

comptroller and the board of public works; and, provided further, that the aggregate amount of general taxes for all purposes levied by the common council and collected upon the city tax roll for municipal purposes under this section, and inclusive of taxes for the support of schools and the public library, and for the payment of principal and interest of the funded debt of the city, shall not, in the whole, in and for one year, exceed seventeen and one-half mills on the dollar of the total aggregate valuation of property, real and personal, in said city, subject to taxation.

SECTION 13. Chapter 302 of the laws of 1881 is hereby repealed.

SECTION 14. This act shall take effect and be in force from and after its passage and publication, with the exception of section 3 thereof, which shall take effect and be in force on and after the third Tuesday in April, 1882.

Approved March 30, 1882.

[No 268, A.]

[Published April 18, 1882.]

### CHAPTER 309.

AN ACT to amend chapter 275 of the private and local laws of 1870, entitled "an act to incorporate the city of Manitowoc."

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

SECTION 1. Section 3 of chapter 359 of private and local laws of 1871, entitled "an act to amend chapter 275 of the private and local laws of 1870, entitled 'an act to incorporate the city of Manitowoc,' is hereby amended so as to read as follows :

### CHAPTER X.

PUBLIC GROUNDS, STREETS, SIDEWALKS AND DOCKS.

Improvements  
of public parks  
and grounds.

SECTION 1. The board of aldermen shall have full power to order the parks and public grounds in said city to be improved and beautified by the building of walks across or upon the same, by building or repairing fences or sidewalks around such parks or any part thereof, or by planting or cultivating trees, shrubbery, flowers or plants upon such ground or along the sidewalks around the same; provided, however, that the costs of making such improvements or keeping them in repair shall be paid by the special funds of the wards on the side of the river where said parks and public grounds may be situated.

SECTION 2. The board of aldermen of the city of Manitowoc shall have power to lay out and open such streets or avenues as may be necessary to connect any street in the city of Manitowoc with public highways in the town of Manitowoc or the town of Manitowoc Rapids: provided, that no private property shall be taken without the consent of the owner thereof; but in case such consent cannot be obtained a jury of six disinterested property owners residing in the county of Manitowoc may, on application of the board of aldermen, be appointed by the county judge of the county of Manitowoc, who is hereby authorized and empowered to appoint such jury; and if such jury shall decide that it is necessary to take such lands for the purpose herein specified, they shall also fix the price and consideration to be paid for such lands, and report their action to the said county judge; and such report, if approved by said county judge, shall be recorded, and a certified copy thereof shall be filed in the office of the city clerk. Such certified copy shall be prima facie evidence of the legality of such proceedings, and the board of aldermen shall then be authorized and empowered to take such lands for the uses herein specified, paying for the same the price fixed and decided upon by said jury. Such connecting streets may be laid out within the city of Manitowoc or within the town of Manitowoc Rapids, and the costs of surveying, laying out, opening, grading or otherwise improving (except planking or paving and building of sidewalks) such streets, of keeping them in repair, and of buying the grounds and property necessary to lay out such streets, shall be paid from the special funds of the several wards on such sides of the Manitowoc river on which such streets shall have been laid out, opened, improved or repaired.

SECTION 3. The board of aldermen shall have power to vacate any street or alley or any block or part of a block in said city, upon a written petition signed by twenty or more resident freeholders of the ward in which such streets, alley or block is situated; provided, that two-thirds of the aldermen elect shall be required to vote in favor of any such application before it shall be granted. Whenever, by deed or re-survey, any two or more lots in any block have been subdivided so as to change the front of said lots from one street to another street, said lots shall have been deemed re-surveyed and re-platted, and shall be taxed for the purpose of improving streets and sidewalks on

Shall have power to open and lay out streets.

Shall have power to vacate streets and alleys.

such streets on which they abut after sub-division, but lots so sub-divided shall be at least one hundred feet long.

Expenses to be paid out of general fund of city.

SECTION 4. The costs and expenses of surveying the streets and alleys of said city and of building bridges across the Manitowoc river and over creeks and ravines, the banks of which are so high or far apart that the intervening space cannot be filled for a sum not exceeding fifty dollars, and of repairing, cleaning and tending such bridges, and the cost and expense of making, building, repairing and cleaning cisterns, springs and reservoirs, shall be chargeable to and payable out of the general fund of said city.

Improvements to be done by order of the board.

SECTION 5. The opening, grading, graveling or otherwise improving any street, avenue, lane or alley, or any part thereof not less in length than one block, shall be done by order of the board of aldermen, upon petition in writing, signed by at least one-half of the resident property owners of lots or parcels of land fronting both sides of such street or part thereof, if a majority of all the aldermen elect shall vote in favor of such order prayed for, in such petition, or by a vote of two-thirds of the aldermen elect in favor of such order without any petition, when in their opinion public interest and convenience shall require such improvement. Such order shall state whether such street or part of a street shall be improved to the established grade, or only partially graded and to what extent, whether any clay, gravel or other material shall be brought on the surface of such street, and the width and depth of such clay, gravel or other material. All votes taken on the adoption of such orders shall be by ayes and noes and entered upon the records of proceedings of said board.

Survey of improvement to be made.

SECTION 6. Whenever any order for the improvement, grading or graveling of any street or part thereof shall have been duly made, the city surveyor shall make or cause to be made a careful and correct survey, estimate and specification in writing of the number of cubic yards of excavation or filling, or both, to be done thereon, the number, size and kind of culverts to be made across the same, the number of cubic yards clay, gravel or other material, if any, to be placed thereon, and the depth and width of the same and the manner in which the surface of such street, avenue, lane or alley is to be formed, together with an estimate of the whole cost of such improvement, which estimate and specification shall be filed in the office of the city

clerk. Immediately after the filing of such estimate and specification the city clerk shall give notice in the official paper or papers of said city, stating that the improvement of a street, avenue, lane or alley (naming it) has been ordered by the board of aldermen, according to certain specifications in his office showing the nature and extent of such improvement, and that for a term of ten days after the date of such notice the city clerk will receive sealed proposals for making the same according to such specifications, which bids shall be opened in the presence of the board of aldermen and the contract awarded to the lowest responsible bidder, which contract shall be executed in the name of the city by the mayor and the city clerk. The person or persons entering into such contract with the city shall execute to said city a bond in double the amount of the contract price, signed by himself and two or more good and sufficient sureties, conditioned upon the faithful execution of his contract, said bond to be approved by the mayor. If no bids for doing such work should be received within the time specified, then the city surveyor, by and with the consent of the board of aldermen, shall contract for the same at as low and reasonable a sum or price as the same can be done for.

SECTION 7. The amount necessary to pay the contract price of such improvement shall be raised by taxes to be levied upon and collected from the lots or parcels of land fronting both sides of said street, avenue, lane or alley, or part thereof, so ordered improved, exclusive, however, of the costs of the improvement of crossings, which shall be paid for out of the special funds of the ward or wards in which such crossings so improved shall be situated. Immediately after the letting of such contract the city clerk shall make out and deliver to the treasurer a correct description of all lots or parcels of lands fronting both sides of the street, avenue, lane or alley, or part thereof, so ordered to be improved, the name of the owner thereof, if known, setting opposite each lot or parcel of land the amount of taxes, in figures, to which the same may be respectively subject for making such improvement, which taxes shall be apportioned according to the last assessed value of said lots or parcels of land respectively, exclusive of the improvements thereon, and in case any taxable property shall not have been assessed the same shall be forthwith assessed by the clerk and placed in the tax roll, and the tax thereon shall be collected as in other cases, and a warrant ordering the city treasurer

Necessary  
amount to be  
raised by tax.

to collect the taxes specified in said tax roll shall be attached to the same.

Ten days' notice to be given in city paper.

SECTION 8. Upon the receipt of the said tax roll by the city treasurer he shall immediately publish in the official paper or papers of said city, for at least ten days, a notice to the owners or occupants of said lots or parcels of land fronting the street, avenue, lane or alley, or part thereof, (naming it) mentioned in said tax roll, that such tax roll had been delivered to him for collection and they are required to pay to him within thirty days after the date of the first publication of said notice the taxes charged in said list to the lots or parcels of land owned by them respectively, together with the commission of five per centum on the amount thereof for collection fees; provided, that if said taxes shall be paid within fifteen days from the time of the first publication of said notice, the fees for collecting the same shall be only two per centum on the amount of such taxes. If after the expiration of thirty days after the first publication of said notice any taxes charged in said tax roll shall remain unpaid, the city treasurer shall make out a return of unpaid taxes, properly verified by him, and deposit the same, together with the original tax roll, in the office of the city clerk; and the said city clerk shall enter the taxes so remaining unpaid in the next annual tax roll as delinquent street taxes, adding to the amount of such delinquent taxes one per centum for each month or part of month from the time of such return to the first day of January next following; and such taxes shall be collected as other taxes in the city of Manitowoc are collected.

No land to be exempted.

SECTION 9. No lot or parcel of land in the city shall be exempted from the payment of its portion of any tax for the improvement of streets or the building or repairing of sidewalks upon which such lots or parcels of land may border, excepting only property belonging to the United States or to the state of Wisconsin. All taxes levied upon any park or public grounds, by virtue of this act, shall be paid by the wards on that side of the Manitowoc river where said park or public grounds are situated.

Construction of crosswalks.

SECTION 10. It shall be lawful for the board of aldermen to order the construction of crosswalks at such points as they shall deem necessary, and on the side of any street or part of street where a sidewalk is built, the costs and expenses of which shall be determined by a sworn statement of the person or persons making such crosswalks, and if allowed by the board of alder-

men shall be paid out of the special fund of the ward or wards in which such crosswalk is situated.

SECTION 11. Whenever in the opinion of the board of aldermen public safety or convenience shall require immediate partial repairs to be made on any street, it shall be lawful for them to cause the same to be made, ascertaining the costs and expenses thereof in the same manner as prescribed in the preceding section. Such costs and expenses shall be paid out of the special fund of the ward in which such partial repairs shall have been made. Whenever any cleaning provided for by this act shall have been made and completed, the street commissioner or city surveyor having charge thereof shall make a return in writing to the board of aldermen that the said work has been fully completed according to contract, stating the cost of such work and giving the name of the parties entitled to pay for doing the same. The board of aldermen, if they find such return correct and accompanied by the necessary vouchers, shall then order the issue of the city scrip, payable out of the fund to which such improvement, repair or cleaning may be chargeable; and it shall be the duty of the city treasurer to pay such scrip from the money in such fund, if any, or if there should be no money, or not enough to pay such scrip in full, then as soon as the taxes ordered to be levied and collected by this chapter are collected, and such scrip shall be receivable only in payment of the special tax for which it was issued. In case any property on which such special tax shall have been raised be returned for non-payment of taxes, then the holder of such scrip shall be entitled to take tax sale certificates to the amount of such scrip on any lots so returned for non-payment of taxes, and no interest shall be charged to him on such tax certificates. The board of aldermen may, however, before ordering any work, order the payment of such scrip out of the special ward fund or the general fund of the city, and such special ward fund or general fund shall be reimbursed from the taxes to be levied and collected as prescribed in this act.

SECTION 12. Parts of streets which have been brought to grade shall not be liable to any taxation for the improvement of other parts of the same street; but if the sidewalks have not been graded, or if the road has not been graded or paved, such grading, graveling or paving shall be done in the same manner as heretofore provided. If streets or parts thereof have once

In regard to immediate repairs.

In regard to parts of streets which have been brought to grade.

been worked to grade, and repairs become necessary afterwards, then such repairs shall be made and the costs thereof charged to the ward or wards in which such street is situated. In such cases the street commissioner shall have charge of the work and cause the same to be done.

'Resident owners.'

SECTION 13. The words "resident owners" shall be construed to mean residents of the city of Manitowoc.

Street commissioner to notify owners by publishing notice.

SECTION 14. Whenever the board of aldermen shall deem it necessary to construct any sidewalk within said city they shall require the street commissioner to notify the owner or occupant of any lot or parcel of land adjoining such contemplated sidewalk, by publishing such notice for two weeks in the official paper or papers in said city that such sidewalk must be built within ten days after the date of such notice, at the proper cost and charge of such owner. If such work is not done within such time and in the manner described in such notice, the said street commissioner shall cause the same to be done by letting the contract to the lowest responsible bidder, and charge the expense thereof to the lot or lots properly chargeable therewith. He shall also be required to report to the board of aldermen the amount charged on each lot, which report shall be verified by affidavit, and upon examination and acceptance of such report by the board of aldermen, certificates shall be issued to the person or persons having made such sidewalk, in the same way as provided in section 11 of this chapter; provided, that before the said board of aldermen shall order the construction of any sidewalk, a petition signed by at least one half of the resident owners of the lands or lots abutting on the line of such proposed sidewalks shall be presented to the board of aldermen and allowed by a vote of a majority of all the aldermen elect. Such votes shall be taken by the ayes and noes and entered upon the record of the proceedings of said board.

Street commissioner to see that sidewalks are kept in good repair.

SECTION 15. It shall be the duty of the street commissioner to see that the sidewalks of the city are kept in good repair, and he shall give notice in writing to the owner or occupant of any lot or parcel of land, if they reside in the city of Manitowoc, of any damaged or dangerous places, such street commissioner may find in the sidewalk in front of such lot, or parcel of land, and requiring him to repair such sidewalk within twenty-four hours from the date of

such notice, and a copy of such notice shall also be filed in the office of the city clerk. If the owner or occupant of such lot or parcel of land does not live in the city of Manitowoc or cannot be found, then the said street commissioner shall post such notice to be given to such owner or occupant at some conspicuous place on said lot or parcel of land which shall be deemed a sufficient notice for all purposes required by this section. If the owner or occupant of such lot or parcel of land shall fail to repair or rebuild such damaged or dangerous places, then the said street commissioner shall cause the repairs or rebuilding to be made, the costs and expenses of which shall be ascertained by affidavit of the person making the same, and certified to by the street commissioner having the supervision thereof, and after being approved and allowed by the board of aldermen shall be a legal charge and tax against such lot or parcel of land, and entered on the next annual tax roll as delinquent street tax, as prescribed in this act.

SECTION 16. The board of aldermen are hereby authorized by ordinance to make, designate and establish dock lines on the Manitowoc river within the boundaries of said city, conforming as near as practicable to the original meander and survey thereof; but such dock lines shall in no case be located inside of the original meander lines, and protect the banks of any and all creeks and streams of water emptying into said river so as to prevent sand and other obstructions from washing into said river; and for the purpose of carrying into effect the foregoing provisions of this section, the aldermen shall have power to provide by ordinance for docking the banks of said river and for requiring the owners of docks to repair and make the same conform to the established line, and by filling the lots abutting thereon and protecting the banks of all creeks, gutters and streams of water emptying into said river within the bounds of the city, and to require all the several owners of lots or any portion thereof abutting on said river or any creek or any stream of water to fill the same in such manner and within such time as such aldermen shall direct, and to make such other protections on any lot or lots within said boundaries to prevent obstructions from working into said river as to said aldermen may seem meet and proper; and if the owner or owners of such lot or lots shall refuse, within the time specified by said aldermen, to build or repair or change or alter such docks or other

Dock lines and matters relating thereto.

protections, or otherwise comply with the provisions of such ordinance, the aldermen are hereby authorized and empowered to let the docking, repairing or altering of docks and filling or other specified protection for such lots by contract to the lowest bidder for the same, and when it shall be completed according to said contract and accepted by the aldermen, a certificate shall be issued to such contractor for the contract price, which shall be from that time a lien upon said lot or lots, the same as other special assessments, and shall be collected in the same manner as the taxes assessed on real estate are or may be by law collected; but no part of the expense of any such work shall be paid by the city. The said board of aldermen shall have the power to provide for dredging the Manitowoc river on both sides thereof from the established dock line to the center of the river. The board of aldermen shall let by contract such dredging as may be required from the center of the river to within thirty feet of the established dock line, such dredging to be done in such manner and to such depth and within such time as the aldermen may direct, the compensation for such work to be paid out of the general fund, and to require of the several owners of lots, or any portion thereof, abutting on said river to do such dredging as may be required opposite such lot to the distance of thirty feet from the established dock line, in such manner and to such depth and within such time as the aldermen may direct, and the earth excavated from the bed of said river may be deposited upon such lot or lots; and if the owner of such lots shall refuse or neglect within the time specified by the said aldermen to do such dredging, the board of aldermen is hereby authorized and empowered to let such dredging by contract to the lowest bidder for the same, and when it shall be completed according to such contract and accepted by the aldermen, a certificate shall be issued to such contractor for the contract price of the work, which certificate shall from that time be a lien upon said lot or lots, the same as other special assessments, and shall be collected in the same manner as the taxes assessed on real estate are collected.

No officer of city to be interested in any city contract.

SECTION 17. No alderman or other officer of said city shall be directly or indirectly interested in any contract in which said city shall be a party; and any alderman or other officer violating the provisions of this section shall suffer the same penalty as provided in section eighteen of chapter five of chapter two hundred and seventy-five of the private and local laws of

1870, entitled "an act to incorporate the city of Manitowoc."

SECTION 2. Section 8 of chapter 9 of chapter 186 of the laws of 1879 is hereby amended so as to read as follows: Section 8. It shall be the duty of the city clerk, immediately upon the reception of the corrected assessment rolls 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 in a book to be known as the tax roll, placing opposite the several sums set down as valuation of real and personal property the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent, and deliver the same to the treasurer on or before the second Monday in December in each year. Such tax roll, before being delivered to the treasurer, shall be compared by the clerk with the assessment roll, and to it he shall append his certificate that the same has been compared by him and that the total valuation of all real and personal property in said assessment roll has been copied into such tax roll; and the said tax roll, when so certified, shall be prima facie evidence in any court that the lands and persons therein named were subject to taxation, and that the assessment was just and equal. The collection fees received by the city treasurer shall be credited to the general fund of the city.

Duties of city clerk in regard to assessments.

SECTION 3. Section 5 of chapter 7 of chapter 186 of the laws of 1879 is hereby amended so as to read as follows: Section 5. No action shall be maintained by any person or corporation against the city of Manitowoc upon any account, claim, demand or cause of action wherein any money judgment or judgment for damages is demanded until such person or corporation shall have first presented his account, claim or demand or other cause of action to the board of aldermen for allowance or adjustment.

SECTION 4. In all actions hereafter tried upon issue joined in any of the courts of this state, in which it shall be sought by either party to avoid or set aside in whole or in part any assessment tax or tax proceeding levied or attempted to be levied for any special purposes in the city of Manitowoc for any of the causes provided by law if the court shall be of the opinion after a hearing in that behalf had, that for any reason affecting the ground work of the tax levied for special purposes in said city, said assessment tax or tax proceed-

Relating to actions tried upon issue.

ing should be set aside, it shall immediately stay all proceedings in such action against said city until a re-assessment of the property affected by said assessment tax or tax proceeding can be made and the proper authorities of said city shall immediately proceed to reassess the property affected by said special tax and shall levy upon said property the amount of tax justly chargeable against said lot or lots and collect the same in the manner authorized by the charter of said city as, and for a first assessment, levy and collection of special taxes, and such assessment roll and such tax assessed and levied as aforesaid, shall be prima facie evidence of the amount of tax justly chargeable against such plaintiff and upon the lot or lots, tract or tracts of lands, respecting which the said action is brought. If the plaintiff shall desire to contest the validity of such re-assessment, he shall, within twenty days after notice that said tax roll is completed, file with the clerk of the court where such action is pending objections in writing to such re-assessment or tax roll, a copy of which objections shall, within five days after such filing, be served upon the attorney for the defendant, and thereupon the court may direct an issue to be made up, involving the objections aforesaid, which shall be tried summarily by the court, and thereupon the court shall file an order sustaining or over-ruling the objections of the plaintiff aforesaid; if by such order such re-assessment or tax roll shall be held invalid, subsequent re-assessment of such tax may be had in manner and form as hereinabove provided, and similar proceedings may be resorted to, to determine the validity of any such re-assessment. If such re-assessment and tax roll shall be held by the court regular and valid, or if no objection thereto shall be filed by the plaintiff, the court shall make an order requiring the plaintiff to pay into court for the use and benefit of the defendant the amount which by such valid re-assessment he justly ought to pay. If the amount of tax imposed upon the plaintiff's property by such valid re-assessment shall equal or exceed the amount imposed thereon by the original assessment and tax roll, the plaintiff shall be adjudged to pay costs of such suit; otherwise the plaintiff, upon complying with the order of the court last aforesaid, shall be entitled to judgment with costs. The values shall be fixed as nearly as may be as of the day the original assessment was made and the rules of determining the same shall be those provided by the charter of said city for the assessment of special taxes.

SECTION 5. All acts, orders and resolutions of the board of aldermen of the city of Manitowoc ordering the improvement or grading of streets, heretofore or hereafter made, which shall have been or be duly recorded in the proceedings of said board of aldermen and published with the proceedings of said board, are hereby ratified, confirmed and declared to be as valid and of as full force and virtue as if said orders or resolutions ordering streets to be improved or graded had been done by ordinance. The record of the proceedings of the board of aldermen shall be prima facie evidence that the facts therein recited were duly performed according to law, and that the records of said proceedings were duly published. Proceedings ratified.

SECTION 6. The board of aldermen of the city of Manitowoc are hereby authorized to procure and keep a book or books in which shall be recorded all of the ordinances adopted by said board of aldermen. The certificate of the city clerk attached to ordinances therein recorded certifying that same have been duly passed and published shall be prima facie evidence of the facts therein recited. Such book or books of ordinances shall be received as prima facie evidence of the facts therein recited in all courts of the state. Ordinances to be recorded in book.

SECTION 7. The treasurer of the city of Manitowoc may administer the oath required by the charter of said city to any party presenting a claim or demand to the board of aldermen of said city for allowance and payment.

SECTION 8. This act shall be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 213, S.]

[Published April 10, 1882.]

### CHAPTER 310.

AN ACT in relation to the trial of civil actions in courts of record, and to amend section 2452 of chapter 114, revised statutes, entitled of county courts.

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

SECTION 1. Section 2452 of chapter 114 of the revised statutes, entitled of county courts, is hereby amended by adding thereto the following: And whenever the county judge is a party or interested in any matter in controversy in any action or proceeding pending in such court, or is related to or has been Relating to county courts.