

[No. 78, S.]

[Published April 1, 1881.]

CHAPTER 231.

AN ACT relating to the incorporation of the city of Oconomowoc, and amendatory of chapter two hundred and thirty-nine of the laws of 1879.

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

Authority of
street commis-
sioner.

SECTION 1. Chapter six of chapter two hundred and thirty-nine of the laws of 1879, is hereby amended so as to read as follows: Chapter VI. Section 1. The street commissioner of said city shall, under control of the common council thereof, or its committee on streets, have the supervision of all work done on the streets and highways of said city, but the common council may by resolution direct the letting by contract of any work on said streets, gutters, sidewalks or bridges, as it may see fit. It shall be the duty of the street commissioner at all times to obey the orders, directions and resolutions of the common council of said city, or its street committee, whether verbal or in writing. His failure so to do shall be good cause for removal, which may be done by the said common council by resolution thereof after notice and hearing. On said removal said common council shall, by a majority vote, select his successor, who shall hold the office for the unexpired term. After said successor shall have been so elected, and shall have qualified for the office, he shall demand of his predecessor all the books, papers, moneys and property belonging to said office, from him; said commissioner so removed shall forthwith on such demand immediately surrender to his successor all the books, papers and records belonging to said office in his hands, and shall pay over all moneys in his hands held by him by virtue of said office belonging to said city, and on his failure to do so his bond and the sureties thereof shall be liable in an action to recover the same, brought by said city. He shall also make such account to the common council of said city of all his doings as it by resolution shall direct. Section 2. It shall be the duty of the said street commissioner to make report of the condition of the streets of said city and estimate the amount necessary to be raised for highway purposes whenever the said common council shall demand it. He shall not expend in any one year any greater sum upon the streets of said city than the funds provided for that year, unless the common council shall

In case of re-
moval.

Street commis-
sioner's report.
Condition of
streets.

direct it otherwise. Section 3. Every male inhabitant ^{Poll tax.} of the city over twenty-one years and under the age of fifty years, excepting all disabled soldiers who served in the late war, paupers, idiots, and lunatics, and such others as may be exempted by law, shall be assessed and pay a poll tax of one dollar and fifty cents, or one full day's work, to be performed on the streets of said city under the direction of the street commissioner.

Section 4. On or before the fifteenth day of May in each year the street commissioner shall make a list of all persons in the city liable to pay a poll tax, certify to the same, and file the same with the city clerk. The said clerk shall place in the list the names of all persons in addition thereto which he may by any means ascertain to be liable to pay said poll tax, and on or before the twentieth day of May in each year, the city clerk shall make a complete list in duplicate of all persons liable to pay a poll tax in said city and annex thereto a warrant in the following form: To the street commissioner of the city of Oconomowoc: ^{Form of warrant.} You are hereby required to collect from the several persons in the annexed list a poll tax, as by law established, within the time by law limited, and to apply the tax by you collected, in repairing, graveling or grading the streets of this city, as by law authorized, and to this warrant make due return, as by law required. Dated, the _____ day of _____, 18—. _____, Mayor. _____, City Clerk.

Which shall be signed by the mayor and city clerk, and one of which shall be delivered to the street commissioner on or before the day above mentioned, and the other shall be filed in the city clerk's office. Section 5. The said street commissioner shall notify such persons in such list, of the time and place when they may work out said tax by labor as he shall choose, and if such persons so notified shall not appear and work the same at the time and place by said commissioner designated, it shall be taken that such person so liable shall have elected to pay said tax in money instead of labor. The said street commissioner shall then demand payment thereof in money, and in case any such person shall neglect or refuse to pay such tax in money, for ten days thereafter, then such street commissioner, in the name of the city, shall sue for and collect such tax, with fifty per centum damages on the same, with costs of suit, before any justice of the peace of said city, and in default of payment of any judgment obtained on such suit, execution shall issue against

^{Notification to work poll tax.}

the defendant as in cases of tort, and the first process in such actions shall be by civil warrant; and the said street commissioner, while said list is in his hands for collection, may put upon the same the names of all such persons liable to such tax as have been omitted therefrom, who shall then be liable, the same as if their names were originally placed in such lists; but the common council may by resolution, at any time, strike any name from said list in its opinion improperly there. Section 6. It shall be the duty of the street commissioner, immediately after he shall enter upon the duties of his said office, to demand of the city treasurer the highway funds in his hands. The said treasurer shall pay the same on said demand to him and take his receipt therefor in duplicate, one of which receipts shall be filed with the city clerk, who shall credit the city treasurer with said amount, and charge the same against the said commissioner; but the said treasurer shall pay no funds to said commissioner until said commissioner shall have furnished and filed his official bond, as required by law. Section 7. The funds received from the city treasurer by said street commissioner, together with the poll tax collected by him, shall constitute the highway fund of said city for the fiscal year, and under the direction of the common council and the street committee thereof, it shall be expended by the street commissioner in repairing and grading the streets of said city and in keeping said streets free from filth and obstructions. Said moneys shall not be expended faster than the said common council may direct, and a reasonable sum shall be kept on hand, to be expended during the year in keeping the streets clean and passable. The prices paid for labor shall be regulated by the usual prices paid in and about the city for like services in the year. And the common council may, if it shall see fit, by resolution, direct and determine the amount. The said street commissioner shall not take credit for, or pay any claim against the said highway fund, until said claim shall be audited and examined, and certified to be correct, by the street committee or a majority thereof, who shall adjust such claims and accounts as often as once a week, if demanded. It shall be the duty of said commissioner to keep exact and careful account of all receipts and expenditures by him received, and made on account of said highway fund, and to submit the same to the common council or the street committee thereof for their information and ex-

Treasurer to pay over highway fund.

What to constitute highway fund.

amination, whenever demanded by them. Such account must disclose the items of all expenditures made by him, and the price paid therefor. Books for that purpose to be furnished by the city. Section 8. On or before the first Monday in March of each year, the said street commissioner shall make full report of his doings for the past year, verify the same and file it, together with his poll tax list, and all books of his office upon which his accounts are kept, with the city clerk, which account shall show the names of all persons employed by him, all teams, wagons and implements hired by him, and all materials purchased by him, and the price of same. Also the amount collected or received from the city treasurer, and the amount collected on the poll list, either in money or labor, and the amount returned uncollected and from whom, and the reason why, and also the amount, in his hands unexpended, belonging to said highway fund, if any. The same shall be submitted to the common council for its examination by the city clerk at the first meeting thereof after the filing of same. In case such street commissioner shall neglect or refuse to make out and file such verified account as required by this act, or return and file his said tax list, or his books of account, or his vouchers as audited by the street committee; and in case said common council or the street committee thereof shall find that the said street commissioner shall have made a false return in his said account, or shall have converted or paid out any moneys coming into his hands by virtue of his office, to his own use, which belong to said city, he shall forfeit and pay a fine of not less than twenty-five nor more than two hundred dollars. And he shall be held on his bond, together with his sureties therein, to pay the amount of any such deficiency as can be established against him, and all costs, into the city treasury. And the common council shall immediately cause suits to be brought against said street commissioner to recover said forfeiture, and against him and his sureties, to recover said deficiency with costs. If upon rendering such account any moneys shall remain in the hands of such commissioner, he shall immediately pay over the amount to the city treasurer. In case of his failure or neglect to pay the same the common council shall by resolution direct the city treasurer to demand the amount of him, and if he shall fail to pay the same at once on said demand, action shall be commenced in the name of said city against him and his sureties on

Commissioner
to make annual
report.

In case of false
return.

Commissioner's bond.

his bond, to recover same with costs. Section 9. The said street commissioner shall, before he enters upon the duties of his office, execute a bond to the said city of Oconomowoc, conditioned that he will account for and make proper application and payment of all moneys that may come into his hands, by virtue of his office. That he will obey the orders, mandates, and directions of the common council and street committee of said city, and that he will in all things faithfully discharge the duties of said office, according to law and the statute in such case made and provided. Said bond shall be in such penal sum as the common council shall determine, which shall not be less than double the amount which will probably at any one time be in his hands during his term of office, and shall be with at least two sureties, and to be approved by said common council. Said street commissioner shall be paid such compensation out of the general fund of the treasury of said city as the common council shall fix, which amount shall be established each year as is already provided. The street committee of the common council shall receive such compensation for its services as the common council shall deem proper.

Amount of funds.

SECTION 2. Section two of chapter five of chapter two hundred and thirty-nine of the laws of 1879, is hereby amended so as to read as follows: Section 2. The amount of each fund shall be determined by said common council on or before the third Monday in November, in each year, and shall be raised in money; but the sum fixed for the highway fund shall not exceed one mill upon the dollar of the assessed valuation of the property in said city at said time; this limitation is not to apply to moneys raised for the building or repairing of bridges, or approaches thereto.

Repealed.

SECTION 3. Sections twelve, thirteen and fourteen of chapter three of chapter two hundred thirty-nine of the general laws of 1879, are hereby repealed. All of said chapter six of chapter two hundred and thirty-nine of the general laws of 1879, not incorporated in this act, and all acts and parts of acts in conflict herewith, are hereby repealed.

Enforcing clause.

SECTION 4. This act, including also all the repealing clause thereof, shall take effect and be in force from and after the first day of October, A. D. 1881, but the street commissioner of said city shall make the report required by section eighteen of chapter six of chapter two hundred and thirty-nine of the laws of 1879, and proceedings shall be had on said report for the year

1881, as if said section had not been repealed and said funds so collected, if any, shall constitute a part of the highway fund for the ensuing year.

Approved March 29, 1881.

[No. 333, A.]

[Published April 7, 1881.]

CHAPTER 232.

AN ACT to amend section seven hundred and ninety-six, chapter thirty-eight, of the revised statutes of 1878, relating to town elections.

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

SECTION 1. Section seven hundred and ninety-six chapter thirty-eight, of the revised statutes of 1878, is hereby amended so as to read as follows: Section 796. The polls of the election shall be opened between the hours of nine and ten o'clock in the forenoon, and shall remain open until five o'clock in the afternoon, and the inspectors shall cause proclamation to be made at the opening of the polls, and at the closing thereof, and proclamation in like manner at least one hour before the closing of the polls, specifying the hour at which the polls of the election will be closed.

Polls to remain open during noon hour.

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

Approved March 30, 1881.

[No. 111, S.]

[Published April 8, 1881.]

CHAPTER 233.

AN ACT to provide for the humane care of the chronic insane not otherwise provided for.

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

SECTION 1. Whenever it shall appear to the state board of charities and reform that insufficient provision has been made for the care and support of the insane in the state hospitals and county asylums previously established, according to law, said board may file with the secretary of state a list of counties in which no county asylum exists, and which, in the opinion of the said board, possess accommodations for the proper care of the chronic insane; and thereafter each of said counties so named, which shall care for its

Board to prescribe rules for care of insane in certain cases