

Gilvray of Chippewa Falls, Wisconsin, his heirs, associates and assigns, are hereby authorized to build and maintain a dam across the Flambeau river in Chippewa county, state of Wisconsin, at any point he or they may select, on section thirty-five in township thirty-six north, of range five west, and to use the water of said river for the purpose of operating any and all kinds of machinery he or they may hereafter see fit to erect, and to sell or lease the right to use said water and the water power created by said dam, to any person or persons, whomsoever, provided that said dam shall be so constructed and maintained as not to obstruct or impede the running of logs or timber down said river and that a suitable log slide sufficient in width shall be maintained at the expense of the owner or owners of said dam, together with such piers and guide booms as may be necessary so as to pass all logs and timber down and over said log slide without delay, hindrance or waste. \* \* \* \* \*

Approved July 16, 1907.

No. 1044, A.]

[Published July 18, 1907.]

## CHAPTER 676.

AN ACT to correct errors in and to adopt section numbers in certain sections of the laws of 1907.

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

SECTION 1. Section 1, chapter 309, laws of 1905 as amended by section 1, chapter 44, laws of 1907 is made section 636a of the statutes.

SECTION 2. Section 926—17 as created by section 1, chapter 69, laws of 1907 is made section 926—104m of the statutes.

SECTION 3. Section 1, chapter 88, laws of 1907 is made section 376m of the statutes.

SECTION 4. Section 1, chapter 377, laws of 1901 as amended by chapter 143, laws of 1905, and by section 1, chapter 104, laws of 1907 is made section 1494—11 of the statutes.

SECTION 5. The chapter number "469" where it appears in the title of chapter 130, laws of 1907, is amended to read: "489".

SECTION 6. Section 3a created by section 1, chapter 138, laws of 1907, and section 7 amended by section 2 of said chapter 138 are made respectively sections 1787em and 1787g of the statutes.

SECTION 7. Section 1, chapter 145, laws of 1907 is made section 943t of the statutes.

SECTION 8. Section 8, chapter 251, laws of 1899 as amended by chapter 154, laws of 1907 is made section 1747—98 of the statutes.

SECTION 9. Section 1, chapter 163, laws of 1907 is made section 671m of the statutes.

SECTION 10. Section 1, chapter 187, laws of 1907 is made section 927p of the statutes.

SECTION 11. Section 1m as created by section 1, chapter 198, laws of 1907 is made section 493b of the statutes.

SECTION 12. Sections 1 and 2, chapter 199, laws of 1907 are made, respectively, sections 553—1 and 553—2 of the statutes.

SECTION 13. The number "1899" where it appears in the title and in section 1, chapter 423, laws of 1907 is amended to read "1889".

SECTION 14. 1. Section 11, chapter 439, laws of 1901 as amended by section 3, chapter 472, laws of 1907 is made section 496f of the statutes.

2. Section 2, chapter 499, laws of 1905 as amended by section 4, chapter 472, laws of 1907 is made paragraph 6 of subsection 5 of section 170 of the statutes.

SECTION 15. Section 1, chapter 524, laws of 1907 is made section 1021t of the statutes.

SECTION 16. Section 10, chapter 288, laws of 1901 as amended by chapter 143, laws of 1903 and by section 1, chapter 540, laws of 1907 is made section 553l of the statutes.

SECTION 17. 1. Subsections 14 and 15 of section 776 of the statutes, as created by section 6, chapter 552, laws of 1907 are made subsections 16 and 17 of section 776 of the statutes, respectively.

2. Section 1347 of the statutes as created by section 8, chapter 552, laws of 1907 is made section 1347t of the statutes.

SECTION 18. 1. Subdivision "h" as amended by section 1, chapter 582, laws of 1907 is made subsection "h" of section 1797—1 of the statutes.

2. Section 2, chapter 262, laws of 1905 as amended by section 2, chapter 582, laws of 1907 is made section 1797—2 of the statutes.

3. Section 10, chapter 362, laws of 1905 as amended by section 3, chapter 582, laws of 1907 is made section 1797—10 of the statutes.

4. Section 14, chapter 362, laws of 1905 as amended by section 4, chapter 582, laws of 1907 is made section 1797—14 of the statutes.

5. Subdivision "e" of section 16, chapter 362, laws of 1905 as amended by section 5, chapter 582, laws of 1907 is made subsection "e" of section 1797—16 of the statutes.

6. Subdivision "e" created by section 6, chapter 582, laws of 1907 is made subsection "e" of section 1797—18 of the statutes.

7. Subdivision "a" as amended by section 7, chapter 582, laws of 1907 is made subsection "a" of section 1797—19 of the statutes.

SECTION 19. 1. Section 4, chapter 268, laws of 1899 as amended by chapter 373, laws of 1901, by chapter 338, laws of 1903 and by chapter 601, laws of 1907 is made section 411—4 of the statutes.

2. Section 5 of chapter 268, laws of 1899 as amended by chapter 373, laws of 1901, by chapter 338, laws of 1903 by chapter 509 laws of 1905 and by section 2, chapter 601, laws of 1907 is made section 411—5 of the statutes.

3. Section 6 as contained in section 3 of chapter 601, laws of 1907 is made section 411—6a of the statutes.

SECTION 20. Amend chapter 613, laws of 1907 by striking out the words and figures "Section 1828" where they occur in the second line of section one of the enrolled bill and inserting in lieu thereof the figure "5."

SECTION 21. Amend chapter 630, laws of 1907 by inserting after the word "read" in line one of section one of the enrolled bill the word and figures "Section 4966".

SECTION 22. Section 2, chapter 355, laws of 1907 is made subsection "j" of section 4560a—12 of the statutes.

SECTION 23. Section 392m of the statutes, created by chapter 641, laws of 1907 is made section 392l of the statutes.

SECTION 24. 1. The several divisions of section 170 as printed in Sanborn and Sanborn's Supplement shall constitute subsections of said section as follows: The matter relating to governor's office shall be subsection 1, to the office of the secretary of state subsection 2, to treasurer's office subsection 3, to attorney general's office subsection 4, to office of state superintendent subsection 5, to inspectors of oils subsection 6, to law library subsection 7, to the university subsection 8, to normal schools subsection 9, to the office of superintendent of public property subsection 10, to the state historical society subsection 11, to the justices and circuit judges subsection 12, to railroad commissioner subsection 13, to department of insurance subsection 14, to supreme court reporter subsection 15, to dairy and food commission subsection 16, to state veterinarian and live stock sanitary board subsection 17, to the bureau of statistics subsection 18, to national guard subsection 19, to banking department subsection 20, to land office subsection 21, to the board of control subsection 22 to the commissioners of fisheries subsection 23, to the fish and game warden subsection 24, to the free library commission subsection 25, to free employment offices subsection 26, to memorial hall subsection 27, to the Superior grain commission subsection 28, to civil service commission subsection 29, to tax commission subsection 30, to board of vital statistics subsection 31, to investigation of charitable institutions subsection 32, to inspection of apiaries subsection 33.

to inspection of nurseries subsection 34, to board of forestry subsection 35.

2. The several paragraphs of each subsection shall be numbered in numerical order beginning in each subsection with number 1.

Approved July 16, 1907.

(In effect from and after date of publication.)

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No. 626, S.]

[Published July 18, 1907.

## CHAPTER 677.

AN ACT to validate contracts made and executed with municipal corporations of the first class for the construction of street pavements which are patented in whole or in part.

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

**Legalization of contracts and payments.** SECTION 1. In all cases where any municipal corporation of the first class in this state shall have heretofore entered into any contract or contracts with any person, firm or corporation for the construction of any pavement, or pavements, which contract or contracts are illegal because requiring the use of patented materials in whole or in part, and such contract or contracts have been fully performed and executed by such person, firm or corporation, such contract or contracts shall be valid from the date entered into, and such person, firm or corporation shall be entitled to all rights under such contract or contracts, as fully as if such contract or contracts had been valid in the first instance; and the proper authorities of any such city shall have full power and authority to pay for such pavements out of the general or ward fund, as provided for in said contract or contracts, and by law, and all pavements which have been made are hereby declared valid in all respects.

Approved July 16, 1907.

(In effect from and after date of publication.)

3. In case no appeal shall be taken from the report and valuation of said commissioners a judgment may be entered thereon by said circuit court.

4. Such appeal shall be considered an action pending in said court, in which the land-owner shall be plaintiff and the state defendant; and all the proceedings in such action shall be taken in the manner provided in sections 1849, 1850 and 1855, chapter 87 so far as applicable.

5. The title to all lands so taken, upon payment of the compensation finally awarded, shall vest in the state in fee simple.

6. *In case the board so instituting condemnation proceedings shall not deem it for the best interest of the institution for which said real estate is desired to take the same at the price fixed by said commissioners, or by a jury upon appeal from the award of said commissioners, said board may within thirty days after the filing of the award of said commissioners, or within thirty days after assessment of damages by said jury, discontinue such proceedings upon such terms as to the court shall seem equitable and just.*

(Ch. 290, 1907.)

**National guard: U. S. army laws, rules and regulations adopted.** SECTION 633m. The organization, armanent, and discipline of the Wisconsin national guard, shall be the same as that which is now, or may hereafter be prescribed for the regular and volunteer armies of the United States; and the governor may by order perfect such organization, armanent and discipline, at any time, so as to comply with the laws, rules and regulations that may be prescribed for the regular and volunteer armies of the United States.

(Ch. 167, 1907.)

**University cadet majors brevetted upon examination.** SECTION 636a. The \* \* \* *students* of the University of Wisconsin who shall have completed four years of military drill and instruction, *and who shall have been commissioned by the university to the rank of major or higher and who shall have served as* \* \* \* *such* for the term of one year, shall be eligible to appointments as brevet second lieutenants in the \* \* \* *Wisconsin national guard* without pay or remuneration \* \* \* subject to assignment to duty with the Wisconsin national guard, at the discretion of the governor,

during the next five years succeeding such *appointment* \* \* \* providing that *before such assignment* they shall first pass the prescribed examination before a board of officers of the Wisconsin national guard.

(Ch. 44, 1907. Numbered "Sec. 636a" by Sec. 1, Ch. 676, 1907.)

**Camp Douglas: free use to U. S.** SECTION 645—1. The state of Wisconsin hereby grants to the United States the right to use the state encampment grounds known as the Wisconsin military reservation, near Camp Douglas, in Juneau county, exclusive of buildings thereon, for infantry and artillery practice, whenever such use does not conflict with state control, care and improvement by the proper state authorities and its use by the militia of the state, without cost to the United States so long as said grounds are used and owned by this state for encampment purposes.

(Ch. 46, 1907.)

**National guard officers: grounds for discharge.** SECTION 649—3. Any officer may be discharged by order of the governor *upon recommendation of any general court martial after due trial or upon resignation or disability preventing full discharge of the duties of his office.*

(Ch. 134, 1907.)

**Rifle practice; annual appropriation.** SECTION 649—34. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated a sum of money, to make all the purchases, defray the expenses and pay the allowances of the Wisconsin national guard during each fiscal year not to exceed one hundred \* \* \* *forty* thousand dollars, this limit to apply annually except in case of war, riot or great public calamity. To promote interest and efficiency in rifle practice, not to exceed fifteen hundred dollars \* \* \* of the annual state military appropriation may be expended annually, on approval of the governor, to defray the expenses of the state participating in the annual national rifle competition between the several states and the army and navy of the United States. \* \* \*

(Ch. 42, 1907.)

**County road and bridge fund: bond issue for.** [SECTION 658.] 3. To aid the county road and bridge fund, but bonds

**Board of public works to supervise constructions.** SECTION 926—101m. Whenever said board of commissioners shall adopt any plans and specifications for the erection of any building, the board of public works shall have the immediate supervision and superintendence of the construction, and of the laying of conduits in the public streets and of the necessary excavation, refilling and repaving caused thereby.

(Ch. 467, 1907.)

**Commission's reports, estimates and disbursements.** SECTION 926—101n. The said commission shall make an annual report and such other reports required to the common council of all its doings and expenditures in connection with said lighting and power plant, and shall annually certify to the common council and the city comptroller on or before the first day of December the amount of money required for the maintenance of their department and the contemplated extensions for the next ensuing year.

All moneys set aside by the council in the annual budget for the maintenance and extension of said city lighting and power plant, shall be subject to disbursement by said commission upon orders issued by them, payable at the city treasurer's office.

(Ch. 467, 1907.)

**Cities, 3rd class: high school buildings.** SECTION 926—104m. The board of education of any city of the third class, organized under a special charter which authorizes such board to purchase sites and erect high school buildings, may select any such site or erect any such building without restriction as to any territorial limitation that may be contained in the charter of such city.

(Ch. 69, 1907.) Numbered 926-104m by sec. 2, ch. 676, 1907.

**Cities, 1st class: vacation of public grounds and ways; freeholders' petition therefor.** SECTION 926—125k. 1. The common council of any city of the first class under special or general charter may vacate grounds, waterways, streets and alleys under the provisions of this act.

2. Any ten or more freeholders residing in any ward of such city may present a petition to the common council for the vacation of a ground, waterway, street or alley, or part thereof, within the ward where such petitioners reside, stating the va-



and such owner, so long as he shall maintain such trees, replacing such as die, shall receive an annual bounty of \* \* \* *three* cents for each rod of highway along which such trees are planted on one side and \* \* \* *six* cents if on both sides, to be credited upon his highway taxes. For the protection of such trees while growing such owner may, by leave of the superintendent, inclose the same by a fence.

(Ch. 18, 1907.)

**Wagons on highways: tax rebates for wide tire users.**

SECTION 1347m. 1. Every person who, during the year ending the first day of June, 1908, and each succeeding year thereafter, uses on public highways of this state only wagons or vehicles for hauling loads exceeding one thousand pounds in weight, with wheels the tires of which are not less than three inches in width, shall receive a rebate of one-half of his assessed town, city or village highway tax for each such year, which rebate shall not exceed in any year two dollars or its equivalent in labor if such tires shall be more than three and less than three and one-half inches in width, nor shall it exceed three dollars or its equivalent in labor if such tires are more than three and one-half inches in width.

2. The right to such rebate shall not be affected by the use upon the public highways of any vehicles carrying a weight not exceeding one thousand pounds.

3. Upon making an affidavit showing that he has complied with the provisions of this act during any such year such person shall be credited by the superintendent of highways for the road district in which he resides or is assessed, or by the town, city or village treasurer, with such rebate. Such affidavits may be taken before any superintendent of highways or any town, city or village treasurer, each of whom is hereby authorized to administer such oath.

(Ch. 479, 1907.)

**Application of chapter 552, 1907.** SECTION 1347t. In any county organized as a road district, the provisions of this chapter are in force, except in so far as the county board designate for improvement any road or bridge.

(Ch. 552, 1907.) Made "Sec. 1347t," by Sec. 17, Ch. 676, 1907.

\* \* \* The provisions of this act shall not apply to counties having a population of one hundred and fifty thousand or more.

(Sec. 9, Ch. 552, 1907.)