

sum per day as the council shall determine, not exceeding two dollars (\$2.00) per day.

Amendment in regard to superintendent of schools.

SECTION 3. Section 3, of chapter 10, of chapter 56, of the laws of 1882, is hereby amended by striking out the word "January," in the fourth line of said section, and insert in lieu thereof the word "June," so that said section 3 shall read, when amended, as follows: Section 3. The school commissioners shall annually, as hereinafter provided, elect a city superintendent of schools, whose term of office shall commence on the first Monday of June, and said superintendent shall continue in office one year, unless sooner removed by a vote of two-thirds of all the members of the common council for misconduct or other sufficient cause.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1883.

[No. 129. A.]

[Published April 17, 1883.]

CHAPTER 350.

AN ACT to amend chapters 5 and 6, of chapter 221 of the laws of 1882, entitled "an act to reduce the act incorporating the city of Janesville, and the several acts amendatory thereof, into one act, and to amend the same."

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

Amendment in regard to actions against corporations.

SECTION 1. Chapter 5, of chapter 221, of the laws of 1882, is hereby amended by adding after section 13, of said chapter 5, the following: "Section 14. Actions brought against corporations for penalties for violation of ordinances, by-laws, police or health regulations of said city, passed in pursuance of the charter of said city, may be commenced by summons, and the trial of such actions, when so brought, and all subsequent proceedings, shall be conducted and had in the manner now provided by law for the trial of civil actions cognizable by justices of the peace."

Amendment in regard to taxes.

SECTION 2. Chapter 6, of chapter 221, of the laws of 1882, is hereby amended by adding after the seventh subdivision of said chapter, the following. Eighth. To annually levy and collect taxes, not to exceed ten thousand dollars (\$10,000), on all real and personal property in said city, to meet

the current expenses of operating and maintaining any public water works constructed by said city, or of supplying said city with water under any contract entered into by it or by any board of water commissioners duly authorized by law to contract for or construct water works for said city, which shall constitute the water and fire department fund, and when levied there shall be no levy made under the fifth subdivision of said chapter 6.

SECTION 3. Chapter 12, of said chapter 221, of the laws of 1882, is hereby amended by inserting after section 47, the following: Section 48. Amendment.

There is hereby established a board of water commissioners of the city of Janesville, to be composed of five members to be residents of said city; the term of office of one of whom shall expire on the day of the municipal election in said city in each year. The first members of said board shall hold their offices respectively for one, two, three, four and five years, and thereafter the term of office of the said commissioner shall be five years. Said commissioners shall be elected from the city at large at the municipal election in said city in the manner provided for the election of city officers. No member of the said board shall receive any salary or other compensation for his services, and no person holding any other office in said city under the charter of said city, shall be eligible as a member of said board, and the acceptance of any such other office by any member of said board or his removal from said city, shall operate as a resignation of his office as a member of said board. If any vacancy until the next municipal election shall occur in said board, the mayor of said city shall nominate some suitable person to fill such vacancy, and if the common council shall approve such nomination, the person so appointed shall be a member of said board until such vacancy shall be filled by election. If any vacancy shall occur in said board for any reason, a commissioner shall be elected at the next municipal election to fill such vacancy. Section 49. Board of water commissioners.

No member of the said board shall be appointed to or hold any office under said board, or receive any employment therefrom, or by its authority, for which he would be entitled to receive any salary or other compensation, or be directly or indirectly interested in any contract or agreement Members not to hold office.

made by said board or by its authority, or by said city. And any member of said board who shall violate any of the provisions of this section may be removed by the common council of said city, which shall thereupon declare his office vacant, and shall proceed to fill such vacancy in the manner hereinbefore provided. Section 50. The

Shall choose a president. The said board shall choose one of its own members as president, and may remove him at pleasure, and appoint another member of said board in his place; said board shall also have power to employ a secretary, who shall hold his office at its pleasure, and who shall keep a full and true record of all the proceedings of said board, and perform such other duties pertaining to his office as the said board shall direct; said board shall have power to regulate the times and mode of holding its own meetings. The president shall preside at all meetings at which he shall be present, and in his absence said board may appoint a president *pro tem*. A majority of said board shall constitute a quorum for the transaction of business, but no question shall be determined except by an affirmative vote of a majority of the members of the said board. The office and place of meeting of said board shall be in the city of Janesville, at such place as may be designated by the common council of said city. Section 51. All

Water fund. moneys and funds levied and collected for the purpose of constructing, maintaining or operating water works in said city, and all income or revenue derived from any water works owned or operated by said city, shall be kept by the treasurer of said city in a separate fund to be known as the water fund and paid out on orders signed by the president of said board, countersigned by the secretary of said board.

Supply of city with water. Section 52. It shall be the duty of said board to examine, consider and determine the best mode, plan or system of supplying said city with a sufficient quantity of pure and wholesome water for the use of said city and the inhabitants thereof.

Specifications and diagrams. Section 53. When said board shall have so determined on the mode, plan or system of so supplying the said city with water, it shall cause proper specifications and diagrams thereof to be made and submit the same to the common council of said city for approval. The common council may, thereupon, propose amendment, mod-

ifications or alterations therein, and refer the same to said board for approval. Whenever a mode, plan or system of so supplying said city with water, shall be agreed upon between the said board and the said council, it shall be adopted for said city; provided, that such mode, plan or system may be altered, modified or amended from time to time by the consent of said board and said common council. Section 54. The said board shall have power to construct fire hydrants and hydrants for public use and fountains, at such places in the said city as said board, with the approval of the said common council, shall determine, and to lay water pipes in and through all the alleys, streets and public grounds in the said city, and such other works as may be found necessary, from time to time, for the purposes herein provided. Section 55. Said board, its officers, agents and servants, shall have power to enter upon any land or water in said city, for the purpose of making examinations or surveys in the performance of their duties, without liability therefor. Section 56. The said board shall have power to purchase and acquire for said city, with the approval of the common council, all real and personal property which may be necessary for the construction of the works herein provided for. Whenever any real estate or any easement therein or use thereof shall, in the judgment of said board, be necessary for the construction of said works, and for any cause an agreement for the purchase or use thereof cannot be made with the owner, it shall report the same to the common council, and thereupon the said council shall proceed in the manner provided in chapter 7, of chapter 221, of the laws of 1882, for the condemnation of real estate for the use of said city. Section 57. All property, real, personal and mixed, acquired for the construction of said water works, and all plans, specifications, diagrams, papers, books and records connected therewith, and the said water works and all buildings, machinery and fixtures appertaining thereto shall be the property of the city of Janesville. Section 58. Said board shall have power, with the approval of the common council, to employ one chief and such assistant engineers, a general superintendent, and such collectors and agents as may be necessary, in the construction and man-

Fire hydrants.

Examinations for water.

May purchase real and personal property.

Shall be the property of city.

Power to employ fire officers.

agement of said water works and to fix the compensation of all persons employed by it. Section 59. It shall be the duty of said board on or before the first Monday in March of each year, to report to the said common council its plans for work for the ensuing year, and the nature, extent and details of the work which it proposes to do during the year, and the estimated cost thereof for approval. The said council shall take such report into consideration, and shall have power to propose amendments, modifications or alterations therein, and refer the same back to the said board. Said board shall have power, from time to time, to propose amendments, modifications or alterations therein, and submit the same to said common council. No plan of work for such year shall be adopted without the approval of said board and the said common council; but such plan when adopted may be amended, modified or altered by the consent of the said board and said council. Section 60. When such plan of work for the year shall have been so adopted, the said board shall have power to proceed to let the same or any part thereof, to be done by contract, in the same manner as contracts for public works are let, under the provisions of chapter 7, of chapter 221, of the laws of 1882. All such contracts shall be executed on behalf of the said city by the president and clerk of said board in duplicate, one copy to remain in the office of said board. Section 61. If, in the judgment of said board, it will be for the interest of said city for said board to do any such work by its own servants or agents, it shall be the duty of said board to report the same to the common council with its reasons therefor, and said council shall have power to authorize said board to so perform such work. Section 62. It shall be the duty of said board to report all its proceedings, the state of said water fund, and the general condition of said water works once in three months to said council. Section 63. Said water works and all the grounds, buildings, fixtures and machinery and other things appertaining thereto shall be under the control of said board, subject to the authority of said common council. Said board shall have power, from time to time, to make and enforce by-laws, rules and regulations, and before the actual introduction of water, it shall make such

Shall make report annually.

Respecting the letting of work.

Regarding work done by its own servants.

Report every three months.

Water works to be under control of board.

by-laws, rules and regulations, fixing uniform water rates to be paid for the use of water furnished by the said water works and for the collection of the same, and fixing the manner of distributing and supplying water for use or consumption and for withholding or shutting off the same for cause, and it shall have power, from time to time, to alter, modify or repeal such by-laws, rules or regulations; provided, that no such by-law, rule or regulation or alteration, modification or repeal thereof shall have any force until approved by said common council. Section 64. The common council of said city is hereby authorized to borrow money not to exceed one hundred and fifteen thousand dollars (\$115,000) to defray the expense of constructing public water works as hereinbefore provided, and shall have power to cause the negotiable bonds of said city to be issued and negotiated for such purpose. Said bonds not to exceed one hundred and fifteen thousand dollars (\$115,000). Such bonds shall draw interest at such rate, not exceeding seven per cent. per annum; and be made payable at such time or times, not exceeding twenty years from the date thereof; and at such place or places, as said common council shall designate. Section 65. Provided, that no tax shall be levied or collected, nor any bond or bonds be issued by said council, nor any contract or agreement entered into or indebtedness or liability incurred by said council or said board or any officer or agent thereof for the construction of such water works, nor shall any such board be elected unless a petition be filed with the city clerk of said city, signed by a majority of the persons whose names appear on the assessment roll of said city, for the year preceding the filing of said petition, together with an affidavit setting forth that the persons whose names appear on said petition signed the same, and that they constitute a majority of the persons whose names appear on the said assessment roll; requesting that the said board herein provided for may be elected and that the tax mentioned in section 2 of this act for the current expenses of operating and maintaining public water works constructed by said city, or so much thereof as may be necessary, may be levied by said council, and that said water works may be constructed by said board, as provided in this act, and that the bonds

Authorized to
borrow money.

Proviso.

of the city, specifying the amount, may be issued for the purpose of borrowing money for the construction by said board, for said city, of public water works, as provided in this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1883.

[No. 205, A.]

[Published April 11, 1883.]

CHAPTER 351.

AN ACT to incorporate the city of Nicolet.

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

Corporate
name.

SECTION 1. All that district of country in the county of Brown hereinafter described shall be a city by the name of the city of Nicolet, and the people now inhabiting and those who shall inhabit said district, shall be a municipal corporation by the name of the city of Nicolet, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall have and possess the powers hereinafter specifically granted, and the authorities thereof, shall have perpetual succession and 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 the territory within Brown county hereinafter described and bounded, shall be included in and constitute the limits of the city of Nicolet, to-wit: Commencing at a point where the center channel line of Ashwaubenon creek (so called) intersects the center of the channel of Fox river: thence along the center of said creek up stream through private claims twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28) and twenty-nine (29), west side of Fox river, in the county of Brown, including the parts of said private claims lying between Ashwaubenon creek on the west and the Fox river on the east: also fractional section twenty-one (21), township twenty-three (23), range twenty (20) and lot four (4), of fractional section twenty (20), town twenty-