

thereto the following words: And whenever there shall be a vacancy in the office of county superintendent the state superintendent may appoint a suitable person to such office, until another shall be elected and qualified.

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

Approved March 4, 1879.

[No. 852, A.]

[Published March 8, 1879.]

CHAPTER 179.

AN ACT relating to the charter of the city of Portage and amendatory of chapter one hundred and twenty-two, laws of 1876.

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

Reorganization
of wards.

SECTION 1. Section three of chapter one of chapter one hundred and twenty-two, of the laws of 1876, is hereby amended by repealing and striking out the whole of said section three after the twenty-second line thereof, and substituting for the part of said section so repealed and stricken out the following words, to wit:

Boundaries.

All that portion of the city which is bounded and described as follows, to-wit: Beginning on the northerly bank of the Wisconsin river, in the center of Cass street, running north through the center of said Cass street to the track of the Chicago, Milwaukee & St. Paul railroad, thence east along said track to the center of Mac street, thence south through the center of Mac street to the center of Wisconsin street, thence southeasterly through the center of said Wisconsin street to the canal which connects the Fox and Wisconsin rivers, thence westerly and northerly along said canal and river to the center of said Cass street, the place of beginning, shall constitute the fourth ward; all that portion of the city which is bounded and described as follows, to wit: All that part of said city which lies west and south of the Wisconsin river, all that part of the city which lies west of said Cass street and south of said railroad track, and all that part of the city which lies north of said railroad track, and west of the new pinery road, shall constitute the fifth ward. The common council is hereby empowered to designate the school house or any other convenient place in the fourth ward,

Fourth ward.

Fifth ward.

as the place for holding the elections for the fifth ward.

SECTION 2. Chapter three of chapter one hundred and twenty-two, of the laws of 1876, is hereby amended by adding a new section to said chapter, to stand as section seventeen, and to read as follows: Section 17. At the first meeting of each newly elected common council, on the second Tuesday in April in each year, the work of doing the advertising, publishing and printing, except as hereinafter set forth, for said city for the year next ensuing, shall be let by contract to the lowest open bidder therefor. No bid shall be received at such letting, for the advertising, publishing or printing as in this act provided, unless the party or parties proposing to bid for such work, shall have filed a bond to said city, approved by the mayor, in the penalty of five hundred dollars, conditioned that if his bid is successful, he will enter into a contract with the city, and will perform the work let to him in accordance with said letting. The common council of said city, at said meeting, shall offer at public auction said work, for open bids, and no bids for said work shall be received for a higher sum than the legal rates, to wit: sixty cents per folio for the first insertion, and thirty cents per folio for each subsequent insertion, and said work shall be awarded to the bidder who shall offer to do the same at the greatest discount per cent. from said legal rates, said bidder or bidders being the publisher or publishers of a weekly newspaper printed and published in said city of Portage. The party or parties to whom said work of advertising, publishing and printing, as hereinbefore provided, shall have been awarded, shall be entitled to do all the job printing required or ordered by said city, or by the board of education thereof, for the then ensuing year, at the lowest commercial rates ruling in said city, for each kind of work so done. The newspaper, to the publisher or publishers of which shall be awarded the work of doing the advertising, publishing and printing hereinbefore mentioned, shall be the official paper of said city. At said first meeting of each newly elected common council, said council may offer at public auction, and award to the lowest open bidder or bidders therefor, the work of printing and publishing in a weekly newspaper printed and published in said city, the proceedings of the said common council for the then ensuing year. No party or parties shall receive, except as herein provided, any sum of money or other thing whatever, after the passage of this act, from the treasury of said city, for advertising, publishing or printing of any sort

Public printing
to be let to low-
est bidder.

Advertising.

Job work.

Proceedings of
council.

whatever, or for the paper or materials used in such advertising, publishing or printing, or for publishing said proceedings of common council, unless such advertising, publishing and printing, shall have been let and done, as herein provided. *Provided, however,* that the common council may order its proceedings published in a paper printed in the German language, at the same compensation that is allowed the paper to which the publication of such proceedings shall have been awarded, as herein provided, with the additional sum of ten dollars for translating such proceedings.

Publishing in German.

Repealed.

SECTION 3. Section eight of said chapter three is hereby repealed.

When treasurer to act as clerk.

SECTION 4. Section two of chapter two, of said chapter one hundred and twenty-two, is hereby amended by inserting after the word "ward," in the fifth line of said section, the following words: *Provided,* that on or before the time of fixing the salaries of officers for the ensuing year, the common council may, by resolution, require that for the ensuing year and thereafter, the city treasurer shall be authorized and required to perform the duties of city clerk, in which case there shall not be a clerk elected by the people; and the board of review for said city shall be composed of the mayor, assessor and treasurer.

Salary of treasurer.

SECTION 5. Section seven of chapter three, of said chapter one hundred and twenty-two, is hereby amended by inserting after the word "year," in the thirteenth line of said section, the following words: *Provided,* that if the offices of clerk and treasurer shall be combined, as authorized by this act, the salary for said combined offices, of treasurer and clerk, shall be fixed at a sum not exceeding six hundred dollars per annum.

Improvement of streets.

SECTION 6. Chapter six of said chapter one hundred and twenty-two is hereby amended by adding to said chapter six a section to stand as section fourteen, and to read as follows: Section 14. The common council of the city of Portage is hereby authorized to purchase stone, and cause the same to be broken and prepared for use in improving the streets of the city, and in cases where owners of lots are required by ordinance to improve the streets in front of the lots owned by them, and broken stone are required to be used in making such improvements, the common council may sell to said owners of lots the stone required, at a price not exceeding the cost thereof. The common council may, with the consent of the sheriff or of the board of supervisors of Columbia county, deposit

stone when bought upon the grounds connected with the jail of said Columbia county, and may use in breaking said stone such labor of prisoners in said jail as the sheriff will furnish, or may use said labor in breaking stone or in doing any other work in any part of the city.

SECTION 7. Chapter eight of said chapter one hundred and twenty-two is hereby amended by adding new sections to said chapter, to stand as sections five, six, seven and eight, as follows:

SECTION 5. The city of Portage is hereby authorized and empowered to construct water works for the purpose of supplying said city and the inhabitants thereof with water for the extinguishment of fires and for other purposes, and for that purpose, is authorized to open, construct and maintain an open channel of such depth and width as the common council of said city shall determine, from such point within the limits of said city near the left bank of the Wisconsin river, to such point within the limits of said city on the Fox river, as the common council thereof may determine, and may build, construct and maintain a dam at the commencement of said channel near the Wisconsin river, and between said dam and the Wisconsin river, may build, construct and maintain an open basin or reservoir of such size and with such inlet or inlets from the Wisconsin river as the common council of said city shall determine, and may open and construct drains, sewers, aqueducts, mains, and may purchase or construct water wheels, pumps and machinery for elevating and forcing water through mains and pipes and all other works and appendages necessary or proper to the successful construction and operation of waterworks to supply said city and the inhabitants thereof with water, and to establish water rates and provide for the collection thereof; and the common council of said city in addition to the powers herein specifically granted to them, shall have power to pass and adopt all such ordinances, resolutions and orders as may be necessary or proper to construct, maintain, operate and regulate such waterworks; and for the purpose of operating the same, to apply such portion of the water power created by said dam and channel as may be necessary for the successful and efficient operation thereof. Section 6. In case the basin or reservoir, dam and channel, hereby authorized to be constructed, shall create any water power not immediately or continuously needed to propel the machinery and maintain and sup-

Waterworks.

Sewers, aqueducts, mains, etc.

Water power may be rented.

ply the mains connected with said waterworks, the common council of said city is hereby authorized and empowered to let, lease and rent such surplus water power, or any part or portion thereof, for manufacturing or other purposes which may not be needed to operate and supply such waterworks, and may fix the price for such lease or rent, and may also let, lease and rent for any purpose the basin or reservoir, and the docks and piers forming said basin or reservoir, and the lands taken on each side of said channel or any parts or portions thereof, and may fix the price for such lease or rent. Section 7. The common council of said city may enter upon and take possession of any and all lands required for the building of said basin or reservoir, dam and channel, to a distance not over one hundred feet each way from the general outline of said basin or reservoir, and not over one hundred and twenty-five feet on each side of the center line of said channel. The damages sustained by any person whose lands shall be so taken by said common council shall be ascertained and paid by said city in the same manner as damages for lands taken by supervisors of towns for highways, as provided in chapter fifty-two, revised statutes of 1878, and the said common council is hereby authorized and required to proceed in the same manner and take the same action in relation to determining said damages, as is provided for supervisors of towns in said chapter fifty-two. Section 8. The common council of said city may issue the bonds of said city for the purpose of constructing the works authorized by this act at such times as it may determine. But no bonds shall be issued until the common council shall have caused to be made a survey and estimate of the cost of the works necessary to create the water power, an estimate of the amount of water power which such works will create, the cost of the necessary works to furnish said city with a sufficient supply of water for such uses and purposes as said common council may determine, and of the amount of water power required therefor, and such estimates shall have been filed in the office of the clerk of said city, and the question of constructing such works and issuing such bonds shall have been fairly submitted to a vote of the legal voters of said city in such manner as the common council may, by ordinance, determine and provide, and decided in favor of such works and issuing such bonds by a majority of the votes cast at such election. Such bonds shall be of such denominations and draw

Private property taken for public use.

Damages.

Issuing of bonds.

such a rate of interest as the common council may determine, not exceeding seven per cent. per annum, and when issued shall be signed by the mayor and countersigned by the clerk of said city.

SECTION 8. Section one of chapter ten, of said chapter one hundred and twenty-two, is hereby amended to read as follows: Section 1. There shall be elected by the common council of the city of Portage, at the first meeting after its election in the year 1879, from each ward in said city, one school commissioner for said city, who shall be residents of the wards for which they are elected. The commissioners elected from the first, third and fifth wards shall hold their offices for one year, and until their successors are elected and qualified; and the commissioners elected from the second and fourth wards shall hold their offices for two years, and until their successors are elected and qualified. Annually thereafter, the common council shall, at its first meeting after its election, elect from each ward, where the term of office of a school commissioner expires, a school commissioner for a term of two years, where the term expiring was for one year; and for one year where the term expiring was for two years; and the common council may make appointments of school commissioners to fill vacancies which may occur from any cause.

SECTION 9. Section six of said chapter ten of said chapter one hundred and twenty two, is hereby amended by adding to said section the following: Also to make and submit to the common council at least ten days before the annual election in each year, a report, showing the receipts and expenditures by the board, since the report made to the common council, at its first meeting in July. Such account need not be in detail, as required for the July report, but shall show only the gross amounts of receipt, from each of the various sources, and gross amounts of expenditures for each of the various purposes, required to be reported. Such report shall include salaries of teachers, and all other expenses up to the close of the terms of office of the board on the second Tuesday in April, and all salaries or bills that will be due at that time may be paid before making the report. The report shall also show the gross amount of receipts and expenditures since the preceding annual report. If the receipts or expenditures since the July report are more or less than estimated in the July and October reports, the reports shall also state the amount more or less, and the report shall state

whether, and if any, how much more or less than estimated in July and October, will be needed for the entire school year ending in June.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1879.

[No. 376, A.]

[Published March 20, 1879.]

CHAPTER 180.

AN ACT to amend chapter one hundred and ninety-five, of the laws of 1878, entitled "an act to incorporate the city of Waupun."

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

Amendment.

SECTION 1. Chapter one hundred and ninety-five of the laws of 1878, entitled "an act to incorporate the city of Waupun" is hereby amended by striking out the word "six" where it occurs in the third line of section eleven of chapter four of said act, and inserting in place thereof the word "ten"

President of council.

SECTION 2. Section two, of chapter five, of said act, is amended by adding thereto, at the end of said section the following: *provided*, that in case of the absence or inability to act, of the mayor, if all of the aldermen be present, they shall constitute a quorum for the transaction of business, and may elect one of their own number a presiding officer, who shall be styled acting mayor, and who shall during such absence or inability of the mayor to act, perform the duties of such officer when required by the common council so to do.

Of grades.

SECTION 3. The eighteenth sub-division of section six of chapter five of said act is amended so as to read as follows: 18th. The common council shall have power and authority to establish the grade of any or all streets, gutters and sidewalks in said city, and the said common council shall on the petition of a majority of the owners of real estate bordering on any street or sidewalk in said city not less than ten rods in length, establish the grade of such street, sidewalk or gutter, as the case may be; such grade shall be established on the survey of a practical surveyor, to be appointed by the said common council, whose compensation shall not exceed the pay allowed by law for like services, and it shall be the duty of the common council to cause the