

only, and shall not affect payments already made or due to such persons by the proper disbursing officers, in accordance with the civil service rules in force at the times of such payments.

Conflicting laws repealed. SECTION 33. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 34. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1905.

No. 37, A.]

[Published June 16, 1905.]

CHAPTER 364.

AN ACT authorizing cities of the second, third and fourth class, whether operating under the general or a special charter to perform public work and collect the cost thereof.

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

When bids may be rejected and work done by city. SECTION 1. Whenever the common council of any city of this state, other than of the first class, whether operating under the general or a special charter, shall, after notice duly given, receive bids for the grading of streets, construction of sewers, laying of pavements, sprinkling and cleaning of streets, or for any other public work or improvement, or for the furnishing of materials therefor, be of the opinion that such bids are fraudulent, collusive or greater in amount than the fair and reasonable value of the work to be done or materials to be furnished, said common council may, by resolution and by the vote of two-thirds of its members, direct and determine that the bids so received shall be rejected and that the work to be done and materials to be furnished shall be performed and furnished by said city directly, and under the direction and supervision of the Board of Public Works or body performing the duties usually devolving upon such board.

Power of common council. SECTION 2. Whenever the common council of any city shall determine to carry on any public

work or construct any improvement under the provisions of this chapter, it shall have the power to purchase and secure all necessary and proper tools and equipment with which to perform the same.

Cost and expense of work, how collected. SECTION 3. The cost and expense of all work done and all materials furnished by any city under this chapter shall be collected in the same manner as if done and furnished by any other person under contract with said city, and the power to levy special assessments to defray such cost and expense shall be the same as is now, or as hereafter may be provided under the charter of any said city: *provided however*;*—that the amounts assessed hereunder against any lands or interests specially benefited or otherwise liable therefor shall in no case exceed the amounts which would have been assessed against the same had the lowest bid so received as aforesaid been accepted, and that so much of such cost and expense as shall be in excess of such lowest bid shall be borne by said city at large.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1905.

No. 72, A.]

[Published June 16, 1905.

CHAPTER 365.

AN ACT to amend sections 2949 and 3072, of the statutes of 1898, relating to costs in supreme court.

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

Costs allowed. SECTION 1. Section 2949 of the statutes of 1898 is hereby amended so as to read as follows: Section 2949.† *No costs shall be allowed in the supreme court to the prevailing party on any appeal or writ of error in any civil action or pro-*

*Printed in italics in enrolled act.
†Entire section rewritten.