

tified by the secretary of state to the several counties, ^{Tax how apportioned.} and by the clerks of the several counties to the several towns, cities and incorporated villages in their respective counties, and shall be collected and paid over according to existing laws.

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

Approved March 12, 1874.

CHAPTER 321.

[Published March 25, 1874.]

AN ACT to amend an act entitled "an act to incorporate the city of Grand Rapids."

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

SECTION 1. Section nine (9), of article two (2), of chapter two hundred and forty-seven (247), private and local laws of 1869, is hereby amended so as to read as follows: Section 9. Any officer removing from the city, or any officer removing from the ward from which he was elected, except as hereinafter provided, or any officer who shall neglect or refuse to qualify within twenty days after his election, shall be deemed to have vacated his office, and the common council shall cause such vacancy to be filled by appointment or election, in accordance with law: *provided*, that the removal of justices of the peace from one ward to another, within said city, shall not work a vacancy in such office, and justices of the peace in said city, are hereby authorized to hold their courts in any ward in said city, whether it be the ward for which they were elected or some other.

Chapter 247,
laws of 1869
amended,
Vacancies how
created.
How filled.
Proviso.

SECTION 2. Section one (1) of chapter three (3) of said act is hereby amended so as to read as follows: *To take oath o* ^{office.}

Section 1. Every person elected to any office or appointed to fill any vacancy under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, marshal, police justice, and justices of the peace, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city *Execute bonds.*

of Grand Rapids a bond, in such sum and with such security and on such conditions as the common council may direct, and the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same: *provided, however,* that the bond and oath of office of justices of the peace in said city shall be executed in accordance with the general law of this state, and filed with the clerk of the circuit court of Wood county, Wisconsin.

**May require
new bonds.**

**Duty of city
marshal.** SECTION 3. Section seven (7) of chapter three (3) of said act is hereby amended so as to read as follows: Section 7. The city marshal shall, in addition to the duties hereinafter expressly required of him, perform all such duties as shall be prescribed by the common council for the preservation of the public peace, and the collection of license moneys and fines. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and process to him directed, and he may serve the same in any part of the county of Wood, in the state of Wisconsin, 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 the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace; to apprehend any person in the act of committing any offense against any ordinance of said city or law of this state, and forthwith bring such persons before competent authorities for examination; and for such services he shall receive such fees as are allowed to sheriffs for like services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he and the sureties on his official bond shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. Any person injured or aggrieved by any act, neglect or misconduct of said marshal or his deputies, shall have a right of action on the official bond of said marshal for the recovery of damages for such injury.

**May appoint
deputies.**

**Licenses gran-
ted by whom.** SECTION 4. Subdivision one of section three of chapter four of said act, is hereby amended so as to read as follows: 1st. To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables and bowling saloons, and to provide for the abatement and removal of all nuisances, under the ordinances or at common law, and

to grant licenses for selling spirituous, vinous or fermented liquors, and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to report, modify or avoid the same for a violation thereof; *provided*, that the sum to be paid for such license shall not be less than twenty nor more than two hundred and fifty dollars, and that no license shall be granted for a less time than one year; *and provided, further*, that no person thus licensed shall sell, vend or give away spirituous, fermented or vinous liquors on election days.

SECTION 5. Section one (1) of chapter five (5) of said act is hereby amended so as to read as follows:

Section 1. The city council shall within the city limits have full power and authority to lay out, alter or discontinue any highway, street, lane, alley or public walk therein, or to grade, pave or otherwise improve the same, as they may deem necessary or advisable, and to remove all obstructions in the way thereof; and may, when they deem it for the public interest, cause to be removed any fence or building from the line of any proposed street or alteration thereof, and may extend such streets or alterations through any garden, yard or enclosure.

SECTION 6. Section two (2) of chapter five (5) of said act is amended so as to read as follows:

Section 2. Whenever six or more resident freeholders of said city shall wish to have a street or highway laid out, altered or discontinued in such city, they shall make out

Who may petition for new streets, or change of streets.

an application in writing to the common council of said city for that purpose, and the common council shall proceed to alter, lay out or discontinue such street or highway, as the case may be, if, in their opinion, the public good will be promoted thereby; and the common council may, when they deem it to be to the best interests of said city, proceed to lay out, alter or discontinue any such street or highway on their own motion, without such application in writing; and the practice and proceedings in either such case shall be the same as is now or may hereafter be prescribed by the general laws of this state for the laying out of highways in towns, in so far as such laws are consistent with this act:

Common council may lay out streets.

Notice to be given.

provided, that in addition to the notice required to be given by the general law, such notice of such application or proceedings, shall also be published for two consecutive weeks in some newspaper published in said city; and the common council and justices of the peace of said city are hereby vested with like powers for the purpose of laying out and discontinuing streets

and highways in said city, as now is or may hereafter be vested in the boards of supervisors and justices of the peace of towns under the general laws of the state.

Street commissioners to be elected.

His duties.

SECTION 7. Section three (3) of chapter six (6) of said act is so amended as to read as follows: Section 3. The common council shall each year, at their first annual meeting, appoint a street commissioner for said city, who shall be a resident citizen thereof, who shall on or before the second Monday in May in each year, make out and file with the city clerk of said city, a list of the names of all persons in said city subject to poll or road tax, and whose further duties, and whose liabilities for neglect of duties, shall be, except as herein provided, or as may be provided by ordinance of the common council, the same as those of overseers of highways, as provided by the general laws of this state, and he may in the same manner authorize the marshal to collect and pay over to him any taxes which he fails to collect, and with the return of his warrant and the delinquent tax on real estate he shall also return a list with his affidavit attached thereto of names of persons delinquent on personal property or poll tax, with the amount of such delinquency set opposite each name; and after return of such delinquent list, the common council may by warrant signed by the city clerk authorize the marshal to collect and pay the same to the city treasurer or otherwise, and to make and file with the city clerk a report of all such amounts so collected. The delinquent tax on real estate shall be put on the next assessment roll and collected the same as other city taxes are collected. Before the street commissioners shall be authorized to receive the street tax for collection, he shall take an oath of office and give bond in double the amount of such tax, with at least one surety to be approved by the common council for the faithful discharge of the duties of his office.

To take oath of office.

Duties of street commissioner.

See that ordinances are observed.

To have general supervision of all work let by contract.

SECTION 8. Section four (4) of chapter six (6) of said act is hereby amended so as to read as follows: Section 4. It shall be the duty of the street commissioners to see that all the ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses within said city, are duly observed and kept, and direct and control the persons employed therein. The street commissioner shall have a general supervision over all work let by contract for the improvement of streets or sidewalks in said city, unless the common council shall otherwise provide, and he shall annually report to the common council a

correct statement of all moneys by him collected under ^{To make annual report.}the provisions of this chapter and the manner of ex-pending the same.

SECTION 9. Section fourteen (14) of chapter seven (7) of said act be, and the same is hereby amended so as to read as follows: Section 14. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be attached a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer of said city, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law, and said clerk shall, on or before the second Monday in December in each year, or so soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of said delivery on the tax list preserved in his office.

SECTION 10. Section fifteen (15) of chapter seven (7) of said act is hereby amended so as to read as follows: Section 15. The city treasurer, upon receipt of such duplicate copy of such tax list, shall give notice that the same is in his hands, and that he will receive payment of taxes thereon, which notice shall be given by publishing the same for three weeks in some paper published in said city, and by posting up a copy thereof in five public places in said city, and shall receive the taxes thereon, and for that purpose he shall retain said tax roll in his hands until the fourth Monday in January in each year. And the said city treasurer shall collect, as a penalty on all taxes paid to him after the 15th day of January in each year, the sum of three per cent., which penalty shall be paid into the general fund of said city. And on the fourth Monday of January in each year, the city treasurer shall deliver ^{Fees for collecting taxes.} said tax list and warrant to the city marshal of the city of Grand Rapids, whose duty it shall be, upon receipt thereof, to proceed to collect all unpaid taxes ^{When tax roll to be delivered to marshal.} thereon by distress and sale of property, and for this purpose he shall have like powers and be subject to like requirements, liabilities and restrictions, as upon seizure and sale of property upon executions issued from a court of justice of the peace, and in addition to said taxes said marshal shall also collect a penalty thereon of five per cent., which penalty shall be retained by the said marshal as compensation for such collection.

SECTION 11. Section sixteen (16) of chapter seven (7) of said act be, and the same is hereby amended so ^{Marshal to make returns.}

as to read as follows: Section 16. On the third Monday in February in each year, the marshal shall make out and return to the treasurer of Wood county a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over to said county treasurer all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required of town treasurers. The marshal shall also at the same time make out and deliver to the city clerk of said city, a list of all delinquent personal property taxes for the same year; the county treasurer shall also add the same interest penalties and fees to such delinquent returns, as are required by law upon delinquent returns from the several towns: *provided, however,* the mayor and city clerk may extend the time for the marshal to make return of such delinquent list for such town as they may think proper, not exceeding one week, which extension shall be made and evidenced by their order endorsed on said tax list.

Proviso.

SECTION 12. That the different subdivisions of said act be hereafter known and designated as articles instead of chapters, and that chapter nine (9) of said act shall hereafter be known and designated article ten (10), and the act of 1873, it being chapter 154 of the general laws of 1873, (*be*) designated and known as article nine (9) of said act.

Vacancies, how filled.

SECTION 13. Section seven (7), of chapter 154, of the laws of 1873, is hereby amended so as to read as follows: Section 7. Whenever any vacancy shall occur from any cause in its elective officers of the board of education, the said board may fill such vacancy for the time being by appointing some suitable person of the ward to which the former occupant belonged, who shall hold the office to which he is appointed until the next annual school election thereafter, at which time such office shall be filled by an election; and vacancies in the office of superintendent or treasurer shall be filled by appointment by said board.

Salary of superintendent, when fixed.

SECTION 14. Section twelve (12) of said chapter 154, of laws of 1873, is hereby amended so as to read as follows: Section 12. The said commissioners shall at their annual meeting in each year to be holden on the 2d Saturday in April, each year, fix the salary of the superintendent for the ensuing year, which shall not exceed the sum of one hundred dollars, and they shall also fix the amount of the official bond of the treasurer of such school-board, which bond shall be in the ordinary form of bonds of treasurers of school dis-

Fix amount of bond.

Make list of delinquent personal property tax.

tricts, under the general laws of this state, said bond shall run to the board of education of said school district and shall be executed by at least two sureties and approved by the said board of education, and filed with the clerk of said city, before said treasurer, shall be authorized to enter upon the discharge of his duties, and the said board of education may require new or further bond at any time, and said board of education may cause a suit or suits to be commenced and prosecuted upon the official bond of the said treasurer in their corporate name for any default, delinquency, or official misconduct in relation to the collection, safe keeping or payment of any moneys coming into his hands as such treasurer.

Board of education, powers and duties of.

SECTION 15. Section seventeen (17) of said chapter 154 of laws of 1873 is hereby amended so as to read as follows: Section 17. The city council of said city shall have the power and may from time to time, in their discretion, raise by tax upon the real and personal estate of said city, which shall be liable to taxation, such sums of money in addition to the amount now, or which may hereafter be, appropriated for common schools in said city, as the board of education may recommend, and certify to them as necessary and proper for all or any of the following purposes:

City council may raise money by tax for certain purposes.

1st. To purchase, lease or improve sites for school houses. *Lease school sites.*

2d. To build, purchase, lease, alter, enlarge, improve and repair school houses and their out-houses and appurtenances. *Build school houses, etc.*

3d. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages, but the power herein granted shall not authorize the furnishing of class or text books for any scholar whose parents or guardians are able to furnish the same. *Purchase apparatus.*

4th. To procure fuel and defray the contingent expenses of the district library of said city. *Procure fuel.*

5th. To pay the wages of teachers due after the application of the public moneys, which may by law be appropriated and provided for that purpose. *Pay teachers wages.*

SECTION 16. Subdivision eight (8) of section eighteen (18) of said chapter 154, of laws of 1873, is hereby amended so as to read as follows: 8th. To defray the necessary contingent expenses of said board of education, including the salary of the superintendent, but said treasurer shall not be entitled to any compensation for his services. *Defray necessary contingent expenses.*

SECTION 17. Section twenty-three (23) of said act of 1873, is hereby amended so as to read as follows:

Board of education may employ teachers without certificates from county superintendent.

Common council to protect school property

Section 23. The said board of education shall have power to employ teachers without any certificate of qualification from the county superintendent. The common council of the city of Grand Rapids shall have the power and may, in their discretion, pass such ordinances and regulations as the board of education may report as necessary and proper for the protection, safe-keeping, care and preservation of the school houses, lots, sites and appurtenances, and all the property belonging to or connected with the schools in said city, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in the act of incorporation of said city. All such penalties shall be collected in the same manner in which the penalties for violations of city ordinances are by law collected, and when collected shall be paid to the treasurer of said board, and shall be subject to the order of the board of education in the same manner as other moneys raised pursuant to the provisions of this act.

School board to recommend to city council amount of tax to be raised and for what purposes.

Authority granted.

Name of school

Compensation to certain officers not allowed.

SECTION 18. Section twenty-six (26) of said chapter 154, is hereby amended so as to read as follows: Section 26. It is hereby made the duty of the school board to recommend to the city counsel to raise such sums of money, not exceeding ten thousand dollars, which, in addition to the fund hereinafter named, will be required and necessary to erect and equip a suitable building for a high school for said city, and the treasurer of said school board is hereby authorized and empowered to ask, demand, receive and recover—in trust for the purpose of erecting such high school building—from Thomas B. Scott and John Lovington, as executors of the last will of Lyman Howe, deceased, late of East St. Louis, in the state of Illinois, the sum of ten thousand dollars, and such interest as may have accrued thereon, which sum was donated by the said Howe to the said Thomas B. Scott and John Lovington, as executors, in trust for the purpose of erecting such high school building, and that said school district shall enjoy the benefit of such fund so long as a high school shall be maintained in said city, and no longer, and said high school shall be called the Howe High School.

SECTION 19. Section ten (10) of chapter 247 of the private and local laws of 1869, is hereby changed so as to read as follows: Section 10. The mayor and aldermen of said city shall not directly or indirectly vote or appropriate to themselves any money or funds of said city, either as compensation for their services, or

otherwise, nor shall said mayor or aldermen or city treasurer be entitled to any compensation for their services.

SECTION 20. Sections seven, eight, nine, ten, eleven, twelve and fifteen of article five (5), and section six of article six of chapter 247 of private and local laws of 1869, and sections six, twenty-nine and thirty of chapter 154, of the laws of 1873, and all acts and parts of acts inconsistent with this act are hereby repealed. *Acts repealed.*

SECTION 21. Sections one and two of article one of *Acts revived.* chapter two hundred and forty seven of the private and local laws of 1869, as amended by chapter three hundred and forty-five of the private and local laws of 1870 are hereby revived and declared to be in full force.

SECTION 22. This act shall take effect and be in force from and after its passage.

Approved March 12, 1874.

CHAPTER 322.

[Published March 25, 1874.]

AN ACT to authorize the county board of supervisors of Outagamie county to reduce the price of county swamp lands therein.

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

SECTION 1. The county board of supervisors of Outagamie county, acting as swamp land commissioners therein, are hereby authorized to sell any county swamp land in said county of Outagamie for such price as in their opinion the same may be reasonably worth, not less than fifty cents per acre.

SECTION 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1874.