

porate seal and all the papers and records of the city. He shall attend the meetings and keep a record of the proceedings of the common council. The records of the common council kept by him shall be evidence in all legal proceedings, and copies of all papers filed in his office, and transcripts from the records certified by him under the corporate seal, shall be evidence in like manner as if the original were produced. He shall keep a full and accurate account of all certificates of appropriations and orders drawn on the city treasurer, in a book provided for that purpose, and shall also keep an accurate account with the treasurer and charge him with all the tax lists delivered to him for collection and all sums of money paid into the treasury. Whenever the city clerk and his deputy shall both be absent from any meeting, the city council may appoint a clerk *pro tem*. The city clerk shall have power and authority to administer oaths and affirmations, and take acknowledgement of deeds and other instruments. He may appoint a deputy, in writing, under his hand, and file such appointment in his office; and such deputy, in case of the absence or disability of said clerk, shall have full power and authority to perform all of the acts and duties pertaining to said office. Deputy city clerk.

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

Approved February 24, 1879.

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[No. 247, A.]

[Published February 26, 1879.]

### CHAPTER 58.

AN ACT to authorize the city of Milwaukee to purchase and use certain machinery.

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

SECTION 1. The common council of the city of Milwaukee is hereby authorized to empower the board of public works of said city, together with the committee of finances of said council, to purchase at private sale, for the use of said city, a steam roller and a stone breaker or crusher, to be used in making and repairing the streets and alleys of said city, at an expense not to exceed ten thousand dollars. Purchase of machinery.

SECTION 2. Such purchase shall be made whenever the said common council shall deem it necessary, and Tax levy.

shall be made at the expense of the general fund of said city. And said common council is hereby authorized to levy and collect, upon all the taxable property of said city, in addition to the general city tax already authorized to be raised in said city for said year, a sum sufficient to cover the expenses of such purchase; and every year thereafter said council shall be authorized to levy and collect a sum sufficient to keep such machinery in repair, and to purchase in like manner such additional machinery to be used for the making and repairing of streets and alleys as may from time to time be needed; the amount so levied and collected to be charged to the general fund of said city; and the money paid on account of keeping such machinery in repair, and purchasing additional machinery, to be credited to said fund.

Machinery to be kept in repair.

Wards to pay proportionate expense.

SECTION 3. The material used in constructing streets and alleys, or repairing them by means of such machinery, shall be purchased and paid for out of the funds of the several wards in which such work is done, in proportion to the amount and cost of such material used in each ward.

Supervision of work on streets

SECTION 4. When such machinery shall have been used for the making or repairing of streets or alleys, the work done by means of such machinery, including the furnishing, repairing and putting in place of the material used, shall be done under the direction of the board of public works of said city, without the intervention of a contract, at the expense of the ward in which the same is done, and the owners of land abutting on such streets or alleys shall not be ordered or notified to do such work; and in cases where it is proper under the charter of said city, that benefits shall be assessed upon lots or parcels of land on account of such work, such benefits shall be assessed separately, and not in connection with work to be done by contract; and special taxes for the amount of such benefits shall be levied and collected for the use of the proper ward, the same as other special taxes: *provided*, that no material shall be purchased or work done at the expense of any ward under the provisions of this act, until after a majority of the aldermen of such ward shall have filed with the board of public works a written petition for the same, with the written approval of the city engineer.

Aldermen to file petition.

Repealed.

SECTION 5. All acts and parts of acts, contravening the provisions of this, in so far as they conflict with the same, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1879.

[No. 233, A.]

[Published February 26, 1879,]

### CHAPTER 59.

AN ACT to amend chapter three hundred and thirteen of the laws of 1876, entitled an act to revise, consolidate, and amend the charter of the city of Racine, approved August 8, 1848, and the several acts amendatory thereto, approved March 11, 1876, and the several acts amendatory thereto.

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

SECTION 1. Paragraph ten of section three of title four of chapter three hundred and thirteen of the laws of 1876, is hereby amended so as to read as follows:

10. To regulate and prohibit the storing of gunpowder and other combustible and dangerous materials within the city; to regulate the sale of mineral oils for illuminating purposes; to require the inspection thereof, and to establish a proper fire test, and prescribe the manner of testing and inspection of the same, and to prohibit and punish the sale or keeping for sale of any mineral oils for illuminating purposes not so inspected and tested, or of any such oils the fineness of which shall be below such established fire test.

Handling and storage of combustible materials.

SECTION 2. Section two of title five is hereby amended so as to read as follows: If the common council shall deem it proper to proceed in the matter, they shall cause such petition and plat to be filed and recorded by the city clerk, and shall, by resolution, appoint a time and place when and where such petition shall be heard before the common council, of which hearing notice shall be given by the city clerk, by the publication of a notice in the official paper of the city, at least ten days before the time fixed for such hearing, and cause a copy of such notice to be served upon the owners of lands so proposed to be taken, who are known, and are residents of said city, personally, if found, or by leaving such copy at the usual place of abode of such person, to be served at least five days before the time of such hearing. Such service may be made by any police officer of said city, and his certificate or affidavit of such service shall be *prima facie* proof of such service, and the affidavit of the

Notice to be given of hearing petition for taking lands for public use.