

**Circuit court procedure unless inapplicable.** SECTION 28. The general provisions of the statutes of Wisconsin, and all the general laws which may at any time be in force relative to circuit courts, and actions and proceedings therein, in civil and criminal cases, shall apply also to said county court, unless inapplicable, and except as otherwise provided in this act; and the rules of practice prescribed or which may hereafter be prescribed by the justices of the Supreme Court for circuit court, shall, unless inapplicable, be in force in said county court, and the judge of said county court shall have power to punish for contempt in the same manner that the judges of circuit courts are or may be authorized by law to punish for contempts; and said county court shall have power to make and enforce such other rules of practice as may be necessary.

Approved June 18, 1907.

(In effect July 1, 1907.)

No. 447, S.]

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## CHAPTER 235.

AN ACT to amend section 925—133 of the statutes, as amended, relating to the issuing of bonds by cities and for funding and refunding city debts.

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

SECTION 1. Section 925—133 of the statutes is amended to read:

\* \* \* \* \*

Approved June 18, 1907.

(In effect July 1, 1907.)

**Cities of first class: claim settlements.** SECTION 925—121a. Whenever a claim against a city of the first class shall be settled by the common council, the reason for such action must be stated in writing and signed by the committee and entered upon the minutes of the proceedings of the common council. Whenever such settlement is made upon the recommendation of the city attorney or his assistant, or other legal officer; the reason therefor must be stated in writing, signed and filed with the city clerk, and published with the proceedings of the common council.

(Ch. 493, 1907.)

**City, river and harbor improvement bonds; petitions for popular vote.** SECTION 925—133. The council shall have authority to issue bonds for the following purposes only:

1. Building school-houses and for public libraries.
2. Building bridges.
3. Erecting public buildings for the use of the city.
4. Purchase of apparatus for fire protection.
5. Street improvements which are to be paid for by the city.
6. Waterworks, sewers and drains, lighting works for streets, public buildings and hospitals and in cities of other than the first class for the construction and operation of lighting works to supply the city and its inhabitants with electric or other light.
7. For the purchase or establishment of public parks, public drives, boulevards, cemeteries, garbage grounds, public hospitals and purchasing sites for public buildings and for a city market place.
8. Purchase of toll bridges and approaches, and for the purchase of a site for and the construction, maintenance or acquiring of public docks, wharves and the approaches thereto, and for dredging, docking, river and other harbor improvements.
9. Such other purposes as are authorized by these statutes. No such bonds shall be issued unless authorized by an ordinance adopted by a vote in favor of the same of at least three-fourths of all the members of the common council elect, said vote to be at a regular meeting, not less than one week after the proposed ordinance shall have been published in the official paper of the city. In case of bonds issued for street improvements, school purposes, water works, *lighting works for streets and public buildings*, hospitals, dredging, docking, river and other harbor improvements, sewerage, parks and public

grounds, a vote of the people of the city shall not be required unless within thirty days after the passage by the common council of the city of the ordinance authorizing the issuing of the bonds for such purposes there shall be filed in the office of the city clerk a petition in writing signed by not less than ten per cent. in number of the voters who voted in said city at the last general state election, asking for submission of the question of issuing such bonds to a vote of the people, in which case such question shall be submitted as provided in section 943; provided, that no such bonds shall be issued so that the amount thereof, together with all other indebtedness of the city, shall exceed five per cent. of the assessed valuation of the property therein at the last assessment for the state and county taxes previous to the incurring of such indebtedness; that all such bonds issued shall be payable at the option of the city in annual installments, the last installment being payable not more than twenty years after their date, and shall bear interest not exceeding six per cent. per annum payable semi-annually, and that the council shall have provided for the collection of a direct annual tax sufficient to pay the interest thereon as it falls due and to pay and discharge the principal thereof within twenty years from the date of the issue of such bonds. The council may also issue negotiable bonds constituting a general city liability for the refunding of other bonds or for the funding of general city indebtedness or liability in the following cases:

a. For the refunding of valid general city bonds heretofore issued or issued by a village or other municipality to whose property, rights and liabilities the city has succeeded.

b. For the funding of general city liability existing by reason of the fact that the city has received and has had the use and benefit of moneys raised by the issue or sale of bonds purporting to be a general city liability, but which are technically invalid for the failure to levy a tax as required by section 3 of article 11, of the constitution, or are not in lawful form, or where there was some defect in holding an election, or in some of the proceedings upon which the bonds were based. This subdivision shall apply only to cases in which the moneys were applied to general city purposes, and ought justly to be repaid by the city, where there is an actual existing liability for such repayment, and where such liability did not at the time the money was so received exceed the five per cent. limit of the constitution.

c. For the funding of general city liability arising from the

fact that the city has issued special street, sewer, harbor, hospital, dredging, docking, river and other improvement bonds, which do not constitute a general city liability, but where the city has collected assessments levied for the payment of the bonds and the same have been lost or diverted to other purposes, such bonds not to exceed the amount so collected with interest. Provided, however, that such collection and diversion constitute a general city liability.

d. For the refunding of street, sewer, harbor, hospital, dredging, docking, river and other improvement bonds which for any reason constitute a general city liability not exceeding the constitutional debt limit.

e. For the funding of judgments against the city, which cannot in the judgment of the council be paid by current taxation. Such funding or refunding bonds may run not exceeding twenty years from the time of their issue and may be negotiable coupon bonds payable to bearer at a rate of interest not exceeding that of the debt funded or refunded. Such bonds may be sold at not less than par and accrued interest and the proceeds used to pay the liability for which they were issued, or may be exchanged for the evidence of liability replaced by them. No such bonds shall be issued unless authorized by an ordinance adopted by a vote in favor of the same by at least three-fourths of all the members of the common council elect, said vote to be at a regular meeting not less than one week after the proposed ordinance shall have been published in the official paper of the city. All such bonds issued shall be payable at the option of the city in annual installments, the last installment being payable not more than twenty years after their issue. Before or at the time of issuing said bonds the council shall provide for the collection of a direct annual tax, sufficient to pay the interest thereon as it falls due and to pay and discharge the principal thereof within twenty years from the time of the issue of such bonds. Said funding or refunding bonds need not be authorized by a vote of the people, and shall be signed by the mayor, countersigned by the city clerk and sealed with the corporate seal. Said officers before executing said bonds shall ascertain that they do not exceed the limit prescribed by the constitution of the state of Wisconsin and that all provisions required by the constitution and laws of Wisconsin have been duly complied with. Refunding bonds whose issuance, by ordinance heretofore adopted has been directed to be made in the manner provided by section 925-133

of the statutes, shall be issued, and further proceedings in regard thereto shall be taken, in accordance with the provisions of this act.

(Ch. 235, 1907.)

**Cities other than first class: membership of reviewing boards.** SECTION 925—139. 1. In cities of the first class, the mayor, clerk, tax commissioner and assessor or assessors shall constitute a board of review, and in all other cities the mayor, \* \* \* city clerk and such other *officer or officers, other than assessors*, as the common council shall, by ordinance, determine shall constitute a board of review.

2. In all cities except those of the first class the common council, shall, by ordinance, fix the salaries of the members of the board of review. \* \* \*

(Ch. 371, 1907.)

**Between side walk and curb—park commissioners to control.** SECTION 925—171a. The park commissioners of all cities shall under the direction of the common council have the same jurisdiction and control for park purposes over that part of public streets, lying and being between the curb and the sidewalk as such commission have over the public parks and may cause trees to be planted and cared for, and the proper surface to be sodded, planted or otherwise cared for in the same manner park lands are cared for.

(Ch. 493, 1907.)

**Posted notices required for proposed street alterations.** SECTION 925—180. Notice shall be given by the board of public works \* \* \* that such report is open for review at their office and will be so continued for the space of \* \* \* *ten days* after the date of such notice and that on a day named therein, which shall be not more than three days after the expiration of said \* \* \* *ten days*, said board will be in session to hear all objections that may be made to such report. *Such notices shall be published in the official newspaper of the city at least once and one copy of such notice shall be posted in each block of the part of the street proposed to be improved or the grade of which it is proposed to change. Such posted notices shall be printed in type not smaller than pica. Such publication and posting shall be made five days prior to the date of hearing objections as aforesaid. No irregularity in the*