner at all times to obey the orders, directions and resolutions of the common council of said city, or its street committee, whether verbal or in writing. His failure so to do so shall be Letting of work by contract.

good cause for removal, which may be done by the said common council, by resolution thereof, after notice and hearing. On said removal said common council shall, by a majority vote, select his successor, who shall hold the office for the unexpired term. After said successor shall have been so elected and shall have qualified for the office, he shall demand of his predecessor all the books, papers, moneys and property belonging to said office from him. Said commissioner so removed shall forthwith, on such demand immediately surrender to his successor all the books, papers and records belonging to said office in his hands, and shall pay over all moneys in his hands held by virtue of his said office; and on his failure to do so his bond and the sureties thereof shall be liable in an action to recover the same brought by said city. He shall also make such account to the common council of said city of all his doings as it by resolution shall direct.

Report of condition of streets.

SECTION 4. It shall be the duty of the said street commissioner to make report of the condition of the streets of said city, and estimate the amount necessary to be raised for highway purposes, whenever the said common council shall demand it. He shall not expend in any one year any greater sum upon the streets of said city than the funds provided for that year, unless the common council shall direct it otherwise. And it shall be the further duty of said commissioner to employ men and utensils and teams by the day to perform the necessary labor on said streets and highways, and to procure such implements and materials for use in the labor on said streets as shall, on conference with the common council or its committee on streets, be deemed necessary; and he shall keep an accurate account of all materials so procured, and of all men, utensils and teams so employed by him, and be able to certify to their account therefor.

Accounts audited.

SECTION 5. All accounts against said city for materials furnished, and all work or services performed for the city by and under the direction of the street commissioner, and used for street purposes, including the street commissioner's services, shall be audited by the common council, and shall be paid out of the "highway fund," by orders drawn specifically against that fund, and issued in the same manner as provided for the issuing of orders in the settlement of other accounts against the city; provided however, that the expense of building any bridge, or the repairing there-

of, shall be provided for and paid out of the "general fund" of said city.

SECTION 6. All bills and accounts against the city, created by or under the direction of the street commissioner, shall be made out in favor of the persons to whom the same are due, with items and corresponding dates, and shall be verified by such creditors, or some one in their behalf, and shall be certified to by the street commissioner as being a correct and proper account to be paid. The prices paid for labor shall be regulated by the usual prices paid in and about the city for like services in the year, and the common council may by resolution determine the amount.

Bills, how made out.

SECTION 7. The street commissioner shall be paid for his services, and for every day's service, actually rendered, shall receive for his compensation each year, such a sum as the common council may by resolution determine. And such compensation shall be paid out of the "highway fund" of said city.

Pay for services.

SECTION 8. On or before the first Monday in March of each year, the said street commissioner shall make a report and account of all his doings as street commissioner for the past year, verify the same, and file it together with the poll tax list and all books upon which his accounts are kept with the city clerk.

Street commissioner shall make his report.

SECTION 9. The said street commissioner shall before he enters upon the duties of his office execute a bond to the said city of Oconomowoc, conditioned that he will account for and make proper application and payment of all moneys that may come into his hands by virtue of his office; that he will obey the orders and directions of the common council and street committee of said city, and that he will in all things faithfully discharge the duties of said office according to law and the statute in such case made and provided. Said bond shall be in such penal sum as the common council shall determine, and shall be with at least two sureties to be approved by said council.

Shall execute a bond.

SECTION 10. Every male inhabitant of the city over twenty-one years of age, and under the age of fifty years, excepting all disabled soldiers, who served in the late war, paupers, idiots and lunatics, and such others as may be exempted by law, shall be assessed and pay a poll tax of one dollar and fifty cents, or one full day's work to be performed on the streets of said city under the direction of the street commissioner.

Who are liable to pay poll tax.

SECTION 11. On or before the fifteenth day of May in each year, the street commissioner shall make a list

Shall make a list.

of all persons in the city, liable to pay a poll tax, certify to the same, and file it with the city clerk. The said clerk shall place in the list the names of all persons in addition thereto, which he may, by any means, ascertain to be liable to pay said poll tax, and on or before the twentieth day of May in each year, the city clerk shall make a complete list in duplicate of all persons liable to pay a poll tax in said city, and annex thereto a warrant in the following form:

Shall collect
poll tax.

To the street commissioner of the city of Oconomowoc: You are hereby required to collect from the several persons in the annexed list a poll tax as by law established, within the time by law limited, and to apply the tax by you collected in repairing, graveling, or grading the streets of this city, and to this warrant make due return as by law required.

Dated the — day of —, 18—.

— —, Mayor.

— —, City Clerk.

Which shall be signed by the mayor and city clerk, and one of which shall be delivered to the street commissioner on or before the day above mentioned, and the other shall be filed in the city clerk's office.

Shall notify
persons.

SECTION 12. The said street commissioner shall notify such persons in such list of the time and place when they may work out said tax by labor if they shall choose, and if such persons so notified shall not appear and work the same, at the time and place by the said commissioner designated, it shall be taken that such person so liable shall have elected to pay said tax in money, instead of labor. The said street commissioner shall then demand payment thereof in money, and in case any such person shall neglect or refuse to pay such tax in money for ten days thereafter, then such street commissioner in the name of the city shall sue for and collect said tax with fifty per centum damages on the same with costs of suit, before any justice of the peace of said city, and in default of payment of any judgment obtained on such suit, execution shall issue against the defendant as in cases of tort, and the first process in such actions shall be by civil warrant. And the said street commissioner, while said list is in his hands for collection, may put upon the same the names of all such persons liable to said tax as have been omitted therefrom, who shall then be liable the same as if their names were originally placed in such list; but the common council may by resolution at any

time strike any name from said list, in its opinion im-
properly there.

SECTION 13. All of said chapter 231 of the laws
of 1881, not incorporated in this act, and all acts and
parts of act in conflict herewith are hereby repealed.

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

Approved March 17, 1882.

[No. 225, A.]

[Published March 27, 1882.]

CHAPTER 142.

AN ACT to legalize the official acts of Henry Nyhus, a justice
of the peace.

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

SECTION 1. Each and every of the official acts of ^{Legalized.}
Henry Nyhus, elected a justice of the peace in and
for the county of Adams, at the annual town meeting
of the town of Strong's Prairie, in said county, held in
April, 1881, done and performed since the first day
of May, A. D. 1881, are hereby made and declared to
be as lawful and valid as though the official oath and
bond of the said Henry Nyhus had been filed in the
office of the clerk of the circuit court of said Adams
county within the time prescribed by law.

SECTION 2. This act shall take effect and be in force
from and after its passage and publication.

Approved March 17, 1882.

[No. 387, A.]

[Published March 28, 1882.]

CHAPTER 143.

AN ACT to amend section 832 of chapter 39 of the revised
statutes, relative to the duties of town clerks.

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

SECTION 1. Section 832 of chapter 39 of the re- ^{Amended.}
vised statutes is hereby amended by adding thereto
the following: 13. It shall be the duty of the town
clerks to post correct duplicates of the report of the
town board, as provided in sub-section 8 of said sec-
tion 832, on the morning of election day of each year,
in three public places, as convenient as possible for the
examination of said report by all the voters in said
precinct.

SECTION 2. This act shall be in force from and
after its passage and publication.

Approved March 17, 1882.