

[No. 210, A.]

[Published April 30, 1887.]

CHAPTER 276.

AN ACT to provide for the sprinkling of the roads in towns.

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

SECTION 1. Whenever a petition shall be presented to the town clerk of any town, praying that any public road in such town, or any part of such road be sprinkled, and such petition be accompanied with an undertaking, signed by at least three of such petitioners, and approved by the town clerk, as to sufficiency, undertaking to indemnify said town against all expenses and loss that it may suffer or incur by reason of carrying out or attempting to carry out the provisions of this act, and such petition be signed by those owning a majority of the lineal feet of land fronting or abutting upon such road or part thereof proposed to be sprinkled, the town board of such town may, in their judgment, direct such sprinkling to be done, provided, the town board shall deem that the interests of the public require such sprinkling to be done; and thereupon said town board shall advertise for sealed proposals for sprinkling such road or part thereof during the time specified in such petition, which time shall not extend beyond the end of the year in which said petition is dated. Such advertisements shall be published at least six days in any newspaper printed in such town or at the county seat of the county in which such town is situated. The work of such sprinkling shall be let by the town board of such town to the lowest bidder, who will enter into a contract with said town to do said sprinkling according to such specifications as the town board shall deem proper, and as prayed for in said petition, with one or more sureties to be approved by said town board; said contract shall provide and shall be entered into with the understanding that said town shall in no event be held liable in any way to pay for said sprinkling, or any part thereof; that said party contracting to do such sprinkling shall ac-

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cept in full payment for such sprinkling, certificates issued by the order of the town board of such town as hereinafter provided. At any meeting of the town board after the time during which said sprinkling was to be done, shall have expired, it shall be the duty of such town board to assess upon the land fronting upon or abutting upon such road or part of road sprinkled, the cost of such sprinkling, including the cost of sprinkling the crossings where such road or part thereof is intersected by other roads. Such assessments shall be equal per lineal foot of frontage of each piece of land owned separately and fronting or abutting upon such road or part thereof. A separate certificate shall be made for each lot or parcel of land owned separately and fronting or abutting upon said road or part thereof so sprinkled. Each certificate shall be signed by the chairman of the board and by the town clerk, and shall state the amount due the party having done such sprinkling for doing the same, and shall contain a brief description of the parcel of land against which such amount is assessed. Such certificate shall be transferable by indorsement and shall bear interest at the rate of twenty-five per cent. per annum from the date of the next annual tax sale after the date of such certificate. Upon the completion of such assessment, it shall be the duty of the town clerk to file in his office a correct statement of the whole cost of such sprinkling, a brief description of each piece of land owned separately, and fronting upon or abutting upon such road or part thereof, and the amount assessed against each such piece of land; and the town clerk shall enter upon the tax roll, the amount assessed against each piece of land for sprinkling.

Who may sign
petition.

SECTION 2. For the purpose of signing the petition mentioned in section 1, of this act, every person in the actual possession of any parcel of land fronting upon the road or part of road proposed to be sprinkled, under a contract of any kind in force for the purchase thereof, shall be held to be the owner of such real estate for the purpose of petitioning as owner thereof. Each person signing such petition as the owner of property, shall be required to write after his signature thereto, a brief description of the property

so owned by him, and annex to said petition an affidavit that he is such owner; and thereupon he shall be taken to be such owner, and such petition shall be as valid and have the same effect as if such person were in fact the owner of such property as stated in his affidavit, although in fact it should thereafter appear that he was not such owner.

SECTION 3. The amount of such certificate shall be a lien upon the land against which it shall be assessed, from the date of the filing of the statement mentioned in section 1, of this act, by the town clerk, in his office, and shall be collected for the benefit of the holder of such certificate, and the collection thereof enforced, and the same fees allowed for collecting, in all respects in the same way as the state and county taxes assessed against such land are collected, and as if said assessment for sprinkling were part of such state and county taxes. Lien.

SECTION 4. The amount of the tax required for sprinkling may be assessed in addition to the limit now prescribed by any law of the state, for the amount of taxes that may be assessed against any piece of land. Tax may be levied.

SECTION 5. The town board of the town where the sprinkling is contracted to be done as aforesaid, shall be judge of the manner in which said sprinkling is done, and if in the judgment of such town board said sprinkling is not done as required by the contract for doing the same, it shall be lawful for said town board to notify the contractor, doing such sprinkling of the fact, and in case he shall thereafter fail in the judgment of the said town board to do such sprinkling as required by the terms of his contract, it shall be lawful for said town board to forbid said contractor to continue such sprinkling, and to employ other parties by private contract and without public notice to do such sprinkling. And the said town board shall issue separate certificates for sprinkling to the original contractor, and to the other parties thereafter employed to do the sprinkling in proportion to the amounts the town board shall deem the original contractor and the other parties, are entitled to receive; but in no event shall the whole amount of such sprinkling certificates exceed the amount at which the original contractor agreed Duty of town board.

to do the same; and if the whole amount due the parties employed to do the work after the town board shall have forbidden the original contractor to continue the sprinkling as herein above provided, shall exceed the whole amount at which the original contractor agreed to do said sprinkling, then such original contractor and his sureties shall be liable in an action at law to the other parties employed by the town board for such excess; but in no event shall the town be liable for any amount whatever.

Town board may fix compensation of persons employed to aid in carrying out provisions of this act.

SECTION 6. The town board shall have authority to fix the amount of compensation that the town clerk and any other person employed to aid in carrying out the provisions of this act, shall be entitled to receive for services rendered; the expenses of which, and of advertising and other incidental expenses that the town board may incur to carry out the provisions of this act, shall be assessed by the town board as a special tax upon the land fronting or abutting upon such road or part of road sprinkled, equally per lineal foot of frontage upon such road or part thereof sprinkled; and the town shall in no wise ever be liable for any expense whatever incurred in the matter of said sprinkling, and all such expenses shall be paid by said town only out of the money collected for said special tax last mentioned.

Certificates not to be invalidated on account of error or omission.

SECTION 7. In case a petition for sprinkling has been presented to the town clerk of any town, and a contract therefor has been let by the town board, and certificates therefor have been issued; no error in or omission in carrying out any of the provisions of this act, shall invalidate any of said certificates; provided, such sprinkling shall have been done and the land described in said certificate shall abut or front upon the part of the road so sprinkled; excepting, however, if any parcel of land is assessed for more than its fair share of the cost of such sprinkling, as herein above provided, the said certificate shall be invalid as to the excess with which said parcel of land is assessed beyond its just proportion.

Land may be reassessed by board.

SECTION 8. In case of the invalidity of any certificate given for sprinkling under this act for any reason whatever, or in case of the omission to assess any parcel of land that should have been assessed for such sprinkling, the board may at any

time within eight years after such sprinkling, re-assess the land described or intended to be described in such invalid certificate or assess the land omitted to be assessed with the amount that such land should equitably pay therefor, and issue proper certificates therefor.

SECTION 9. This act shall be in force from and after its passage and publication.

Approved April 2, 1887.

[No. 474, A.]

[Published April 27, 1887.]

CHAPTER 277. •

AN ACT to amend section 554, of chapter 28, of the revised statutes, as amended by chapter 124, laws of 1885, entitled, "of the distribution of the school fund income."

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

SECTION 1. Section 554, of chapter 28, of the revised statutes, as amended by chapter 124, laws of 1885, entitled, "of the distribution of the school fund income," is hereby amended so as to read as follows: Section 554. The school fund income which shall have been received up to and including the first day of June, shall be apportioned by the state superintendent between the tenth and fifteenth days of June in each year. Such apportionment shall be made among the several counties, and the several towns, specially incorporated villages, and cities in each county, according to the number of children in each over the age of four and under the age of twenty years, as shown by the reports made to the state superintendent during the year preceding; but no apportionment shall be made to any town, village or city which shall have failed to raise by tax during the preceding year, for the support of common schools therein, a sum equal to the amount of its share from the school fund income, as determined by the county board of supervisors, in pursuance of

Amending section 554, R. S.