

Change of time
for holding
term of court.

1875, the terms of the circuit courts for the several counties comprised in the twelfth judicial circuit of this state, shall be held in each year as follows: For the county of Jefferson, on the first Monday of February, the second Tuesday of June and the first Monday of September; for the county of Green, on the first Tuesday of March, the third Tuesday of June, and the first Tuesday of October; for the county of Rock, on the fourth Monday of April, the fourth Monday in January, and the Wednesday next succeeding the first Monday of November.

No jury to be
summoned.

SECTION 2. Section three of said chapter is hereby amended so as to read as follows: No jury shall be summoned for either of the terms of the circuit court herein appointed to be held in the months of January and June, but said court shall have power at such terms to transact any business or do any act which may be lawfully transacted or done at a general term of the circuit court without the intervention of a jury.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1875.

CHAPTER 144.

[Published March 10, 1875.]

AN ACT to amend chapter one hundred and eighty-four, of the laws of 1874, entitled, "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20th, 1852, and the several acts amendatory thereto."

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

Amended.

SECTION 1. Section three, of chapter two, of chapter one hundred and eighty-four, of the laws of 1874, entitled, "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," is hereby amended by adding to said section the following: The city treasurer shall not be eligible to that office for the two years next succeeding the expiration of his term.

City treasurer
not eligible to
second term.

Amended.

SECTION 2. Section five of chapter two, of said chap-

ter one hundred and eighty-four, is hereby amended by adding at the end of said section the following words: "And if less than six months of such term shall remain unexpired, the common council may, in their discretion, order a new election to fill such vacancy."

New election to be ordered.

SECTION 3. Section eight, of chapter two, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows; Section 8. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All persons entitled to vote for county or state officers, and who shall have resided in the city for one year next preceding the election, and for ten days in the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this act, and to hold any office hereby created.

Elections to be by ballot.

SECTION 4. Section eleven, of chapter two, of said chapter one hundred and eighty-four, is hereby amended so that the oath to be administered by the inspectors shall read as follows: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age, that you are a citizen of the United State, (or have declared your intentions to become a citizen conformably to the laws of the United States on the subject of naturalization,) that you have resided within this city one year, and within this ward ten days next preceding this election; that you now reside within this election precinct, and that you have made no bet or wager, and have not become directly or indirectly interested in any bet or wager, depending upon the result of this election."

Oath of elector.

SECTION 5. Section twelve, of chapter two, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 12. As soon as the poll of the election shall be closed, the inspectors shall proceed immediately to canvass the votes given at such election, and continue without adjournment until completed. The canvass of votes shall be made publicly in the presence of any person desiring to attend the same, and when the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make returns thereof, stating therein the number of votes cast for each person, for each and every office; and shall deliver or cause to be delivered, such returns to the clerk of the common council, with the ballots cast at such election. Within one week after

Canvass of votes.

any election the common council shall meet and canvass said returns, and declare the result as it appears from the same, and the clerk shall forthwith give notice of his election to each officer elected.

Vacancies and special elections.

SECTION 6. Section thirteen (13), of chapter two (2), of said chapter one hundred and eighty-four, (184), is hereby amended so as to read as follows: Section 13. In case of a tie vote or a failure in making an election of any officer, or in case of the dismissal of any officer, or when any officer elected or appointed for the city shall remove his residence without the limits of the city, or when any officer elected or appointed in and for any ward or division of the city, shall remove his residence without the limits of such ward or division, or when any such officer shall refuse or neglect, for ten days after notice of his election or appointment, to qualify and enter upon the discharge of the duties of his office, the office shall be deemed vacant; and whenever a vacancy shall occur in such manner, or in any other manner, in any office to be filled by an election by the people, except in the office of mayor or alderman, the common council shall order a special election upon a public notice of five days, to be given in like manner as notice is given of the general municipal election, for the election of a person to fill such vacancy. And whenever the vacancy shall occur in any office to be filled by a vote of the common council, the same proceedings shall be had for an election to fill such vacancy as are required for the election of any officer by the common council.

When council may order new elections.

SECTION 7. Section seventeen, of chapter two, of said chapter one hundred and eighty-four, (184), is hereby amended by adding at the end of said section the following words: And if less than six months of such term shall remain unexpired, the common council may, in their discretion, order a new election to fill such vacancy.

Officers to subscribe oath and file bonds.

SECTION 8. Section one, of chapter three, of said chapter one hundred and forty-eight (148), is hereby amended so as to read as follows: Section 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer administering the same, with the clerk of the city; and the treasurer, comptroller, clerk, constables, and such other officers as the

common council may direct, shall each, before entering upon the duties of his office, execute to the city of Milwaukee a bond, with two or more sureties, the aggregate amount of whose property within this state, over and above all their respective debts, exemptions and liabilities, as shown by their affidavits attached to or endorsed on such bond, shall be at least double the sum named as the penalty in such bond; and said bonds shall respectively contain such penal sums and such conditions as the common council may deem proper, and shall be subject to the approval of said council. And the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. All official bonds executed to the city of Milwaukee, except that of the city clerk, shall be filed with and safely preserved by the city clerk in his office, unless the common council shall otherwise direct. The bonds of all officers who may be charged with the collection or safe keeping, or with the disposition or disbursement of any of the funds of said city or may have any control over such funds at any time, shall be duly witnessed and acknowledged, and recorded in the office of the register of deeds of the county of Milwaukee. And the city clerk shall, immediately after the filing of any such bond in his office make and deliver a true copy thereof, duly certified by him under the corporate seal of the city, to the city comptroller, who shall preserve the same in his office. The said certified copy on file with the comptroller, or transcripts from the record of such bonds in the office of the register of deeds, duly certified by said register, shall be evidence of the due execution and contents of the bonds so recorded, in case of loss of originals. The bond of the city clerk shall be filed with the city comptroller.

SECTION 9. Section fourteen, of chapter three, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 14. He shall keep a list of all certificates issued against property in each ward, and at the last regular meeting of the common council in November, shall report to the council a schedule of all the lots or parcels of land within the several wards, which, under this act, may be subject to any special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on each such lot or parcel of land, with a full statement of the several acts done

Schedule of
lots and lands
to be made.

and performed in reference to such special taxes or assessments, which said schedule shall be verified by the affidavit of the comptroller, and shall be prima facie evidence of the facts therein stated in all cases wherein the validity of such special tax or assessment shall come in question. The common council shall, if from such report they shall deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act.

Repealed.

SECTION 10. Section fifteen, of chapter three, of said chapter one hundred and eighty-four, is hereby repealed.

Stated and
special meet-
ings of common
council.

SECTION 11. Section two of chapter four, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 2. The common council shall hold stated meetings at such times and places as they shall appoint; and the mayor or president of the board of aldermen may call special meetings thereof by notice of at least twenty-four hours to each of the members, to be served personally or left at his usual place of abode. Special meetings shall also be called by the president at the written request of five aldermen. The common council shall determine the rules for their own government and proceedings; *provided*, such rules are consistent with the provisions of this act. A majority of the members elected shall be required to constitute a quorum for the transaction of business, but a smaller number may adjourn; their sessions shall be open and public; their proceedings shall be recorded, and all their papers and records, and all election returns shall be deposited with the clerk of the common council and the same may be examined at any time in the presence of the clerk; and each member of the common council shall have one vote, and no more, on any one question. The ayes and noes may be required by any member; and on all questions, ordinances or resolutions for assessing and levying taxes, or for the appropriation or disbursement of money, or creating any liability or charge against said city or any fund thereof, the vote shall be taken by ayes and noes; and every vote by ayes and noes shall be entered at length upon the journal. The common council shall be the judge of the election and qualifications of its own members, and may punish its members or other persons present, by fine, for disorderly behavior; may compel the attendance of its members upon its sessions, and employ the police of said city for that purpose; and may

fine or expel any member for neglecting his duty as such member, or for unnecessary absence from the sessions of the board. At all elections or confirmations by the common council, the vote shall be given viva voce, and shall be duly recorded by the clerk in the journal; and the concurrence of a majority of all the members elect shall be necessary to an election or confirmation.

Vote of council.

SECTION 12. Subdivision thirty of section three, of chapter four, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: 30. To control and regulate the streets, alleys and public grounds in said city, and provide for sprinkling the same, and to remove and abate any obstructions and encroachments therein.

Amended.

SECTION 13. Subdivision fifty-four, of section three, of chapter four, of said chapter one hundred and eighty-four is hereby amended by adding to said subdivision the following: Also to erect and construct, or cause to be erected and constructed, bridges over ravines within said city.

Amended.

SECTION 14. Section four, of chapter four, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 4. All laws and ordinances shall be passed by an affirmative vote of a majority of the aldermen elect and shall be signed by the mayor and by the presiding officer of the council, and shall be published in the official papers of said city before the same shall be in force, and within fifteen days after such publication they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws or ordinances shall be so recorded, the publication thereof respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of each of such newspapers, and said affidavits shall be recorded therewith, and at all times and in all courts and places shall be deemed and taken as sufficient evidence of the time and manner of such publication. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which may create a debt or liability against said city, or a charge upon any fund thereof, shall be adopted without a vote in its favor of a majority of all the aldermen elect, which vote shall be taken by the ayes and noes, and entered among the proceedings of the council; and when the grade of any street shall have been established by ordinance and such street

Laws and ordinances—How to be passed.

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shall have been actually made to conform to such established grade, under the direction of the proper authorities of said city, such grade shall not thereafter be changed without a vote of two-thirds of all the members elect of the common council, including the votes of all the members elect representing the ward or wards in which the change is proposed to be made, in favor thereof; the vote in every such case shall be taken by ayes and noes, and shall be entered upon the journal of the common council. All rules, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the aldermen elect, except when otherwise provided in this act.

Appropriation
of money.

SECTION 15. Section five, of chapter four, of said chapter one hundred and eighty-four is hereby amended so as to read as follows: Section 5. All ordinances and all accounts and resolutions appropriating money or creating any charge against any of the funds of said city, shall be referred to appropriate committees, and shall only be acted [on] by the common council at a subsequent meeting—not held on the same day—on the report of the committee to which the same were referred; *provided, however*, that when a committee shall report by resolution upon a matter referred to them by the common council, action upon such resolution may, in the discretion of the council, be taken without a further reference. Action upon any report of a committee made to the council shall be deferred to the next regular meeting of the same by request of one-fifth of the aldermen present.

Abatement of
nuisances.

SECTION 16. Section eight of chapter four of said chapter one hundred and eighty-four is hereby amended so as to read as follows: Section 8. The powers conferred upon the said common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts, according to law. Depots, houses, or buildings of any kind, wherein more than twenty-five pounds of gun-powder are deposited, stored or kept at one time, gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without license, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Board of public
works.

SECTION 17. Section one, of chapter five, of said

chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 1. There is hereby established for the city of Milwaukee an executive department, to be known as the board of public works, which shall consist of four persons styled commissioners of public works. The city engineer of said city shall be ex-officio one of said commissioners, and president of said board. The members of said board shall be appointed by the mayor of said city, with the approval of a majority of the members elect of the common council. The term of office of the city engineer and of the other commissioners shall be three years, and shall commence on the third Tuesday of April. Each of the present members of said board shall hold his office (unless sooner removed as provided by law), until the expiration of the term for which he was appointed, and annually hereafter a person shall be appointed for three years, as above provided, to succeed the member whose term of office shall then expire, and as often as vacancy shall occur in said board, whether by death, resignation, or otherwise, a person shall be appointed in the manner above provided, to succeed the person whose office shall so become vacant, for the remainder of his term. The members of said board except the city engineer, at the time of their appointment, shall respectively reside—one in that part of said city which lies east of the Milwaukee river, one in that part of said city which lies west of the Milwaukee and north of the Menomonee rivers, and one in that part of said city which lies south of the Menomonee and west of the Milwaukee rivers. The commissioners shall elect annually, from their own number, a secretary, who is hereby authorized to administer all oaths required by this act. The city engineer and the other commissioners of said board may be removed for incompetency by the mayor, with the approval of a majority of all the members elect of the common council.

SECTION 18. Section two, of chapter five, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 2. The mayor shall on the third Tuesday of April, 1875, or within one week thereafter, and once in three years thereafter, appoint, subject to the approval of a majority of the members elect of the common council, some competent person as city engineer, who shall keep his office in some convenient place, to be desig-

City engineer
—his duties.

nated by the common council, and it shall be his special duty to superintend and to do or cause to be done, all the civil engineering required by the board of public works, in the management and prosecution of all the public improvements committed to their charge and all such other surveying as may be directed by said board, or by the common council. He shall devote his whole time to the duties of his office as city engineer and ex-officio commissioner and president of the board of public works, but he shall not be required to sign any contract, certificate or other paper to be executed or issued by said board of public works under this act. Said engineer shall possess the same powers in making surveys and plats within said city that are given by law to county surveyors, and the like validity and effect shall be given to his acts, and to all plats and surveys made by him, as are or may be given to the acts, plats and surveys of county surveyors. He shall keep a record of all his official acts and doings, shall keep on file a copy of all plats of the lots, and blocks and sewers embraced in the city limits, of profiles of streets, alleys and sewers, and of the grade thereof, and of all drafts and plans relating to bridges and harbors, and to any public buildings belonging to the city of Milwaukee; and shall keep a record of the location of bench marks and permanent corner stakes from which subsequent surveys shall be started, all of which such records and documents shall be the property of the city, open to the inspection of parties interested, and shall be delivered over by said engineer at the expiration of his term of service to his successor in office, or to the board of public works. He shall make an annual report of all the acts and doings of the engineer's department to the board of public works on or before the first day of February in each year. Said engineer shall appoint such assistants and workmen as he may deem necessary in the discharge of his duties, subject, however, to such regulations respecting the number of assistants and workmen to be appointed, and their compensation, as the common council may prescribe by ordinance.

Shall make
annual report.

Common council
to employ
superintendents,
clerks,
&c.

SECTION 19. Section three, of chapter five, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 3. The said board of public works are authorized to employ, from time to time, such superintendents, clerks, agents, assistants and workmen as they may

deem necessary in the discharge of their duties; and may adopt by-laws for the regulation and conduct of all persons in their employ or under their supervision, subject, however, to such regulations respecting the number of persons regularly or permanently employed and their compensation and duties, as the common council may prescribe by ordinance. Any person appointed or employed under the provisions of this or the next preceding section may at any time be removed or discharged for incompetency by the board of public works or by a majority of the members elect of the common council. The commissioner of public works appointed prior to the third Tuesday in April, 1874, and now in office, shall receive an annual salary of \$2,250, and the commissioner appointed on the third Tuesday in April of 1874, shall continue to receive the annual salary fixed by the common council on the 6th day of May, 1874. The city engineer, who may be hereafter appointed, shall receive such a salary as may be fixed by the common council, not exceeding four thousand dollars per annum, and the other commissioners who may be hereafter appointed shall receive such a salary as may be fixed by the common council not exceeding three thousand dollars per annum, but the amount of such salary for the city engineer and for each of the other commissioners shall not be fixed until after his appointment shall have been confirmed by the common council.

Compensation
of commission-
ers.

SECTION 20. Section eight, of chapter five of said chapter one hundred and eighty-four is hereby amended, so as to read as follows: Section 8. The said board of public works shall have the exclusive power to grant permits, subject to such regulations and restrictions as may be prescribed by the ordinances of the city, for the moving of houses, along or across streets, alleys or walks, and to regulate the building of vaults under streets, alleys or sidewalks. No building material or other obstruction of any kind shall be placed on the streets, walks, or other public grounds of the city, without the written permit of said board. They shall have power, subject to such ordinances as may be lawfully passed by the common council, to regulate and control the manner of using streets, alleys or walks, for laying down gas or water pipes and sewers, and to determine the location and depth thereof, and to cause the prompt repair in such time and manner as they shall direct, of streets, alleys and

Board of public works to have exclusive power to grant permits for removing buildings, &c.

walks, whenever such pipes or sewers may be taken or altered. And in case any corporation or individual shall neglect to repair or restore to its former condition, any street, alley, or sidewalk so excavated, taken up or altered, within the time and in the manner directed by said board, the said board shall cause the same to be done at the expense of such corporation or individual.

Amended.

SECTION 21. Section nine, of chapter five, of said chapter one hundred and eighty-four, is hereby amended by striking out the word "may" in the fourth line from below, and inserting in lieu thereof the word "shall," and by adding to said section the following: Unless the common council shall, by resolution, direct that no action shall be commenced.

Contracts—
how executed.

SECTION 22. Section ten, of chapter five, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 10. All contracts shall be awarded to the lowest bidder who shall have complied with the foregoing requisitions; *provided*, that no contract shall be entered into by the board of public works unless the same shall be executed by two or more sureties for the contractor, guaranteeing to the satisfaction of said board the performance of such contract by the contractor under the superintendence and to the satisfaction of said board, each of which sureties shall make an affidavit endorsed on or attached to such contract, that he is worth the estimated amount of money to be paid on such contract, over and above all his debts and liabilities, in property in said city subject to execution.

Board may re-
ject bids.

And provided further, that whenever the lowest bid for any work to be let by said board shall appear to said board to be unreasonably high, the said board is authorized to reject all bids therefor, and to re-let the work anew; and whenever any bidder shall be, in the judgment of said board, incompetent or otherwise unreliable for the performances of the work for which he bids, the said board shall report to the common council of the said city a schedule of all the bids for such work with a recommendation to accept the bid of the lowest competent and reliable bidder for such work, with their reasons for such recommendation, and thereupon it shall be lawful for the said common council to direct the said board either to let the work to such lowest competent and reliable bidder or to re-let the same anew. *And provided further*, that the said board shall reject the bid of

any person who shall previously have wilfully or negligently failed to complete any work or contract entered into by him with the city, or any officer or department thereof, and the failure to let such contract to the lowest bidder in compliance with any provision of this section shall not invalidate such contract or any special assessment thereunder or for the work done in virtue thereof.

SECTION 23. Section one, of chapter six, of said chapter one hundred and eighty-four, is hereby amended, by striking out the words "cause to be executed and delivered," where the same occur in the thirty-second line of said section, and inserting in lieu thereof the words "execute and deliver." Amended.

SECTION 24. Section two, of chapter six of said chapter one hundred and eighty-four, is hereby amended by striking out the words "provided, however, that no person shall be appointed a juror in more than one such case in the same year," in the twenty-fourth, twenty-fifth and twenty-sixth lines of said section. Amended.

SECTION 25. Section seven, of chapter six, of said chapter one hundred and eighty-four, is hereby amended to read as follows: Section 7. The board of public works, within the time limited by the common council, shall view and examine the premises proposed to be taken, and all such other premises as will in their judgment be injured or benefitted thereby, and, after hearing such testimony as they may obtain, or as may be offered by any party interested, they shall proceed to make their assessment, and to determine and appraise the value of the real estate so proposed to be taken, and the injury arising to the owners thereof respectively in consequence of the taking thereof, taking into consideration the value of any building thereon less the value to the owner of such building to remove. The amount of said appraisal of real estate and injury to real estate and buildings, so determined, shall be awarded to such owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. Board to view premises to be taken and assess and award damages.

SECTION 26. Section fourteen, of chapter six, of said chapter one hundred and eighty-four, is hereby amended by adding to said section the following: And in case the appellant shall succeed, the difference between the amount assessed and the amount Amended.

finally adjudged shall be chargeable to and paid out of the proper ward fund.

Lands to be taken for public purposes.

SECTION 27. Section twenty-four of chapter six, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 24. All provisions of this act relating to the taking of land by said city for public purposes shall apply to lands required for the sites of public school buildings, engine houses and other public city buildings, and for the premises attached to such buildings, and for enlarging the site of such buildings, except that the common council shall not order, and the board of public works shall not make an assessment of benefits, nor shall the cost of such land, or the damage arising by reason of the taking of such lands, or any portion of such cost or damages be chargeable to or paid out of the ward fund of any ward, but any and all damages awarded to the owner by the board of public works, as confirmed by the common council, for any property condemned by said city for the purposes mentioned in this section, shall be chargeable to and payable out of the general city fund.

Opening of public streets and alleys.

SECTION 28. Section twenty-six of chapter six, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 26. Whenever the said common council, with the concurrence of three-fourths of the members elected thereto, shall declare by their resolution that it is necessary for the public interest to open a public street or alley, or to take land for any public purpose authorized by this act, the said common council shall have the power to open such public street or alley, or to take land for such public purpose, as the case may be, without any petition therefor, and to proceed thereafter in that behalf as in cases of petition therefor duly made; and in such case no bond shall be required: *provided*, that in cases of streets and alleys such resolution shall also be approved by a majority of the aldermen of the ward in which the land proposed to be taken may be situated. The resolution provided for in this section, shall declare why it is necessary for the public interest to open such public street or alley, or to take the land for such public purpose; and no such resolution shall be passed by the common council at the same meeting in which it is first considered, but the same shall lie over to a future meeting thereof. And the yeas and nays on the passage of such resolution shall

be taken, and duly entered in the journal of proceedings of the council.

SECTION 29. Section two of chapter seven, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 2. The grading, graveling and planking, macadamizing or paving to the center of any street or alley, and the grading, graveling and macadamizing, planking or paving of any sidewalk, the paving of any gutter, and the construction of crosswalks where there is no intersection of streets, shall be chargeable to and payable by the lots fronting or abutting upon such street, alley, sidewalk or gutter, to the amount which such grading, graveling, macadamizing, planking or paving shall be adjudged by said board to benefit such lots. The expense of all such improvements or work across streets at their intersections with streets and alleys, and across public grounds, and to the middle of streets and alleys adjacent to public grounds, and the expense of maintaining, renewing, keeping in repair and cleaning all streets and the pavement or other surface thereof, and the repairing of the gutters, in all cases where such streets shall have been constructed to the grade established by the common council and graveled, planked, macadamized or paved as required by the common council, at the expense of the lots fronting or abutting on such streets, shall be paid out of the fund of the ward in which such improvements are made or such works are done, provided that when a street which has been graded, is ordered to be paved, planked or macadamized, the expense of such paving, planking or macadamizing shall be chargeable to and payable by the lots fronting or abutting upon said street, as hereinbefore provided for the first improvement of a street; and further provided, that when a change in the grade of any street shall be ordered, the expense of cutting or filling incurred by such change of grade shall be chargeable to and paid by special assessment on the lots or property fronting or abutting on the street of which the grade shall be so charged.

Improvement
of streets
chargeable to
lot owners.

SECTION 30. Section six of chapter seven, of said chapter one hundred and eighty-four, is hereby amended by inserting after the word "ground" in the third line of said section the following: "or to erect and construct a bridge over any ravine in the sixth ward of said city," and also by striking out all after the word "city" in the twenty-third line of said sec-

Amended.

Resolution ordering work without petition to lie over.

tion, to and including the word "proceedings" in the thirty-fourth line thereof, and by inserting in lieu thereof the following: "Or unless, in the absence of such petition, the resolution of the common council ordering such works shall receive the votes of three-fourths of the aldermen elected and of a majority of the aldermen of the ward in which such work is proposed to be done, and said resolution shall declare why it is necessary for the public interest to order such work. Every such resolution ordering work without a petition therefore shall lay over at least four weeks after its introduction, and no action upon the same shall be taken by the common council if within that time a remonstrance against such proposed improvement shall be presented to the common council signed by the residents of the city owing a majority of the feet in front of all the lots fronting upon such proposed improvement owned by residents of such city. The vote on the passage of every such resolution shall be taken by yeas and nays, and duly entered in the journal of proceedings.

Amended.

SECTION 31. Section nine, of chapter seven, of said chapter one hundred and eighty-four, is hereby amended by inserting after the word "upon" in the twenty-fourth line of said section the words, "or annex the same to."

Duty and powers of board of public works to keep streets, &c., in repair.

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SECTION 32. Section sixteen, of chapter seven, of the said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 16. It is hereby made the imperative duty of the board of public works, unless otherwise provided by ordinance of the common council, to cause the streets, alleys and sidewalks in the city to be kept in proper repair, and in a cleanly and wholesome condition at all times, and for this purpose they are empowered to employ the necessary labor, or to contract pursuant to law, for such cleaning and repairing as they may deem necessary for the safety and health of the people; the expense of such cleaning and repairing, except of sidewalks, shall be chargeable to and paid out of the fund of the ward in which such work is done; and said board is also hereby empowered to cause sidewalks to be repaired, or to be taken up and relaid, with part new and part old materials of the kind previously laid down, and to assess the expense thereof against the lot or piece of land in front of which such work may be done, in the manner hereinafter provided: *provided, however,* that before causing such work or repair-

ing, or relaying sidewalks as aforesaid, said board shall make an order particularly describing the work to be done, and shall give public notice for at least six days in the official papers, to all persons interested, that such repairs or relaying are necessary, and that specifications of the same are on file in their office where they can be examined, and that such person so interested can make such repairs, or relay such sidewalks at any time within twenty days from the first publication of such notice, after which time all such repairs, or relaying remaining undone will be done under the direction of the board of public works, and the expense thereof assessed against the lots or parts of lots or parcels of land respectively in front of which such repairs and relaying shall be so done by said board; and said board is hereby empowered to cause such unfinished work to be done by contract or by men in their employ; and no petition for any such repairing or relaying, and no further notice for doing such work shall be necessary: *provided*, that in all cases in which notice is required under this section, if the lots, parts of lots or parcels of land affected, have any building or buildings thereon, actually occupied, the board of public works shall cause written or printed notice, stating the repairs necessary and requiring such repairs to be made within ten days after the service thereof, to be given to the occupants of such buildings by leaving the same at each of such occupied buildings, and to the owner of the real estate affected, if known to said board and a resident of the city of Milwaukee, by leaving the same with such owner personally, or by mailing such notice, with the postage pre-paid to such owner; and only in case such repairs shall not be made within the said time by such occupants or owners, shall the said board of public works have power, in such cases to procure the same to be made as provided in this section, and no other or further notice or publication shall be required in such cases.

Notice of repairs to be given.

In case lands have buildings thereon.

SECTION 33. Chapter seven of said chapter one hundred and eighty-four, is hereby amended by adding the follow sections thereto: Section 22. Whenever a petition shall be presented to the common council, signed by a majority of the owners of lots or parcels of land, fronting or abutting on any street, or part of a street, actually residing on such lots, or parcels of land, and approved by a majority of the aldermen of the ward or wards in which such street or part of

Sprinkling of streets—How contract shall be let.

Sec. 22 3/12
8/12 2/12 5/1

such street shall be located, requesting such street or part of such street to be sprinkled, the common council shall order the board of public works to advertise for sealed proposals for sprinkling such street or part of such street. Such advertisement shall be published for at least six days in the official city papers, and shall state the street or part of the street to be sprinkled and for what length of time. All contracts shall be awarded by said board to the lowest bidder in compliance with the provisions of section ten, of chapter five of this act, and shall be expressly subject to the powers given to said board by said chapter.

Cost of sprinkling to be assessed against adjoining lots.

Section 23. The board of public works shall assess against the several lots, parts of lots, or parcels of land, fronting or abutting on such street, or part of such street, the cost of sprinkling such street or part of such street, in front of such lots, parts of such lots, or parcels of land. The cost of sprinkling such street, or part of such street at its intersection with streets and alleys, and across public grounds, and to the middle of such street, adjacent to public grounds, shall be paid out of the fund of the ward in which such work is done.

Payment to be made in certificate against lots.

Section 24. The person to whom a contract is awarded for the sprinkling of a street shall receive in payment certificates against the lots or parts of lots for the amounts properly chargeable thereto, and shall be entitled to receive city orders for the balance due, if any, payable out of the fund of the proper ward; and it shall be the duty of the board of public works after the completion and performance of any contract for sprinkling, to issue such certificates on the request of the person entitled to receive them; and where any sum is found to be due a contractor, payable out of the ward fund of any ward, to certify the same to the common council, which shall direct an order to be drawn on the proper fund for the payment of the same. All certificates of special assessments for sprinkling of streets shall be made by the board of public works and signed by a majority of the board or by the president thereof and countersigned by the comptroller of said city, and delivered by the said board to the person entitled to receive the same, and shall be registered and collectable in the same manner, and shall have the same force and effect, and draw the same rate of interest, and shall be liens upon the lots or parcels of land against which the same shall respectively be chargeable, and may be transferred in like manner as cer-

Certificates to be lien against property.

tificates of assessments for other work in said city, and the common council is hereby authorized to make all rules and regulations necessary and proper to carry out the provisions of sections twenty-two, twenty-three, and twenty-four of this chapter. Section 25. The common council shall have power to order by resolution, adopted by a vote of the majority of the members elect, and a majority of the aldermen of the proper ward, the planting and preserving of shade trees in the streets of the city, at the cost of the lots, parts of lots and parcels of land, fronting or abutting on such improvements, and in pursuance of such resolution the board of public works shall prepare plans and specifications and require such work to be done by the owners of property in front of which such work is to be done, and in default thereof to let the work by contract and assess the cost against such lots, parts of lots, and parcels of land and all the provisions of this act in relation to notices, proposals, contracts, payments and certificates for street improvements shall be applicable to the work provided for in this section, but no assessment of benefits and damages shall be made in such cases and no notices in relation thereto shall be published; *provided, however*, that no such resolution for the planting or preserving of shade trees in the streets of the city shall be passed by the common council unless a petition therefor shall first be presented to said common council signed by the residents of the city owning a majority of the feet in front of all the lots fronting upon such proposed improvement owned by residents of such city.

Power of council to order planting of shade trees.

Petition to be presented.

SECTION 34. Section thirteen of chapter eight of said chapter one hundred and eighty-four, is hereby amended by adding to said section the following: The tax to be levied under the provisions of this section may be added on the tax-roll to the general city tax assessed against such property.

SECTION 35. Section fifteen of chapter eight is hereby amended so as to read as follows: Section 15. All contracts entered into by the board of public works under this chapter shall be approved as to form and execution by the city attorney, and before taking effect shall be signed by a majority of the board of public works, or by the president of said board, and countersigned by the comptroller, and all bonds taken by them shall be entered into in the name of, and shall be executed to the city of Milwaukee, and shall

Contracts to be approved by city attorney and signed by president of board.

be approved by the board. All contracts entered into under this chapter shall be expressly subject to the powers given to said board by chapter five of this act. And in case any work shall be suspended in consequence of the default of any contractor, or in case the bids shall be deemed excessive, or the parties making proposals for any work shall not be deemed responsible or proper parties to be entrusted with its performance, or shall have failed to complete any contract within the meaning of section ten of said chapter five, the said board shall proceed as provided in said chapter.

Construction
of bridges.

SECTION 36. Section eight of chapter nine of said chapter one hundred and eighty-four is hereby amended so as to read as follows: Section 8. The common council of said city shall have power to construct swinging or stationery bridges across any of the rivers or canals in the city, in addition to those mentioned and provided for in section seven of this chapter, whenever in their judgment public convenience may require the same; *provided*, that the same shall be so constructed as not unnecessarily to impede the navigation of the river or canal over which the same may be constructed; *and provided further*, that the act, resolution or ordinance for the construction of any such bridge shall require for its passage or adoption a vote of two-thirds of all the members elect of the common council, and shall have no force or validity without such two-thirds vote.

Amended.

SECTION 37. Section one of chapter seventeen of said chapter one hundred and eighty-four, is hereby amended by striking out in the twenty-fifth, twenty-sixth, twenty-seventh, twenty-eight and twenty-ninth lines, the following words: *Provided*, that the amounts or proceeds of all orders which shall be received in payment of taxes, shall be credited to the several and respective funds on account of which such orders were issued.

Annual levy
for general city
fund.

SECTION 38. Section two, of chapter seventeen, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 2. The common council of the said city shall have power to levy annually for the general city fund—exclusive of the amounts required for the support of schools, and for the payment of interest and principal on the funded debt of the city, and other special funds authorized by law—a sum not exceeding seven mills on the dollar of the total assessed valuation of all

property, real and personal, in said city, subject to taxation; also for contingent fund, a sum not exceeding one-half of one mill on the dollar of such assessed valuation; also for a fund for ward purposes in each ward, a further sum not exceeding six mills upon the dollar of the total assessed valuation of all property, real and personal, in such ward, subject to taxation; also for a sewerage fund in each sewerage district, a sum not exceeding two and one-half mills upon the dollar of the total assessed valuation of all property, real and personal, in such sewerage district, subject to taxation. The percentage which shall be levied in each ward for ward purposes shall in no case exceed the amount estimated and required by the comptroller and the board of public works.

For contingent fund.

For ward fund.

For sewerage fund.

SECTION 39. Section fourteen of chapter eighteen of said chapter one hundred and eighty-four, is hereby amended by striking out the word "joint" in the fifth line of said section.

Amended.

SECTION 40. Section fifteen, of chapter eighteen, of said chapter one hundred and eighty-four, is hereby amended by adding to said section the following: Such warrant shall be signed, and such tax-roll and warrant shall be delivered to the city treasurer on the second Monday of December in each year.

Amended.

SECTION 41. Section seventeen, of chapter eighteen, of said chapter one hundred and eighty-four, is hereby amended by adding to said section the following subdivision: 5. When the same personal property has been assessed the same year more than once in the city.

Amended.

SECTION 42. The number of the section immediately following section seventeen, of chapter eighteen of said chapter one hundred and eighty-four, is hereby changed from 23 to 18.

Number of section changed.

SECTION 43. Section one, of chapter nineteen, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 1. No member of the common council shall hold any other office in the city. If any member of the common council shall, while a member, accept any other public office, except that of county supervisor or notary public, he shall be deemed to have vacated his office as a member of the common council.

Amended.

No member of council shall hold other public office.

SECTION 44. Section five, of chapter nineteen, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 5. If any member of the common council, or other officer of

No member of council to be interested in contract with city.

the corporation, after his election or appointment, or while in office, shall become or cause himself to become interested, directly or indirectly, in any contract or agreement, whether written or verbal, to which the corporation or any ward shall be a party in interest, or to which any officer or board under this act shall officially be a party, or in any question, subject or proceeding pending before the common council or on which such officer may be called upon to act officially, with intent to gain, directly or indirectly, any benefit, profit, or pecuniary advantage, or if an attorney of any court of record shall, while a member of the common council, prosecute or be interested in the prosecution of any action against said city of Milwaukee, or any of its officers, he shall be removed from his office, and the same shall be declared vacant by the common council; and he shall be deemed guilty of felony, and on conviction thereof shall be punished by imprisonment in the state prison for not more than one year, or by fine of not more than five thousand dollars nor less than five hundred dollars, or by both such fine and imprisonment, in the discretion of the court; *provided, however*, that the provisions of this section shall not be considered as applying to purchases in open market, nor to the performance of any work for the city the cost of which shall not exceed the sum of two hundred dollars.

New sections added.

SECTION 45. Chapter nineteen of said chapter one hundred and eighty-four, is hereby further amended by adding thereto the following new sections:

Removal from office for making false certificate.

Section 10. If any member of the common council, or other officer or agent of the city government, or any person employed, appointed or confirmed by the common council or appointed by any department of the city government, shall knowingly certify that any work has been done for said city, or any contract with said city has been completed in compliance with the terms thereof when in fact such work had not been done, or said contract had not been completed, such member of the common council, officer or agent, shall be removed from office, and his office declared vacant, and no such officer, agent or employe, shall again be elected, appointed or employed by, or for the city of Milwaukee, to any office, place or position whatever.

Tax commissioner—Appointment and duties of.

SECTION 46. The mayor shall, on the first Monday in January of every third year, appoint subject to confirmation by the common council, a tax commis-

sioner, who shall be at the time of his appointment a resident freeholder in said city of Milwaukee. Such commissioner shall take and subscribe an oath of office and shall enter into a bond in the penal sum of five thousand dollars with at least two sureties, to be approved by the mayor, for the faithful performance of his official duties. The present tax commissioner shall remain in office until the expiration of three years from the first Monday of January, A. D. 1875, and the first appointment under this section shall then be made, and he shall, within ten days after this act shall take effect, give a new bond in the penal sum of five thousand dollars, with at least two sureties to be approved by the mayor, for the faithful performance of his official duties during the term aforesaid. Section two of said chapter eighteen of said chapter one hundred and eighty-four, of the laws of 1874, is hereby repealed.

SECTION 47. This act take effect and be in force from and after its passage and publication.

Approved March 3, 1875.

CHAPTER 145.

[Published March 9, 1875.]

AN ACT to amend section three (3), of chapter 456, private and local laws of 1870, entitled, "an act directing the county treasurer, clerk of the board of supervisors and sheriff of the county of Outagamie, to provide lists of lands to be sold for unpaid taxes and also to publish election notices in the Appleton Volksfreund."

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

SECTION 1. Section one (1) of chapter four hundred and fifty-six (456), private and local laws of 1870, is hereby amended by striking out the words "is hereby directed to," where they occur in the third line of said section, and in place thereof insert the word "may;" also strike out the words "is directed to," where they occur after the words "clerk of the board of supervisors of said county," in said section and insert in the place thereof the word "may," so said section one (1), when so amended will read as follows: Section 1. The county treasurer-

Amended.