

No. 537, S.]

[Published June 22, 1907.

CHAPTER 296.

AN ACT to amend section 4580 of the statutes and to create section 4580m, relating to sexual intercourse with an insane female.

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

SECTION 1. Section 4580 is amended to read:

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SECTION 2. There is added to the statutes a new section to read:

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Approved June 20, 1907.

(In effect July 1, 1907.)

No. 824, A.]

[Published June 22, 1907.

CHAPTER 297.

AN ACT providing for the office of commissioner of public works in all cities of the first class, whether organized under special charter or under the general laws.

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

Commissioner of public works: SECTION 1. In all cities of the first class, whether organized under special charter, or under the general law, there is created the office of commissioner of public works.

Appointment and term. SECTION 2. Such commissioner shall be appointed by the mayor and confirmed by a majority

of the members elect of the common council, such appointment shall be made upon the third Tuesday in April following the time when this act shall become effective in any city; and the term of office of the person so appointed and confirmed shall begin sixty days after such appointment, unless such appointment has not been at such time confirmed, in which event such term shall begin immediately upon such confirmation. The term shall continue for two years from the date of such appointment and until a successor has been appointed, confirmed and qualified; and once in two years thereafter from the time of such appointment, and on the third Tuesday in April of such year, a successor shall be appointed in like manner to such office, who shall hold said office as heretofore provided.

Salary, time, oath, bond, sureties. SECTION 3. Such commissioner of public works shall receive a salary to be fixed by the common council of such city, not to exceed the sum of six thousand dollars per annum; and every commissioner appointed under this act shall devote all his time and attention to said office, and shall not during the term of his office be actively engaged in any other business or profession. Such commissioner of public works shall before entering upon the duties of his office take and subscribe the oath of office prescribed by the constitution of the state and file the same duly certified by the official administering the same with the clerk of such city. He shall furnish bond for the faithful discharge of the duties of his office, in such amount and with such sureties as the common council of such city may prescribe.

Deputy; oath, bond, sureties. SECTION 4. The commissioner of public works shall appoint a deputy commissioner of public works, provided, however, that such appointment shall not be made subject to the civil service laws applicable to the cities to which this act shall apply.

Before entering upon the duties of his office, such deputy shall take and subscribe the oath of office prescribed by the constitution of the state, and file the same duly certified by the official administering the same with the clerk of such city. He shall furnish a bond for the faithful discharge of the duties of his office, in such amount and with such sureties as the common council of such city may direct.

Deputy's duties. SECTION 5. Such deputy shall be authorized to do all the acts required by law to be done by the

commissioner of public works, and he shall in case of the sickness or absence of the commissioner perform all duties imposed by law or the ordinances of the city, upon such commissioner, and shall likewise be subject to the same liabilities and penalties.

Case of vacancy. SECTION 6. In case of a vacancy in the office of the commissioner of public works the deputy commissioner shall have full power and authority, and it is hereby made his duty, to exercise and perform the duties of the commissioner of public works until such vacancy shall be filled by appointment of a successor by the mayor of such city. Such appointment shall be confirmed by a majority of the members elect of the common council of such city, and the appointee shall hold office during the unexpired term of such commissioner.

Departments. SECTION 7. The commissioner of public works shall also appoint a superintendent of sewerage, a superintendent of street construction and repairing, a superintendent of street cleaning and the collection and removal of ashes and garbage, and a superintendent of bridges and public buildings.

Superintendents: term, appointment, oath, bond, sureties. SECTION 8. Such superintendents shall each have charge of their respective departments under the jurisdiction and control of the commissioner of public works. They shall hold office during the term of the commissioner appointing them and their appointments shall be made subject to the civil service law applicable to the cities to which this act shall apply. Each of such superintendents shall before entering upon the duties of his respective office take and subscribe the oath of office prescribed by the constitution of this state, and file the same duly certified by the official administering the same with the clerk of such city; and each shall furnish a bond for the faithful discharge of their respective duties, in such amount and with such sureties as the common council of such city may prescribe.

Additional superintendents. SECTION 9. The common council of such city shall by ordinance or resolution provide for the appointment of additional superintendents whenever it may be deemed necessary; provided, however, that the offices of superintendent hereafter treated by the common council shall be filled in like manner and under the same restrictions as provided in the preceding section of this act.

Incompetency. SECTION 10. The commissioner of public works shall have power to discharge the deputy or any of the superintendents for incompetency.

Clerks and workmen: discharge, number, pay. SECTION 11. The commissioner of public works is authorized to employ from time to time such clerks and workmen as he may deem necessary for the discharge of the duties of his office, and any person appointed or employed by such commissioner in pursuance of this act may at any time be removed or discharged for incompetence by such commissioner, provided however, that the maximum number of clerks and workmen shall be prescribed by the common council of such city by resolution or ordinance, and that the salaries or wages for the same shall be fixed likewise in such resolution or ordinance by such common council.

Civil service. SECTION 12. All appointments by the commissioner of public works except deputy commissioner shall be made subject to and in accordance with the laws of the state respecting the civil service in cities to which this act shall apply.

Commissioner: jurisdiction, contract power, duties. SECTION 13. It shall be the duty of the commissioner of public works to take special charge and superintendence, subject to such ordinances as may be lawfully passed by the common council of all streets, alleys, highways, sidewalks, cross-walks, bridges, docks, walks, public grounds, engine house, and of all other public buildings and grounds belonging to the city or any of the wards of such city, except such public grounds as under the laws of this state are otherwise under the care and supervision of other officers; also of all works for the deepening, widening or dredging of the rivers of said city; of all sewers and the work pertaining thereto; and of all public works commenced or undertaken by such city, except as otherwise expressly provided by law. He shall have power to make contracts in the name and behalf of such city in the manner and under the limitations prescribed by the laws of this state or the charter of any city included within the provisions of this act, and having reference to a board of public works. He shall perform all the duties prescribed by this act, and such duties as are now executed by boards of public works in such cities to which this act shall apply, and other duties as the common councils of such cities may from time to time require. It shall

likewise be his duty to supervise and control the collection, removal and disposal of garbage in such city, subject to such ordinances and resolutions as the common council of such city may adopt.

Automobile requisite. SECTION 14. Such commissioner of public works shall immediately upon entering upon the duties of his office be required to provide at his own expense an automobile for use in the discharge of his duties as such commissioner, and the cost of maintenance of such automobile shall be defrayed by him.

Public works board: full succession for commissioner. SECTION 15. Sixty days after the appointment of a commissioner of public works under this act in any city in which this act may become effective, such commissioner of public works shall succeed to the office of board of public works, if such there be in such city, and succeed to all the duties, powers, rights and privileges which such board of public works may have had under the laws, and thereafter all such duties, powers, rights and privileges shall be exercised and discharged by such commissioner of public works.

City engineer: relations with commissioner. SECTION 16. If there be a city engineer in any city in which this act may become effective, who under the law is a member of the board of public works in any such city, if such board there be, such city engineer shall continue in the discharge of his duties in like manner as under previous laws, except that he shall not be a member of the department of public works, but shall discharge his duties under the direction of the commissioner of public works.

If any difference shall arise between said city engineer and the commissioner of public works in the discharge of their respective duties, the ruling of said commissioner of public works shall be supreme and final, in all matters excepting those pertaining to questions of engineering which may concern the water works of any city to which this statute may apply.

Commissioner: trial and dismissal by council. SECTION 17. Whenever any charge of official misconduct or inefficiency shall be preferred against said commissioner of public works, the common council of such city shall hear such charges as soon

as practicable after they have been filed with the clerk of such city, whose duty it shall be to communicate the same to the common council; and in case such common council shall deem it necessary or proper for the purpose of such hearing, they may meet and examine witnesses on oath in relation to any such charges. Such oath shall be administered by the city clerk or the president of the common council of such city. Subpoenas may be issued for the purpose of procuring the attendance of witnesses before such common council, and which subpoena shall state when and where and before whom the witness is required to appear and testify, and may require such attendance forthwith, or on a future day named, and the production of books, records, documents and papers therein to be designated. All such subpoenas shall be signed by the city clerk of such city and shall be issued under the seal of such city, and may be served in the same manner and shall have the same force and effect as subpoenas issued out of the circuit court of the county within which such city may be situated. Any wilful or corrupt false swearing by any witness or person testifying before such common council, or making deposition to any material fact relating to the matter under investigation before such common council shall be deemed guilty of perjury and punished as such in the manner provided by law. The provisions of law with respect to the attachment of witnesses subpoenaed before justices of the peace and compelling attendance of such witnesses to appear and testify before them are hereby applied to the case of witnesses subpoenaed before such common council. A majority of all the members elect of the common council of such city shall have power to dismiss such commissioner from office for malfeasance or inefficiency in office, upon due hearing as hereinbefore provided.

Salaries. SECTION 18. The common council of such city shall by ordinance or resolution prescribe the salaries for the deputy commissioner of public works and the superintendents, whose offices are created by this act.

City Charters: This act amendatory. SECTION 19. This act is amendatory of the charters of the various cities to which it applies or may hereafter become applicable and any provision of such charter inconsistent herewith is hereby modified, amended or repealed by this act to the extent necessary to give full force and effect to the intent thereof.

This act: consent of council necessary. SECTION 20. This act shall take effect and be in force from and after the first day of January, 1908, provided that before this act shall be in effect in any city to which it applies, it must first have been approved by a majority vote of the members elect of the common council of such city.

Approved June 20, 1907.

No. 568, S.]

[Published June 22, 1907.

CHAPTER 298.

AN ACT to amend section 1772 of the statutes, relating to the establishing of a system of water reservoirs.

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

SECTION 1. Section 1772 of the statutes is amended by adding a new subsection to read: (Subsection 8.)

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

Approved June 20, 1907.

No. 208, S.]

[Published June 22, 1907.

CHAPTER 299.

AN ACT to appropriate a certain sum of money to the normal school fund income to build a normal school at Ia Crosse.

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

Appropriation: \$210,000. SECTION 1. There is appropriated to the normal school fund income out of any money