

property belonging to said district and all moneys in his hands as such school district treasurer, with a statement of the amount thereof belonging to each of the several funds.

Town library to belong to city.

SECTION 24. The town library of the town of Marinette, and all books and property thereunto appertaining, shall, on demand, be delivered by its custodians to such person or persons as the common council of said city shall designate.

Settlement between town and city to be made.

SECTION 25. The common council of said city, or a committee thereof, to be appointed thereby for that purpose, shall meet with the board of supervisors of the town or towns, made from that portion of the town of Marinette not within the limits of said city, at the common council rooms in the city of Marinette, upon six days' written notice given by either party to the other, by service thereof on the town or city clerk, for the purpose of apportioning the indebtedness of said town, and the funds in the treasury of said town as they shall be found on the first Tuesday of April, 1887.

Officers of city designated.

SECTION 26. Duplicate certificates of such apportionment shall be made, signed by said town board or boards and the common council or its committee, one of which certificates shall be filed with the city clerk and one with the town clerk of said town or towns.

SECTION 27. This act shall take effect and be in force from and after its passage and publication.
Approved March 23, 1887.

[No. 558, A.]

[Published March 25, 1887.]

CHAPTER 120.

AN ACT to amend the charter of the city of Appleton.

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

The elective officers of the city.

SECTION 1. Section 2, of sub-chapter 2, of chapter 441, of the general laws of 1885, is hereby

amended by striking out in the second line thereof the words, "city clerk, and by inserting after the words, "consist of a," in the twenty-ninth line thereof, the words "city clerk," so that said section when so amended shall read as follows: Section 2. The elective officers of said city shall be a mayor, a treasurer, an attorney and three assessors to be chosen from the city at large, but no two assessors shall be elected from the same ward; the assessors now in office shall respectively hold their office during the term for which they have been elected, and until their successors are elected and qualified; and one assessor shall be elected annually whose term of office shall be three years; and their salaries shall not exceed the sum of three hundred dollars each, in lieu of all other compensation. Two aldermen and one county supervisor shall be elected in each ward. At the annual city election to be held on the first Tuesday of April, 1885, a justice of the peace shall be elected by the qualified voters of each of the following districts, viz: The first and fourth wards shall elect one justice of the peace; the second and sixth wards shall elect one justice of the peace; the third and fifth wards shall elect one justice of the peace. The justices of the peace of said city now in office shall be and remain in office until the second Tuesday in April, 1886, and until their successors are elected and qualified. Vacancies in the office of justice of the peace may be filled by appointment by the common council, to hold office for the residue of the term to which they are appointed. The appointive officers of said city shall consist of a city clerk, a city surveyor, commissioner of the poor, city physician, marshal, street commissioner and all other officers necessary for the proper management of the affairs of said city, to be appointed by the common council. All elective officers, except justice of the peace, assessors and aldermen, shall, unless otherwise provided by law, hold their respective offices for one year and until their successors are elected and qualified, and justices of the peace and aldermen shall each hold office for two years, and until their successors are chosen and qualified; provided, however, that the common council shall have power for due cause, and after opportunity for a

fair hearing, to expel any of their own number, and to remove from office any officer or agent under the city government, except justices of the peace, written notice being first given to the officer complained of to appear before the common council and answer to the complaint made.

Park commissioners to be appointed.

SECTION 2. Section 2, of sub-chapter 3, of said chapter 441, of the laws of 1885, is hereby amended by adding to the end of said section 2, the following: The mayor shall appoint, at the regular meeting of the common council in May, 1887, subject to the approval of the common council, three park commissioners, whose term of office shall be as follows: One for the term of three years, one for the term of two years, and one for the term of one year, and annually thereafter one commissioner for the term of three years. Each commissioner so appointed shall be required to take the oath of office and enter upon his duties within ten days from the date of his appointment. The services of such commissioners to be rendered without compensation from the city. The city clerk shall act as clerk of said board of commissioners, and for such services shall receive such compensation as the common council shall determine at the end of the year. The said commissioners shall have charge of and have full control in directing the improvement of the public parks of the city, and shall have power to expend a sum not exceeding five hundred dollars in any one year, for the purpose of improving and beautifying such parks, the same to be chargeable to the general fund. A majority of the commissioners shall constitute a quorum, whose acts shall be deemed authoritative in the expenditure of any moneys as above provided. The said board shall make itemized quarterly reports to the common council of their doings as such commissioners.

Salary of city marshal.

SECTION 3. Section 6, of sub-chapter 3, of said chapter 441, is hereby amended by adding to the end of said section 6, the following: The city marshal shall receive a salary from the city for all services and duties performed, and the city shall be entitled to, and said marshal shall pay to the treasurer of said city, all costs and fees coming to him for services, in all cases, actions, or suits brought for violation of the state laws or city ordinances. And said marshal shall give a

good and sufficient bond, to be approved by the common council, for the faithful performance of his duties, and for the accounting and paying over all moneys received by him as aforesaid.

SECTION 4. Sections 2 and 3, of sub-chapter 6, of said chapter 441, are hereby amended by striking out the word, "twelve," wherever it occurs in said sections, and inserting in lieu thereof the word, "six," so that said sections when so amended shall read as follows: Section 2. Such notice shall state that upon a day therein to be named, not less than five days from the service of such notice, or the expiration of such publication as the case may be, application will be made to the county judge or a court commissioner of Outagamie county, naming such officer, for the appointment of six jurors to view the premises proposed to be taken, determine whether it will be necessary or expedient to take the same for the purpose specified in said petition, and to ascertain appraise and determine the value of the land, and the amount of damages to be paid to the owner or owners of the property determined to be taken. Section 3. Upon presentation of such application, and upon proof and publication of service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint as such jurors, six reputable freeholders, citizens and residents of said city, but not residents of the ward in which said premises may lie, nor personally interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept directed to said jurors, requiring them within five days thereafter, to view the premises to be specified in said precept, and to make a return under their hands, to the common council, whether, in their judgment, it is necessary to take the premises specified or any adjoining premises for the purpose specified in such application, and also to make return of the value of the lands, and the amount of the damages to be paid to the owner or owners respectively of the property to be taken.

Relating to selection of jurors.

Who shall be appointed jurors.

SECTION 5. Section 1, of sub-chapter 7, of said chapter 441, is hereby amended by inserting after the word, "sidewalks," in the sixth line of said section 1, the words, "and cleaning the same of snow and ice," and by inserting after the word,

Relating to the cleaning of sidewalks.

“sidewalk,” in the tenth line of said section, the words, “and cleanse the same of snow and ice,” so that said section when so amended shall read as follows: Section 1. The common council shall adopt general regulations relative to cleansing and repairing of streets, avenues, lanes, alleys, highways, bridges, sewers, sidewalks, crosswalks and public grounds. The expense of repairing and rebuilding sidewalks and cleaning the same of snow and ice shall be charged to the property when such improvements are made, and in case the owner or occupant of any such lot or parcel of land after due notice shall neglect or refuse to repair or rebuild any such sidewalk and cleanse the same of snow and ice the street commissioner shall in pursuance of such regulations, or of the order of the common council, cause the same to be done at the expense of the said lots or parcels of land adjoining thereto or abutting thereon; and the street commissioner shall, prior to the second Monday in November in each year, make a report in detail to the city clerk, duly verified, of the amount of tax properly chargeable against such lot or parcel of land for all work done and unpaid for under the provisions of this section, and such amount shall be a lien on such lot or parcel of land, and with other or like special taxes authorized by this act, shall be levied thereon by the common council at the next succeeding annual levy of taxes in said city, as a special tax, with all the legal consequences, both as to collection of taxes and sale of such lot or parcel of land for unpaid taxes, prescribed in the act or the general laws of this state for special taxes. The cleansing and repairing of streets, avenues, lanes, alleys, highways, and public grounds shall be done under the superintendence of the street commissioner at the expense of the city; and the common council may provide for letting all such work by the month or year, by contract. Whenever the street committee of the common council signify in writing to the city clerk that certain repairs as provided in this section, are needed, the city clerk shall forthwith notify, in writing, the street commissioner to cause the same to be done; and if the street commissioner shall fail or neglect to cause the same to be done within six days from the time of re-

ceiving such notification, said street committee may, in writing, to be filed in the clerk's office, designate a suitable person to act in his stead, which person shall proceed in all respects the same as the street commissioner, and shall immediately thereafter make full return of his doings under oath, to the city clerk, and the acts and doings of such person so appointed shall have the same force, effect and validity as the acts of the street commissioner.

SECTION 6. Section 4, of sub-chapter 7, of said chapter 441, is hereby amended by striking out all after the word, "lots," in the twenty-third line, down to and including the word, "liable," in the thirty-first line of said section 4, and inserting instead thereof the following: "Shall be liable for only two-thirds of the cost of building sewers on both lines of streets, to be deducted from such costs only upon the completion of sewers upon both streets, upon which said property fronts or abuts," so that said section when so amended shall read as follows: Section 4. The expense of building sewers up to nine inches in diameter, and man-holes and lamp-holes for the same, exclusive of public streets, alleys and crossings, shall be a lien upon and paid by the land, lots and subdivisions of lots fronting and abutting on the parts of the streets where such improvements shall be made, and shall be assessed, levied and collected as other taxes, unless paid by the parties interested as hereinafter provided. For sewers larger than nine inches in diameter, the expense of building the same in excess of the costs of a sewer nine inches in diameter shall be paid out of the general fund, and when it shall be necessary to construct a larger sewer than nine inches in diameter for the purpose of an outlet for branch sewers or for the purpose of carrying off surface water or which will require a greater depth than a nine inch cellar sewer would require for ordinary sewerage purposes, all expenses over, and above the cost of a nine inch sewer for ordinary cellar sewerage purposes shall be paid out of the general fund. Corner lots shall be liable for only two-thirds of the cost of building sewers on both sides, to be deducted from such costs only upon the completion of sewers upon both streets, upon which said property fronts or abuts, for the purpose of

Cost of building sewers, etc., how apportioned.

assessment for sewers the size of a corner lot shall be sixty feet by one hundred and twenty feet unless subdivided into smaller lots and actually occupied and used for business purposes, in which case twenty-four feet by one hundred and twenty feet shall be considered the size of a corner lot. The common council may order and cause to be built sewers, and the expense thereof shall be paid as herein provided, and such expense shall be apportioned to the general fund, and lots and parcels of land properly chargeable therewith, by the city surveyor; provided, that in all cases where improvements or work of any kind are charged in whole or in part upon lots or lands benefited, all such improvements across streets, alleys and public grounds, shall be made and paid for out of the general fund.

Plans and specifications to be filed by city surveyor.

SECTION 7. Section 6, of sub-chapter 7, of said chapter 441, is hereby amended by striking out all of said section after the figure "6" down to and including the word, "interested," in the fifteenth line thereof, and inserting the following in lieu thereof: "Before ordering the making any public improvement as provided by this chapter, the city clerk, by resolution of the common council, shall notify the city surveyor to make and file in the office of the city clerk all necessary plans and specifications of the whole expense thereof, and the proportion, if any; to be charged to each lot or parcel of land, and in case of grading streets, avenues, alleys, highways or building sidewalks, of the number of cubic yards to be excavated or filled in, in front of each lot or tract of land, and such estimates and plans shall be the property of the city, and shall be open to the inspection of all parties interested." After the adoption of such plans and specifications by the common council, it may order the making of the proposed public improvement. So that said section when amended shall read as follows: Section 6. "Before ordering the making of any public improvement as provided by this chapter, the city clerk, by resolution of the common council, shall notify the city surveyor, to make and file in the office of the city clerk all necessary plans and specifications of the whole expense thereof, and the proportion, if any, to be charged to each lot or parcel of land, and in case of grading streets, avenues,

alleys, highways or building sidewalks, of the number of cubic yards to be excavated or filled in, in front of each lot or tract of land, and such estimates and plans shall be the property of the city and shall be open to the inspection of all parties interested. After the adoption of such plans and specifications by the common council, it may order the making of the proposed public improvement. The city clerk shall give notice by advertisement in the official papers of the city to the owners or occupants of the lots or parcels of land bordering on any street, avenue, alley or highway ordered to be graded, graveled, planked or paved, requiring them to do the work mentioned in such notice within a reasonable time therein to be specified according to the plans and specifications on file in his office, and if the said work shall not be done within such time, the city clerk shall at once proceed to advertise for proposals and enter into contracts for the doing thereof. Whenever any contract shall have thus been made and concluded, the city clerk shall without delay notify the city surveyor thereof, accompanying such notice with a copy of the terms and conditions of such contract. All contracts for work done by and pursuant to the provisions of this chapter, and for the construction of sewers and reservoirs, shall be subject to the acceptance of the city surveyor; provided, that any contractor may appeal from the decision of that officer to the common council. The common council may, in its discretion, employ any competent man to superintend the construction of such public works as it thinks proper. In all cases where any improvement shall be ordered pursuant to the provisions of this act, any part of the expense of which shall be chargeable to the lots bordering thereon, the owner or agent shall be entitled to do the work according to the plans and specifications on file, and on completion thereof to the acceptance of the proper officer, shall be entitled to receive from such officer a certificate, showing that the city is indebted to him to the amount chargeable to the general fund according to the estimated expense previously made and filed by the city surveyor, upon the presentation of which certificate, duly verified by the owner or holder thereof, to the common council, the same shall be allowed to him out of the gen-

eral fund of the city; provided, that such owner or agent shall within ten days after the date of notice by the clerk requiring said work to be done, signify to the city clerk, in writing, that he will perform the same according to the plans, specifications and estimate made by the city surveyor, and shall execute a bond, subject to the approval of the said clerk, conditioned for the faithful execution thereof within the time designated by the street committee or city clerk.

Respecting city papers and other miscellaneous matters.

SECTION 8. Section 3, of sub-chapter 3, of said chapter 441, is hereby amended by inserting after the word, "printer" in the forty-third line of said section 3, the following: "The same to be the publisher of some weekly newspaper, which has been published in the English language at least two years prior to such letting," so that said section when amended will read as follows: Section 3. At the first meeting of the common council in each corporate year they shall proceed to elect by ballot, one of their number president, and in the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case the mayor and president shall both be absent at any meeting of the common council, that body shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while discharging any of the duties of mayor, shall be styled acting mayor, and acts performed by them, or either of them, in such capacity, shall have the same force and validity as if performed by the mayor. The common council, at their first or second meeting after the charter election, in each year, shall appoint all the appointive officers of said city, and all the appointive officers shall hold office for one year, and until their successors are chosen and qualified. The common council shall by resolution fix the salary or fees of all officers of the city at the first regular meeting in March of each year; provided, that the present common council may fix the salaries of officers for the coming corporate year at any meeting held during the month of March, 1885. And no salary shall be increased or dimin-

ished during the term of office of any officer, and such salary or fees shall neither be increased or diminished during the corporate year in which such resolution may be adopted. The common council, at their first meeting in each year, or as soon thereafter as may be, shall order the city clerk to advertise for proposals from the publishers of weekly newspapers printed in the English language in said city, for all the legal printing and publication necessary to be done by the city, except as otherwise provided herein; and said printing and publication shall be let to the lowest responsible bidder, who shall be styled the city printer, the same to be the publisher of some weekly newspaper which has been published in the English language at least two years prior to such letting, and in case of bids being alike, the common council shall designate which paper shall receive the contract; and all affidavits and verifications of the fact of publication of any notice, ordinance, by-law or resolution may be made by any person doing such printing, or by the foreman in the office in which such printing may have been done; and such affidavit shall be read in evidence in the same manner, and shall in all respects have the same force and effect as if made by the city printer; and no appropriation of money shall be made for any printing or publishing unless the same shall be let by contract, as herein provided. The doing of job printing and furnishing material therefor and the publication of the proceedings of the common council, or either, may be let to the lowest bidder, whether such bidder be the city printer or not; and the proceedings may be published in the English or German papers published in said city, or both, at the option of the common council.

SECTION 9. Section 1, of sub-chapter 5, of said chapter 441, is hereby amended by adding to said section 1, the following proviso: Provided, that all moneys received or hereafter received from the sale of the stock now held by the city of the railway company, now known as the Milwaukee, Lake Shore and Western railway company, shall be used as herein provided, and not otherwise. 1st, so much thereof as may be necessary shall be used as early as can be to pay the indebtedness of said city on its city park: 2d, the balance of said

Proceeds of
sale of stock.

money shall constitute a sinking fund for the purpose of paying the bonds of the city issued to the Milwaukee, Lake Shore and Western railway company, on or before their maturity in August, 1891, and the interest growing out of said fund shall be annually used to pay the interest on said Milwaukee, Lake Shore and Western railway bonds; and the mayor shall appoint three members of the common council who, together with the city treasurer, shall constitute a committee for the purpose of investing said money, under the direction and by the approval of a two-thirds vote of all the members elect of said council; said funds to be invested in all cases in the name of the city of Appleton.

SECTION 2. This act shall take effect and be in force from and after its passage and publication. Approved March 23, 1887.

[No. 497, A.]

[Published March 25, 1887.]

CHAPTER 121.

AN ACT to amend chapter 227, laws of 1885, entitled, "an act to incorporate the city of White-water."

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

Elective officers defined.

SECTION 1. Section 1, of chapter 2, of chapter 227, laws of 1885, is hereby amended so as to read as follows: Section 1. The elective officers of said city shall be a mayor, a treasurer, a superintendent of schools, an assessor for the city at large, two school commissioners, one justice of the peace, one supervisor and one constable for each ward, which said officers shall hold their respective offices as follows: The mayor for the term of two years; the treasurer, superintendent of schools, assessor, supervisor and constables, for the term of one year; the aldermen, the school commissioners, the justice of the peace and the school commissioners of each ward for the term