

cludes and applies to said county court, and conflicts with the provisions of this act, and no farther.

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

Approved April 3, 1889.

[No. 303, A.]

[Published April 5, 1889.]

CHAPTER 262.

AN ACT to authorize the building of sewers and drains in villages in this state.

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

Sewers may be built in villages.

SECTION 1. It shall be lawful for the president and trustees of any village incorporated under general or special law, whenever they shall deem it necessary for the public health, to cause sewers and drains to be made in any part of such village and to order and direct the construction of either of the same, and to alter, repair or mend any sewer or drain heretofore or hereafter constructed within said village, and to cause a main sewer for the purpose of an outlet for the branch sewers and drains to be constructed without the limits of said village when necessary; and in the manner hereinafter provided to cause to be made plans thereof, and estimates of the cost and expense thereof, and a just and equitable assessment of such costs and expenses among the owners of all the lots, pieces and parcels of land intended to be benefited thereby in proportion to the street frontage of such lots, pieces and parcels of land.

President and trustees to lay out system, survey and plan to be made and filed.

SECTION 2. The president and trustees, prior to ordering by resolution, ordinance or otherwise, any sewers or drains to be constructed, shall lay out and determine upon a general sewerage system for such village, and shall cause a careful survey, profile of grades, and plan, with all necessary data to be made in duplicate and signed by them, and certified to as the plan of sewerage de-

terminated upon by them. One of the said duplicates shall be filed in the office of the register of deeds of the county in which such village is situated, and one shall be filed with the village clerk; either of said originals shall be conclusive evidence of the legality of the establishment of said plan of sewerage.

SECTION 3. The president and trustees may, for the purpose of the construction of main sewers and other parts of the work chargeable to the general sewer fund provided for in this act, borrow money to the amount of one per centum of the assessed valuation of the real and personal property in such village, and issue negotiable corporate bonds therefor in the manner provided in sections 942 and 943, of the revised statutes. The proceeds of the sale of said bonds shall be devoted and appropriated exclusively to the construction and maintenance of sewers and drains as in this act provided, and shall be known as the general sewer fund. The village treasurer shall not pay out any of said fund for any purpose other than the construction and maintenance of sewers and drains as in this act provided.

May borrow money to construct same.

SECTION 4. The cost of the construction of a main sewer for the purpose of an outlet for the branch sewers and the cost of the construction of all main sewers in excess of the cost of a minor sewer eight inches in diameter, and the cost of all sewers in street and alley crossings, shall be paid out of the general sewer fund. The cost of the construction of man-holes, catch-basins for the receiving of water from gutters and of the overflow pipes connecting them with the sewers, and of the repairing and cleaning of sewers, and all expenditures for temporary work necessary to carry out the system of sewerage as adopted, and all cost of constructing sewers not provided for by special assessment, shall be paid out of the general sewer fund. The cost of construction of minor sewers and such portion of the cost of the construction of main sewers as shall be equal to the cost of construction of a minor sewer eight inches in diameter, shall be paid out of moneys derived from special assessments on the lots, pieces or parcels of land abutting on the street along which any such sewer shall be constructed, as hereinafter provided.

Cost of main branch and street, man-holes, catch-basins, overflow pipes, etc., how paid.

May be constructed on contract, subject to approval of president and trustees.

SECTION 5. Any portion of such sewerage system may be constructed under contract with the president and trustees, which contract may be made in such manner as the president and trustees may determine; provided, however, that no contract for the construction of any said portion of such sewerage system chargeable to the general sewer fund, under this act, shall be made by them until the funds for the construction of the said portion of said sewerage system chargeable to the general sewer fund, shall have first been provided for as authorized by section 3, of this act. In all cases the work shall be subject to the superintendence and directions of the said president and trustees, and no contractor shall be entitled to recover compensation for any work or part of work executed by him in any form of action unless such work shall have been approved by the said president and trustees.

Ordinance for construction to be enacted, copy to be published and hearing allowed parties interested.

SECTION 6. Whenever the president and trustees shall deem it necessary to cause to be constructed any sewers or drains in accordance with the plan adopted for such village, they shall enact an ordinance to that effect, which shall be entered in their minutes and recorded in a book kept for that purpose, specifying with reasonable particularity the specific portions of sewer or drain to be built, a copy of which ordinance shall be published in the official paper of said village for one week, and all parties interested, who shall appear shall have a hearing before the president and trustees at such time, not less than ten days from the date of said publication, as shall be appointed in said ordinance.

Order for constructing, how made; cost, how to be assessed.

SECTION 7. If, after such hearing, the president and trustees shall determine to proceed therein, they shall make an order to that effect, and shall make an estimate of the entire cost and expense of the work ordered, including the contract price, titles to, or easements in, lands necessary for the purpose of such work and the expense of the proceedings necessary to the laying out of such sewers and drains. The president and trustees shall then assess the proper proportion of such estimated cost and expense, according to the provisions of this act against all lots, pieces and parcels of land fronting or abutting on the work so ordered to be done on each side of the same

for its whole length, in proportion to the frontage of such lots, pieces or parcels of land fronting or abutting on either side of said sewers or drains.

SECTION 8. Upon the assessment being made as provided in the preceding section, an assessment list shall be made to resemble as nearly as practicable, the annual tax roll of towns in its form and to be provided with a column in which payments can be entered by the treasurer of the village. Two copies thereof shall be made by the village clerk and signed by the president and clerk, one of which copies shall be filed with the clerk. To the other the president and trustees shall annex their warrant for the collection of such special assessment and the clerk shall forthwith deliver the same with the warrant annexed to the village treasurer. The said warrant shall be signed by the president and clerk and sealed with the corporate seal.

Assessment lists to be made, signed and filed and annexed to warrant for collection.

SECTION 9. The said assessment list filed with the clerk and the one delivered to the treasurer shall in all courts and places be prima facie evidence of the regularity of all prior proceedings and of the assessments therein specified; and all sums of money assessed and all costs, charges and interest thereon, shall be liens on such real estate, and have and be considered in law and equity to have priority over all other liens except prior liens for taxes on real estate so assessed.

To be prima facie evidence of regularity, assessment to be lien.

SECTION 10. Whenever the president and trustees shall have made out and delivered to the village treasurer the assessment list aforesaid, the treasurer shall notify the owners of the lots, pieces and parcels of land named in said list, by publishing a notice two weeks successively in some newspaper published in said village, and shall specify in such notice a time or times, not less than twenty days nor more than forty days from the date thereof, when the said owners may pay in money the special assessments charged in said assessment list. The treasurer shall keep an accurate account of all moneys coming into his hands from such special assessments and shall keep said moneys separate from all other funds. All moneys derived from such special assessments shall be devoted and appropriated exclusively to the construction of the work for which such spe-

Notice to be given owners.

Moneys collected, how applied.

cial assessments were ordered, and shall be known as the special sewer fund.

Delinquent list to be made and added to tax roll.

SECTION 11. At the expiration of forty days from the date of the said notice given by said treasurer, he shall make out and deliver to the clerk of the town in which such village is situated a certified list of the lots, pieces and parcels of land in said village upon which any such special assessment remains unpaid with the amount of such delinquent assessment upon each of said lots, pieces and parcels of land; and if such list be returned to said town clerk before the completion of the tax roll of said town for the same year, the said clerk shall add the said delinquent assessments to the said tax roll, opposite to the description of the proper lots, pieces or parcels of land therein; and the said delinquent special assessments shall be collected with and in the same manner as the town taxes. If such list shall be returned to the town clerk after the completion of the tax roll and before the town treasurer's return of delinquent taxes, he shall deliver said list to the said town treasurer who shall collect the same with the other taxes in said village, and add what remains uncollected of said special assessment to his list of delinquent taxes returned to the county treasurer, who shall collect the same or sell the lots, pieces or parcels of land aforesaid for such delinquent assessment or tax, and all proceedings in relation thereto shall be the same in all respects as in case of lands sold for other delinquent taxes. Every town treasurer or county treasurer who shall collect or received any money on account of such delinquent assessments shall pay the same to the treasurer of the proper village and take duplicate receipts therefor, and file one of said receipts with the clerk of his town or county.

Sale on delinquent taxes.

Work, when to be done at expense of village.

SECTION 12. Whenever any lot, piece or parcel of land shall have been returned delinquent for any such special assessment, as hereinbefore provided, the president and trustees may cause the work to be done at the expense of the village, to be re-imbursed by such tax when collected.

When village embraces parts of two towns, certified lists to be made.

SECTION 13. In case a village shall embrace parts of two or more towns, the village treasurer shall deliver to the town clerk or town treasurer of each town a certified list, as provided in sec-

tion 11, of only such delinquent assessments on lots, pieces or parcels of land as are situated in their respective towns, and such assessments shall then be collected and paid over in the manner provided in said section, and in the manner provided by law for other collections of other special assessments in said village.

SECTION 14. It shall be the duty of the president and trustees to see that proper private drains or sewers are constructed from every lot in said village, which in their judgment requires it, and that such private drains or sewers are made to communicate with the public sewers in a proper manner; and they shall have power to determine the manner and plan of the construction and connection of the same. No private drain shall be connected with any public sewer without the president and trustees first issue their order or permit for such connection. The president and trustees shall have power by ordinance, under suitable penalties, to compel strict compliance with their orders and regulations in relation thereto, and to punish any person who shall willfully injure or obstruct any public or private sewer or drain.

Duty of trustees as to construction of private drains, etc., not to connect without consent.

May impose penalties.

SECTION 15. All acts and parts of acts conflicting with the provisions of this act are repealed.

Repeal.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1889.

No. 5, S.]

[Published April 6, 1889.]

CHAPTER 263.

AN ACT in reference to salaries of circuit judges.

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

SECTION 1. Each of the several judges of the circuit courts in this state shall receive the sum of four hundred dollars per annum as and for his necessary expenses while in the discharge of his

Appropriation to circuit judges of \$400 for expenses after July 1, 1889.