

and conflicting with the provisions of this act, are hereby repealed.

SECTION 143. This act shall take effect and be in force from and after the 22d day of March, 1882.

Approved March 16, 1882.

[No. 89, S.]

[Published March 22, 1882.]

CHAPTER 133.

AN ACT to amend an act entitled "an act to revise, consolidate and amend the charter of the city of Racine," approved August 8, 1848, and the several acts amendatory thereof, approved March 11, 1876, and the several acts amendatory thereof.

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

SECTION 1. Section 9 of title 5 of chapter 313 of Amended. the laws of 1876, as amended by chapter 59 of the laws of 1879, is hereby amended so that the same shall read as follows: Section 9. The commissioners, together with the aldermen of the ward in which the improvement is being made, may determine what proportion, if any, of the damages awarded shall be chargeable to the ward, and be paid out of the respective ward fund, and shall embody such determination in their report, provided such report shall be concurred in and signed by the aldermen of the ward. Upon such recommendation and report the common council shall order such sum to be paid out of the ward fund of the respective ward, and the common council may, whenever the amounts of benefits found and assessed, together with the amount, if any, made payable out of the ward fund, shall be less than the amounts of damages assessed, appropriate the difference from the contingent fund, or provide for it by the levying of special ward or city taxes, or both; provided, that the common council may, at any time before the adoption of the final resolution ordering such street, alley or grounds to be opened, discontinue, dismiss and annul the proceedings had.

SECTION 2. Section eleven (11) of title six (6) of Amended. said chapter 313, as amended by chapter 180 of the laws of 1880, is hereby amended so that the same shall read as follows: Section 11. The common council shall have power to cause sidewalks with proper In regard to sidewalks. guards, or handrails, if necessary, curbing of wood or stone, and gutters to be built, rebuilt, graded or repaired, and to assess the cost thereof against the par-

ticular lot or lots in front of which such work shall have been done. Such work may be done and required to be done without any petition there'or, upon passage of an order or resolution by the common council describing the location and the lots or lands in front of which such work shall be done, and naming the owners thereof if known, and containing a particular description of the work, and naming the time (which shall not be less than ten days) in which the same shall be done. Notice of such order or resolution shall be given either by the service of copies thereof upon the owners of such lands personally, or by leaving a copy with the occupant of any building on such lot or lots, if they shall be occupied, or by publication of such order or resolution in the official paper of the city at least ten days before such work is required to be done. The affidavit of the officer serving such order, describing the manner of such service, or the affidavit of the printer of the publication of such order, shall be prima facie evidence of such service. If, after the time mentioned for the performance of such work in such order, such work, or any part thereof, shall not have been done, the common council may cause such work to be done by contract, and shall charge the particular cost of such work done in front of or contiguous to any lot or parcel of land as a special assessment against the respective lot or lots in front of or contiguous to which such work shall have been done. Said contracts shall contain like provisions as to the receiving of special assessment certificates and tax certificates in payment by said contractor as are contained in section 8 of this title.

In regard to
building side
walks, etc.

SECTION 3. Said title six (6) of said chapter 313 as amended by chapter 180 of the laws of 1880, is hereby amended by inserting immediately after section twelve (12) of said title a new section, which shall read as follows: Section 12a. In all cases where sidewalks, curbing or gutters shall have been ordered to be built, rebuilt, graded, or repaired under the preceding provisions, of this title, and such work shall not have been done within the time limited in such order, the council may, with the affirmative vote of the aldermen of the ward in which such proposed sidewalk is to be situated, enter into a contract for such work, the same to be paid for from the ward fund of such ward. Upon the completion of such work the same to be paid for out of said ward fund, and the amount thereof, together with ten (10) per cent. addi-

tional thereto as a penalty, shall be charged and assessed against the lot or parcel of land in front of or adjoining which such work shall have been done, and the same shall be collected as other real estate taxes are collected, and when so collected said whole amount shall be credited back to said ward fund. In any case where any of the work named in this section shall have been ordered to be done, and after one week's advertisement in the official city paper, no bids shall have been received for the doing of such work, the council may authorize the aldermen of the proper ward to purchase the necessary materials and to employ fit persons to do such work and such labor and materials shall be paid for out of the ward fund of such ward, and the amount thereof, with ten (10) per cent. additional thereto, as penalty, shall be charged and assessed against the lot or parcel of land in front of or adjoining which such work shall have been done, and collected as other real estate taxes are collected, and when so collected the whole amount shall be credited back to said ward fund.

SECTION 4. Section 15 of said title six (6), as amended by chapter 180 of the laws of 1880 is hereby amended so as to read as follows: Section 15. Whenever any sidewalk or part of a sidewalk shall be in a dangerous condition to persons passing over it, by reason of defective planks or stringers, or for want of proper guards or hand rails, the aldermen or street commissioner of the ward in which the same is situated, shall have power, by written order to be served on the owner of the premises in front of which such sidewalk exists, or upon any occupant of any building thereon, to order the same to be repaired or re-made, within a period to be fixed in said order, not less than twenty-four hours from the time of such service; and in case of failure to comply with such order, the said aldermen or street commissioner shall have power forthwith to employ or cause to be employed fit persons to repair or re-make the same or build such guards or hand-rails at a fair price, not exceeding, however, the sum of five (5) dollars, and pay for the same from the ward fund of the proper ward, and charge the expense thereof, with ten per cent. additional thereto as a penalty, to the lots, parts of lots or parcels of land abutting thereon, by a special assessment; and such amount when collected shall be credited to said ward fund, and such assessment shall be a valid charge and lie upon such lot, part of lot or parcel of land, with-

Sidewalks in dangerous condition.

out any other proceeding preliminary to the doing of such work, except the notice requiring such work to be done. In case any private drain running through or across any street in said city shall become defective in such street, from any cause, like notice as hereinbefore in this section provided, may be given to the owner or occupant of any lot or lots in connection with which such drain is used, requiring the repairing of such drain, and in case the same be not repaired, like proceedings as are hereinbefore in this section provided may be taken for the repair thereof, and the expense of such repair may be charged and assessed to and collected from any lot, lots or parcels of land in connection with which such drain is used, in like manner as hereinbefore provided.

Powers of
fire marshal.

SECTION 5. Section 5 of title 11 of said chapter 313 is hereby amended so as to read as follows: Section 5. The common council shall appoint one fire marshal of the fire department, who shall hold his office for two years and one or more assistants, who shall hold their offices for one year, unless sooner removed by the common council; and engineers for the steam fire engines in use, to hold office during the pleasure of said council. All other members of the department shall be appointed by the fire marshal subject to the approval of the common council, and shall hold office during the pleasure of the fire marshal. Said fire marshal shall also have power to suspend from duty any of such engineers, and such suspension shall be reported by him to the common council at its next regular meeting thereafter, and said common council may thereupon either approve such suspension and discharge such engineer, or may re-instate him, as it shall judge best. The fire marshal shall annually, on the first Monday in March, report to the common council the condition of the fire department, and make such recommendations as he may deem advisable and file with the city clerk a full inventory, verified by his affidavit, of all the apparatus, engines, carts, hose, ladders and tools belonging to the fire department.

Salaries.

SECTION 6. Section one (1) of title twelve (12) of said chapter 313 is hereby amended so that the same shall read as follows: Section 1. Salaries shall be fixed by the common council to the several and respective officers of the said city mentioned in this section for all services during the term of their service, not to exceed the following rates per annum, to-wit: To the

city clerk and ex-officio comptroller, nine hundred dollars (\$900); to the city treasurer for all services by him to be rendered, fifteen hundred dollars (\$1,500); to the city attorney, eight hundred dollars (\$800); to the assessors, each three hundred dollars (\$300); to the fire marshal, five hundred dollars (\$500); to the assistant fire marshal, two hundred dollars (\$200); to the engineer of fire steamer number one, seven hundred and twenty dollars (\$720); to the engineer of fire steamer number two, four hundred dollars (\$400); to the chief of police, eight hundred dollars (\$800); to the superintendent of the poor, four hundred dollars (\$400); to the harbor master, acting also as bridge tender, five hundred and fifty dollars (\$550); to bridge tenders, five hundred dollars (\$500) each; to the city marshal, two hundred dollars (\$200). All salaries of officers and others which are not fixed absolutely by this act shall be fixed by the common council by ordinance or resolution, subject to the limitations herein prescribed. The salaries and allowances above mentioned, and which shall be fixed as aforesaid by the common council, shall be accepted by such officers and others, respectively, as their sole compensation for the services for which such salaries are allowed.

SECTION 7. Title 6 of said chapter 313, as amended Artesian well. by chapter 180 of the laws of 1880, is hereby amended by adding thereto a new section, immediately following section 26 of said title, which shall read as follows: Section 26a. At the time of the annual tax levy, in any year, the common council may levy upon the taxable property of any ward in said city a sum not exceeding three thousand dollars, to be used for the purpose of boring and constructing an artesian well for supplying water to the residents of said ward, and constructing stand-pipes and reservoirs and laying pipes for the distribution of water therefrom; provided, however, that no such tax shall be levied except with the affirmative vote of both alderman of the ward upon which such tax is to be levied; and provided further, that the question as to whether such well shall be constructed shall first have been submitted to a vote of the legal voters of said ward at the next preceding municipal election, and shall have been decided in the affirmative by a majority of all votes cast upon that subject. The form of the ballots shall be under the direction of the council: the votes shall be cast on separate ballots, and in separate boxes, and the returns shall be made and canvassed in the same manner as other returns of

municipal elections are made and canvassed. Further provided, that but one well shall be constructed in any one ward under the provisions of this section.

Shall let to
lowest bidder.

SECTION 8. Section thirty-five (35) of title six (6) of said chapter 313, as amended by chapter 123 of the laws of 1881, is hereby amended so as to read as follows: Section 35. After the making of the said assessments, the city council shall let the work to the lowest responsible bidder, at least two weeks' notice of the receiving of such bids having been given in the official city paper; the common council may reject any and all bids, if deemed too high, or for neglect to furnish proper bonds for the performance of such contract. In case no bids are received, or in case the bids received shall be deemed too high, or in case the bidders shall be unable to furnish proper bonds for the performance of the work, the council may purchase or cause to be purchased, water-pipes, mains, and all necessary materials and employ men to lay the same, and pay for such materials and labor from the funds raised by said special assessments, and such other funds as are properly applicable thereto. Said assessment shall be a lien upon the property assessed, and shall be collected in like manner as provided in section seventeen (17) of this title. Any deficiency between the amount of the special assessments levied and the amount expended, for such work may be defrayed out of the ward fund of the proper ward, or by the levy of a special ward tax.

Shall serve
notice.

SECTION 9. Title four (4) of said chapter 313 is hereby amended by adding at the end of said title a new section, numbered section 10, which shall read as follows: Section 10. In any case where the common council shall by resolution direct the removal of any obstructions or encroachments upon any public street in said city, and due notice of the passage and contents of such resolution shall have been served upon the person or persons maintaining such obstruction or encroachment in the manner provided by the ordinances of said city and the same shall not be removed within the time limited therefor by said resolution, the common council shall have power to remove or cause to be removed such obstructions or encroachments summarily, and sell the same in like manner that property is sold upon execution from justice court, and the proceeds shall be applied toward payment of the cost of such removal, and any surplus above such cost shall be returned to the owner of such obstruction or encroachment. In case no owner of such obstruction or

encroachment can be found the notice provided for in this section may be posted in a conspicuous place on such encroachment or obstruction, and such posting shall have like effect as if personally served.

SECTION 10. Section eighteen (18) of title six (6) of said chapter 313, as said title is amended by chapter 180 of the laws of 1880, is hereby amended so that the same shall read as follows: Section 18. The common council may cause the construction of breakwaters, parallel pilings, sheet piling piers, or such other protections as may be planned or devised for the purpose of protecting the shores of said city against the encroachments of Lake Michigan, and defray the cost thereof by levying city and ward taxes and special assessments upon real estate deemed to be specially benefited by such protection; and whenever lots or lands or streets are being washed away or encroached upon by said lake the common council may cause the construction of such washing away or encroachment in the manner hereinafter provided. No petition shall be required to authorize the construction of any such protection. Whenever it shall be deemed necessary to construct any of the protections named in this section, the common council shall first cause plans and specifications and an estimate of the cost thereof to be made and filed with the city clerk. After the adoption of such plans and specifications, and after the cost of such work shall have been so ascertained, the common council shall direct application to be made for the appointment of three special commissioners to determine the amounts to be charged as special assessments against any and every lot or parcel of land benefited by such proposed protections; also to determine the amount to be charged to the ward in which such protection is proposed to be made, and also to determine the amount to be charged to the city at large for such proposed protections; provided, that in the discretion of the common council the amount chargeable to the ward as aforesaid and the amounts chargeable to the city as aforesaid may be appropriated from the ward fund in which such protection is made, and from the general city fund respectively; further provided, that the general appropriation from the city fund or city tax for any one year for such purpose, shall not exceed the sum of one thousand dollars (\$1,000). Such application shall be made and such commissioners shall be appointed and shall make their assessments of benefits and their report thereof in all

Construction of
breakwaters.

respects in like manner and with like effect as provided in section 8 of title 5 of this act, with regard to commissioners for the assessment of benefits and damages in the opening of streets. Residents of the ward in which such protections are to made shall, however, be eligible to appointment as such commissioners, if not directly interested in the proposed improvements, and in all cases one of such commissioners, and but one, shall be a resident of such ward. The county judge or court commissioner, the city marshal or other officer acting in his place, and the special commissioners appointed under this section, shall receive like compensation as provided for by section 7 of title 5.

Appeal.

SECTION 11. Section nineteen (19) of title six (6) of said chapter 313 as said title is amended by chapter 180 of the laws of 1880 is hereby amended so that the same shall read as follows: Section 19. Any person or persons owing or having any interest in any property affected by such assessment may within twenty days after the confirmation of such assessment by the common council, appeal therefrom to the circuit court of Racine county, and such appeal shall be taken and perfected, and the trial thereof shall be conducted in like manner in all respects as the appeal provided for by section 12 of title 5 of this act. Such appeal shall be the only remedy or proceeding in which the question as to the amount of benefits accruing to a parcel or parcels of land shall be litigated. Such appeal shall not hinder or delay the issuance of the certificate of the special assessment provided for in the next succeeding section, nor the rights of any contractor thereunder; but in case any appellant succeed, the difference between the commissioner's assessment and the amount finally adjudged shall be adjusted in like manner as provided in section 9 of this title. No error, irregularity or informality in any of the proceedings for the construction of such protections or the assessments of benefits not affecting substantial justice shall in any way affect the validity of the assessment.

When tax shall be levied.

SECTION 12. Section one (1) of title thirteen (13) of said chapter 313, as said section is amended by chapter 180 of the laws of 1880, is hereby amended so that the same shall read as follows: Section 1. The common council shall annually on or before the first Monday of September, levy a tax upon all the taxable property of said city sufficient to pay the salaries of the officers of said city as in this act provided, and to

meet the interest on the corporate debt, and to provide for the sinking fund as provided by law, and for the purposes hereinafter named to-wit:

1. For school purposes, including repairs of school-houses and incidental expenses, a sum not exceeding twenty-seven thousand dollars (\$27,000). The sums received from the state school funds, from tuition fees and all other sources to be in addition to such fund. School purposes.

2. A sum not exceeding three thousand dollars (\$3,000) for harbor purposes. Harbor purposes.

3. A sum not exceeding twenty-three hundred dollars (\$2,300) for the repair of bridges and building and repairing of culverts. Bridges.

4. A sum not exceeding seven thousand dollars (\$7,000) for the fire department. Fire department.

5. A sum not exceeding six thousand dollars (\$6,000) for a contingent fund; all the delinquent taxes and remittances shall be charged against the contingent fund. Contingent fund.

6. A sum not exceeding three thousand dollars (\$3,000) for the support of the poor of said city. Poor fund.

7. A sum not exceeding five thousand dollars (\$5,000) for a police fund. Police fund.

8. A sum not exceeding two thousand dollars (\$2,000) may be annually levied on the taxable property of each ward for the repair of streets, lighting of streets and other ward purposes. Lighting streets.

All moneys received from fines, penalties and licenses shall be credited to the poor fund, from which such sums as shall not be required for the support of the poor may be transferred to the contingent fund when necessary. In addition thereto and to the special levies and assessments authorized by this act, or as may be hereafter authorized, the common council may at such annual levy by a vote of three-fourths of all its members, whenever it shall have been determined to be necessary to erect any new school house or other public building, or to purchase real estate for such purposes, or to make any other urgent improvement or purchase, levy an additional sum for said contingent fund, not exceeding one and one-half mills on the dollar of the valuation of taxable property of the city as returned by the assessors for such year; provided, that no general or special city or ward tax shall be levied except by vote of three-fourths of all the members of said common council. Contingent fund.

SECTION 13. Section 1 of title 15 of said chapter 313, as said section is amended by chapter 59 of the When may shall appoint officers.

laws of 1879, is hereby amended so that the same shall read as follows: Section 1. The public schools in said city shall be under the supervision and management of the board of education, consisting of one school commissioner from each ward. Such commissioners shall be appointed by the mayor subject to confirmation by the common council. At the first meeting of said common council in May, 1882, the mayor shall appoint a full board of education, and of such commissioners so appointed, the commissioners from the even numbered wards shall hold their offices two years, and the commissioners from the odd numbered wards shall hold their offices one year respectively, and until their successors are appointed and qualified; and thereafter the mayor shall appoint a commissioner from each of the even numbered wards at the first meeting of said council in May in the even numbered years, and a commissioner from each of the odd numbered wards at the first meeting of said council in May in the odd numbered years. All commissioners appointed for a full term after the first board appointed under this section as now amended, shall hold their respective offices for two years and until their respective successors are appointed and qualified.

Board of education shall hold stated meetings.

SECTION 14. Section 3 of said title 15, as said section is amended by chapter 180 of the laws of 1880, is hereby amended so that the same shall read as follows: Section 3. The board of education shall hold such regular stated meetings and other meetings as they shall determine, and the president of said board shall call special meetings when requested by at least two members of said board, and a majority of all the members of the board shall constitute a quorum. The board of education shall elect from its members a president to preside at its meetings, and in his absence a president pro tempore may be appointed, who, for the time being, shall possess all the authority of the president. The city clerk shall be ex-officio clerk of said board at a salary (in addition to his salary as city clerk) of one hundred and fifty dollars per annum, to be paid from the school fund, and it shall be his duty, under the direction of the board, to keep a record of the proceedings thereof in a book to be provided for that purpose; in the absence of said clerk, said board of education may appoint a clerk pro tempore to keep such record. Said clerk shall also enter in said book, or in a book especially provided for that purpose, copies of all official reports made by the board or the superintendent. He shall

keep and preserve all papers, books and records, or other property belonging to his office, and deliver the same to his successor or to the common council. The board of education shall employ some suitable person to take the school census of children in the city over the age of four and under the age of twenty years, and shall pay a reasonable compensation for such service.

SECTION 15. Section three (3) of title six (6) of ^{Culverts.} said chapter 313, as said title is amended by chapter 180 of the laws of 1880, is hereby amended by adding to the end of said section the following words: "Further provided, that no greater sum than fourteen hundred dollars (\$1,400) shall be expended from the bridge fund for the building of culverts in any one year."

SECTION 16. All acts and parts of acts inconsistent with or repugnant to any of the provisions of this act are hereby repealed.

SECTION 17. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1882.

[No. 178, A.]

[Published March 21, 1882.]

CHAPTER 134.

AN ACT relating to and amendatory of sections 1 and 8 of chapter 206 of the general laws of Wisconsin for the year 1878 entitled an act to amend and extend an act entitled an act to incorporate the "Apple River Log Driving Company." Approved March 6th, 1868.

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

SECTION 1. Section 1 of said chapter 206 of the ^{Amended.} laws of 1878 is hereby amended so as to read as follows: Section 1 of chapter 430 of the private and local laws of this state for 1868 is hereby amended by striking out of said section the words "ten years," and inserting in lieu thereof the words "twenty years," and the said act and the rights, privileges and franchises thereby conferred, or which may have been acquired or become vested thereunder, and under the acts amendatory thereof, are hereby confirmed, continued and extended for the period of ten years or until the first day of July, 1888. Provided, that the said company shall, within sixty days from and after the passage and publication of this act, duly execute in its corporate capacity and file in the office of the clerk of the circuit court in and for the county of St. Croix,