

by a two-thirds vote of the members present authorize the issuance of county highway bonds under the provisions of section 1317m—12, at a rate of interest not exceeding six per centum per annum.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 28, 1921.

No. 228, A.]

[Published May 31, 1921.

CHAPTER 289.

AN ACT to create section 3716d of the statutes, relating to the protection of laborers and materialmen who furnish labor or material in public improvements.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 3716d. 1. Any person, firm or corporation furnishing any material, apparatus, fixtures, machinery or labor to any contractor for public improvements in this state, except in cities of the first class, however organized, shall have a lien on the money, or bonds, or warrants due or to become due such contractor for such improvements; providing, such person, firm or corporation shall, before the payment is made to such contractor, notify the officials of the state, county, township, city, or municipality, whose duty it is to pay such contractor, of his claim by written notice. It shall be the duty of such officer so notified to withhold a sufficient amount to pay such claim until it is admitted or by law established and thereupon to pay the amount thereof to such person and such payment shall be a credit on the contract price to be paid such contractor. Any officer violating the duty hereby imposed upon him shall be liable on his official bond to the person serving such notice for the damages resulting from such violation which may be recovered in an action at law in any court of competent jurisdiction. There shall be no preference between the persons serving such notices, but all shall be paid pro rata in proportion to the amount under their respective contracts.

2. Whenever practicable, service of the notice provided for in subsection 1 shall be made both upon the clerk and treasurer of the municipality. In case any portion of the money due the contractor is payable by the state of Wisconsin notice of afore-

said may be served by registered mail upon the state highway commission.

3. In any case where the contractor shall dispute the claim of the laborers or materialmen the right to a lien and to the moneys in the hands of the officer shall be determined by equitable action in the circuit court of the proper county.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 27, 1921.

No. 380, A.]

[Published May 31, 1921.

CHAPTER 290.

AN ACT to create section 925—118b of the statutes legalizing certain contracts of cities.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 925—118b. Any contract made by any city prior to July 1, 1920, for the construction of public school buildings with the lowest bidder pursuant to an advertisement for doing said work on a cost plus basis with a cost limitation, is hereby legalized, and all payments of money heretofore or hereafter made thereunder are hereby legalized and validated.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 27, 1921.

No. 322, S.]

[Published May 31, 1921.

CHAPTER 291.

AN ACT to create section 27.15 of the statutes, relating to payment of bills and accounts by the board of park commissioners of cities of the first class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: 27.15 All moneys received or raised in any city of the first class, however incorporated, for parks and boulevards, under the control of a board of park commissioners, shall be paid over to the city treasurer and shall be disbursed according to resolutions of