

SECTION 6. The provisions of law for pay-<sup>Compensation</sup>ment of expenses and per diem of members of <sup>of examiners.</sup> the board of examiners while conducting examinations for state certificates, shall extend to the examinations herein provided for, for the county superintendent's certificate.

SECTION 7. The provisions of this act shall <sup>Exemptions.</sup> not operate to disqualify for re-election any person holding the office of county superintendent of schools at the time of its passage, nor any person who has at any time held the office of county superintendent of schools in the state of Wisconsin.

SECTION 8. All laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

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

Approved April 19, 1895.

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No. 365, A.] [Published May 4, 1895.

## CHAPTER 334.

AN ACT to authorize the building of the "Grand avenue viaduct," and the issue of bonds to create a fund for the same.

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

SECTION 1. The county board of supervisors <sup>Authorizing</sup> of Milwaukee county is hereby authorized to <sup>Milwaukee</sup> issue bonds of said county of Milwaukee during <sup>county to</sup> the years 1895 and 1896, for the purpose of rais- <sup>issue bonds</sup> ing money for the building of a viaduct here- <sup>for building</sup> inafter provided for and the procurement of <sup>viaduct.</sup> the right of way to the lands hereinafter de- scribed, and the payment of all damages

which may be assessed or allowed to the owners of property that shall be purchased or condemned for the uses and purposes in this act provided; said bonds to bear interest at a rate not exceeding five per cent. per annum, payable semi-annually, and shall be payable in not less than twenty years from their date, and the amount of bonds so to be issued shall not exceed one hundred and twenty-five thousand dollars in all, exclusive of interest.

How issued.

SECTION 2. The bonds issued under and by virtue of this act shall be signed by the chairman and countersigned by the clerk of the said county board of supervisors, and shall be under the corporate seal of said county, and shall be in the sums of one thousand dollars, five hundred dollars, and one hundred dollars each; the number of bonds of each amount to be fixed by the said county board of supervisors, with interest coupons payable semi-annually thereon; all of said bonds issued in any one year to be payable with the same rate of interest, and the interest payable semi-annually at one time and place, such time and place to be determined by the said county board of supervisors; and said bonds when signed, countersigned and sealed as aforesaid, shall be in the hands of a bona fide holder of the same for value, full and complete evidence both at law and in equity, to establish the indebtedness of said county of Milwaukee, according to the tenor and effect of said bonds.

When issued,  
duty of county  
treasurer.

SECTION 3. The county board of supervisors of said county of Milwaukee, at any legal meeting thereof, may direct by resolution, their chairman to sign and the clerk of said board to countersign all the bonds authorized to be issued by this act, or such part thereof as said board may from time to time determine; and it shall be the duty of the treasurer of the county of Milwaukee, under the supervision of said county board of supervisors, to negotiate the bonds so to be issued; provided, that none of said bonds shall be sold at a rate less than par: and the said county treasurer shall keep and

maintain all moneys received from the sale of the bonds so to be issued, in a fund separate from all other moneys belonging to said county, and no part of the said bonds, or of the money arising from the sale thereof, shall be expended for or applied to any purpose except to defray the expense of obtaining the right of way and building the viaduct hereinafter mentioned, and the said treasurer and his sureties shall be liable to said county for any misapplication of the same or any part thereof; and the said treasurer, before he shall receive said bonds for any purpose whatever, shall execute to the county board of supervisors of said county, a bond with three or more sufficient sureties, in the penal sum of double the amount of the bonds so to be received by him, conditioned that he will perform faithfully all orders and resolutions of said county board of supervisors, which may be passed by virtue of the powers conferred upon said board by this act; that he will keep the bonds received by him safely; that he will keep the moneys received by him and arising from the sale of said bonds safely and separately from other moneys belonging to the said county of Milwaukee, and that he will not pay out the same, nor any part thereof, except in the manner herein provided; which said bond shall be approved by the county board of supervisors of said county, and filed in the office of the clerk of said county board of supervisors; and the treasurer of said county shall, in a book in a form convenient for the purpose, keep all the coupons belonging to said bonds, when the same shall be returned and paid, said book at all times to be subject to the inspection of any citizen or citizens of said county.

To give bond.

SECTION 4. It shall be the duty of said county board of supervisors to provide for the payment of the interest and the ultimate payment of the principal of any and all county bonds which shall be issued under and by virtue of this act, and for that purpose said county board of supervisors is authorized, empowered

County board to cause annual tax levy to pay interest, etc.

and required to annually levy a tax upon all the taxable property of said county sufficient to pay the interest on said bonds, in the same manner as other taxes are levied and collected by law; and in the year next preceding any year when any or all of said bonds shall become due, the board of supervisors of said county of Milwaukee, shall levy a tax, as provided in this section, sufficient to pay said bonds so to become due.

Orders, how paid.

SECTION 5. All county orders drawn on the treasurer of said county, which are to be paid out of the moneys received on the sale of said bonds or any part thereof, shall contain the words following, to-wit: "on viaduct contract," and the treasurer shall pay no county order or orders drawn on him against the said county, out of the moneys received by him in the sale of said bonds or any part thereof, unless such order or orders shall contain the said words, "on viaduct contract," and the chairman of said county board of supervisors is hereby prohibited from signing, and the clerk of said board from countersigning any county order of said county which shall contain the words, "on viaduct contract," unless the consideration for such order be for work done or materials furnished, or both, in the construction and erection of said viaduct.

Bonds to be registered.

SECTION 6. The clerk of said county board of supervisors shall number said bonds, and cause the same to be registered in the office of the treasurer of said county of Milwaukee, in a book to be provided for that purpose.

Powers of county board.

SECTION 7. All legislative and administrative power necessary to carry this act into full force and effect, is hereby conferred upon the county board of supervisors of Milwaukee county.

County treasurer to receive one per cent. for negotiating bonds.

SECTION 8. The county treasurer of Milwaukee county for all the duties which he shall perform under this act, shall receive not exceeding one-half of one per cent. of the amount of bonds disposed of by him, in addition to the salary fixed by law for other duties by him performed as treasurer of said county; provided, however,

the county board of supervisors of said county are hereby empowered to employ any other person or any corporation instead of the said treasurer, to negotiate the whole or any portion of said bonds, upon such person or corporation giving such security as is herein required of the county treasurer of said county, to be approved in like manner by the said board, and to pay such other person, or such corporation for such services, not exceeding one-half of one per cent. for the amount of bonds negotiated by him or it.

SECTION 9. The said board of supervisors of the county of Milwaukee, is hereby authorized to issue the foregoing bonds at the times and in the manner hereinbefore provided upon this express condition only; that said county board of supervisors of Milwaukee county, shall before issuing and disposing of said bonds in the manner now provided by law, provide for the erection, construction and maintenance of a suitable viaduct constructed in the manner herein-after provided, over, across and along the present road known as the Blue Mound Road, or Spring Street Road County Highway, commencing at a point forty feet north of a point on the south line nine hundred and thirty-three and twenty-four hundredths feet west of the southwest corner of the northwest quarter of section twenty-five, town seven, north of range twenty-one east in the town of Wauwatosa in said county, Wisconsin, and running thence west along said road to a point on the west line of said quarter section; or over and upon a strip of land in said town of Wauwatosa described as follows: Commencing at a point on the south line, nine hundred thirty-three and twenty-four one hundredths feet west of the southwest corner of the northwest quarter of section twenty-five (25), town seven (7) north, of range twenty-one (21) east, in town aforesaid, thence north forty (40) feet to a point; thence west on a line forty (40) feet north of and parallel to the quarter section line, seventeen hundred and forty-four and eighty-one one-hundredths feet to a

Condition on  
which bonds  
shall be issued

point on the west line of said quarter section, thence south on said section line, eighty (80) feet to a point forty (40) feet south of the south line of said northwest quarter; thence east on a line forty (40) feet south of and parallel to the south line of said quarter section, seventeen hundred forty-four and eighty-one one-hundredths feet to a point; thence north forty (40) feet to the place of beginning, containing one hundred thirty-nine thousand, five hundred eighty-four and eighty one-hundredths square feet of land more or less, being part of the northwest and southwest quarters of section twenty-five (25), for use as a county highway.

Location of  
viaduct.

SECTION 10. The said county board of supervisors of Milwaukee county shall, on or before September 1, 1895, at any regular meeting of said board, determine by resolution in the manner provided by law and the present rules and regulations of said county board over and upon which of said two tracts said viaduct shall be placed and constructed, and the determination of said county board and the selection by it of the tract over and upon which said viaduct shall be so placed and constructed shall be final, but no bonds shall be issued or any proceedings had until such determination has been made and had by said county board of supervisors of Milwaukee county.

To obtain  
right of way.

SECTION 11. In case the said county board of supervisors of Milwaukee county shall determine to erect and construct said viaduct not over and upon the Blue Mound Road or Spring Street Road County Highway, but over and upon the other tract of land herein described, the said county board shall immediately upon such determination proceed to obtain the right of way over and across said strip, and is hereby authorized to acquire the same from the owners thereof by dedication or to purchase the same from the owners thereof or to proceed to condemn the same in the manner provided by law by laying out a county road over and upon said strip of land, and said strip shall forever

after be used and maintained by the county of Milwaukee as a county highway, and said condemnation proceedings shall be governed by all provisions of law relating to the laying out of county roads by the county board so far as the same may be applicable.

SECTION 12. Within one year after the location of the viaduct has been determined by the said county board of supervisors of Milwaukee county, the bonds hereinbefore mentioned shall be issued and disposed of in the manner herein provided.

Time of issuance of bonds.

SECTION 13. The said county of Milwaukee shall construct said viaduct in a substantial manner of iron and steel, except the floor and floor beams and the abutments and piers. It shall rest upon iron and steel columns of suitable size, strength and dimensions, set on stone or concrete foundation, and shall be of the uniform width of not less than sixty feet and shall be of an even height and level and the west and east terminals shall be of the same altitude as nearly as practicable, and there shall be suitable approaches at either terminal points of said viaduct, also at such intermediate points as shall be necessary for safe and convenient access thereto; suitable and proper abutments shall be constructed at both terminal points in a solid and substantial manner.

Construction, material, etc.

SECTION 14. The county board shall cause to be made a complete plan and detailed drawings and specifications for the work of construction and as soon thereafter as practicable, the county board shall let the contract for the work according to law and enter upon the construction of said viaduct, bridge and approaches in conformity thereto.

To let contracts.

SECTION 15. The said viaduct and the approaches thereto shall forever remain under the absolute control and management of the county of Milwaukee, and no franchises or rights shall ever be granted for purposes of horse, steam, electric or other railway communication and no exclusive franchises, privileges or immunities

To remain under the absolute control of Milwaukee county.

shall ever be granted for the lighting of streets, highways or the like over the said viaduct or any part thereof, by said county to any person or corporation.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1895.

No. 465, A.]

[Published April 25, 1895.

## CHAPTER 335.

AN ACT to appropriate to Anton Langenkamp a sum of money therein named.

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

Appropriation  
to Anton  
Langenkamp.

SECTION 1. There is hereby appropriated to Anton Lagenkamp out of any money in the treasury, not otherwise appropriated, the sum of five hundred dollars, in full for expenses incurred by him in contesting for office of member of assembly for the assembly district comprised of the county of Kewaunee for the years 1893 and 1894.

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

Approved April 19, 1895.