

No. 518, A.]

[Published July 12, 1907.

CHAPTER 551.

AN ACT to create section 579o of the statutes, relating to education of the blind.

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

SECTION 1. There is added to the statutes a new section to read:

* * * * *

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

Approved July 10, 1907.

No. 829, A.]

[Published July 12, 1907.

CHAPTER 552.

AN ACT to add subsections 16, 17, 18 and 19 to section 669; section 1311m; subsection 3 to section 658; sections 1311n to 1311s inclusive; two subsections to section 709; two subsections to section 776; and section 1347m, to the statutes of 1898, and to amend subsection 2, section 715, statutes of 1898, relating to the improvement of roads and bridges by counties.

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

SECTION 1. There are added to section 669, statutes of 1898, four new subsections to read. (Subs. 16, 17, 18, 19.)

SECTION 2. There is added to the statutes of 1898, a new section to read: (Sec. 1311m.)

SECTION 3. There is added to section 658, statutes of 1898, a new subsection to read:

SECTION 4. There are added to the statutes of 1898, six new statutes to read: (Sections 1311n, 1311o, 1311p, 1311q, 1311r, 1311s.)

SECTION 5. There are added to section 709, statutes of 1898, two subsections to read: (Subs. 21. Subs.22.)

SECTION 6. There are added to section 776, statutes of 1898, two subsections to read: (Subsection 14. Subsection 15.)

SECTION 7. Subsection 2, section 715, statutes of 1898, is amended to read:

SECTION 8. There is added to chapter 52, statutes of 1898, a new section to read: (Section 1347m.)

SECTION 9. The provisions of this act shall not apply to counties having a population of one hundred and fifty thousand or more.

Approved July 10, 1907.

(In effect from and after date of publication.)

No. 25, S.]

[Published July 12, 1907.

CHAPTER 553.

AN ACT to create sections 496q, 496r, 496s and 496t, of the statutes, relating to state aid to rural schools.

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

SECTION 1. There is added to the statutes four new sections to read:

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

Approved July 10, 1907.

during the next five years succeeding such *appointment* * * * providing that *before such assignment* they shall first pass the prescribed examination before a board of officers of the Wisconsin national guard.

(Ch. 44, 1907. Numbered "Sec. 636a" by Sec. 1, Ch. 676, 1907.)

Camp Douglas: free use to U. S. SECTION 645—1. The state of Wisconsin hereby grants to the United States the right to use the state encampment grounds known as the Wisconsin military reservation, near Camp Douglas, in Juneau county, exclusive of buildings thereon, for infantry and artillery practice, whenever such use does not conflict with state control, care and improvement by the proper state authorities and its use by the militia of the state, without cost to the United States so long as said grounds are used and owned by this state for encampment purposes.

(Ch. 46, 1907.)

National guard officers: grounds for discharge. SECTION 649—3. Any officer may be discharged by order of the governor *upon recommendation of any general court martial after due trial or upon resignation or disability preventing full discharge of the duties of his office.*

(Ch. 134, 1907.)

Rifle practice; annual appropriation. SECTION 649—34. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated a sum of money, to make all the purchases, defray the expenses and pay the allowances of the Wisconsin national guard during each fiscal year not to exceed one hundred * * * *forty* thousand dollars, this limit to apply annually except in case of war, riot or great public calamity. To promote interest and efficiency in rifle practice, not to exceed fifteen hundred dollars * * * of the annual state military appropriation may be expended annually, on approval of the governor, to defray the expenses of the state participating in the annual national rifle competition between the several states and the army and navy of the United States. * * *

(Ch. 42, 1907.)

County road and bridge fund: bond issue for. [SECTION 658.] 3. To aid the county road and bridge fund, but bonds

issued in any county for such purpose shall not exceed in amount at one time one per centum of the total assessed valuation of such county.

(Ch. 552, 1907.)

County board membership; excepting counties of 250,000. SECTION 662. Every ward or part thereof of any city, every incorporated village or part of such village shall be represented in the county board of supervisors of the county in which such ward or part thereof, or city or village or part thereof is situated, by one supervisor, *except in counties having a population of at least two hundred and fifty thousand*; all such supervisors shall be elected annually by the electors of such wards, or parts of wards, villages or parts of villages, respectively, at the same time and in the same manner as city and village officers are elected. And when any vacancy shall occur in the office of such supervisor the proper common council or board of trustees shall fill such vacancy by appointment. The holding of the office of such supervisor by any person shall not disqualify him from being a member of the common council of the city or board of trustees of the village in which he is elected or appointed.

(Ch. 398, 1907.)

County board membership: excepting counties of 250,000. SECTION 663. The county board of supervisors, *except in counties having a population of at least two hundred and fifty thousand*, shall consist of the chairman of the several towns and the supervisor of each ward and part of ward of every city, and of each incorporated village or part thereof; but if from sickness or other cause the chairman of any town board shall be unable to attend any meeting of the county board either of the other members of such town board, to be designated by themselves (and if they shall disagree they shall decide the same by lot), shall attend such meeting and act as a member of such county board; but such member of a town board shall not be permitted to act as a member of the county board until the town clerk of such town shall certify to the county clerk the name of the supervisor so designated to represent said town. When the county shall consist of one town the supervisors of such town shall constitute the county board of such county. No county officer or deputy of any such of-

receive compensation for their services not exceeding thirty days and mileage during any one year.

(Ch. 14, 1907.)

County boards: fair grounds; power to improve. [SECTION 669.] 9. To purchase land not exceeding in value the sum of eight thousand dollars for the purpose of holding thereon fairs and exhibitions of an agricultural character and to grant the use thereof from time to time to agricultural and other societies of similar nature. All fences, buildings, sheds and other improvements made on such lands by societies using the same shall be the property of the county; and for the purpose of improving such lands the county board may receive donations of money, material or labor from any person, town, city or village in the county. Also to vote an amount not exceeding five hundred dollars to aid in the purchase of, *or to make improvements upon the fair grounds for any organized agricultural society.*

(Ch. 202, 1907.)

County board's powers: roads and bridges. [SECTION 669.] 16. To organize a county into a road district; to elect a county commissioner of highways; for cause, to remove him; and to fill any vacancy in such office.

17. To levy a tax annually, and in addition thereto to borrow money to maintain the county road and bridge fund.

18. To co-operate with an adjoining county in the improvement of any county line road or bridge and divide the cost thereof.

19. To levy a tax during one or more successive years in addition to the county tax, for the county road and bridge fund in any town containing or abutting upon any road or bridge designated for improvement by the county board at the rate fixed for the county in a single town equal to one-half of the cost of such improvement, and in abutting towns, one-fourth of such cost, such towns having received due notice thereof and failed to make such levy.

(Ch. 552, 1907.)

County lands: leases or contracts. [SECTION 670.] 14. To make such leases, contracts or other conveyances in relation to lands acquired for public purposes as in their discretion are in the interest of the public welfare.

(Ch. 248, 1907.)

County clerk's duties. [SECTION 709.] 21. To notify a county commissioner of highways of his election within ten days thereafter.

22. To notify the proper town officers of the levy and rate of any tax for the county road and bridge fund.

(Ch. 552, 1907.)

Counties worth \$30,000,000 and with depository other than treasurer; bond minimum and maximum. SECTION 710. The bond of the county treasurer shall be in a sum to be fixed at not less than twice the amount of all taxes directed by the county board to be levied and received by the treasurer during the ensuing year and have three or more sureties, and be conditioned in substance as follows: Whereas, the above bounden was elected to the office of county treasurer of the county of, on day of, now, therefore, the condition of the above obligation is such, that if the said and his deputy, and all persons employed in his office shall faithfully execute the duties of said office, and if the said shall pay according to law all money that shall come to his hands as treasurer, including all drainage funds, and shall render a just and true account thereof whenever required by the county board or by any provision of law, and shall deliver to his successor in office or to any other person authorized by law to receive the same, all moneys, books, papers and other things appertaining or belonging to said office, then the above obligation shall be void; otherwise to be and remain in full force; provided, that in every county the taxable property of which shall exceed in valuation the sum of thirty million dollars the bond of the county treasurer shall be in a sum to be fixed by the county board of supervisors, in its discretion, at its annual meeting in November prior to the commencement of the term of office of such treasurer, which sum shall not be less than the amount nor exceed twice the amount of all taxes directed by the county board to be levied and received by the treasurer during the ensuing year with like sureties and conditions as hereinbefore required; and provided further, that where the county board of any county shall have designated as the depository of the county fund any other person than the county treasurer and have fixed the bond of such depository as required and authorized by these statutes, then and in such case the county board by resolution may so modify the amount of the bond to be exacted from the county treasurer as it may

think best, except that such modification shall never permit the county treasurer's bond to be less than *two hundred and fifty thousand dollars nor more than* the amount of all taxes directed by the county board to be levied and received by the treasurer during the ensuing year.

(Ch. 231, 1907.)

County treasurer's duties. [Section 715.] 2. To pay out all moneys belonging to the county only on the order of the county board, signed by the county clerk and countersigned by the chairman, except when special provision for the payment thereof is or shall be otherwise made by law; *to pay out all moneys belonging to the county road and bridge fund on the written order of the county commissioner of highways, signed by the county clerk and countersigned by the chairman of the county board.*

(Ch. 552, 1907.)

District attorney pro tempore. SECTION 750. 1. When there shall be no district attorney for the county, or he shall be absent from the court, or shall have acted as counsel or attorney for a party accused in relation to the matter of which the accused stands charged and for which he is to be tried, or is near of kin to the party to be tried on a criminal charge, or unable to attend to his duties, the circuit court may, by an order to be entered in the minutes, stating the cause therefor, appoint some suitable person to perform, for the time being, or for the trial of such accused person, the duties of such district attorney, and the person so appointed shall have all the powers of the district attorney while so acting.

Special counsel for district attorneys in criminal cases; compensation. 2. The * * * court may, in the same manner, and in their discretion, appoint counsel to assist district attorneys, in the prosecution of persons charged with crime punishable by imprisonment in the state prison, and in cases of prosecutions before a grand jury, and upon indictments found by grand juries. Such counsel shall be paid * * * *such sums as the court shall by order entered in the minutes certify to be a reasonable compensation therefor, which sum shall in no case exceed twenty-five dollars per day for each day actually occupied in such prosecution, and not to exceed fifteen dollars per day for not more than five days actually and necessarily occu-*

purchase price, and to negotiate such bonds or obligations either directly in payment of such purchase price, or in raising money to make such payment.

(Ch. 239, 1907.)

Powers of town meetings. [*Section 776.*] 16. To vote to apply to the county board to designate for improvement any road or bridge in the town.

17. To vote to levy a tax during one or more successive years, in addition to any other tax authorized by law for the county road and bridge fund, at the same rate as that fixed by the county board for the county tax for such fund, the aggregate of such levies to equal one-half the cost of any such improvement in any such town.

(Ch. 352, 1907. Numbered "Sec. 776, 16 and 17" by Sec. 17, Ch. 676, 1907.)

Town water and light commissions: vote requisite to establish; petition and notice for. SECTION 776m. 1. Any town owning and operating lighting and water plants or either of them may establish a water and light commission. The question of establishing such commission shall be submitted to the voters of the town at any annual or duly called special town meeting upon a petition in writing therefor signed by at least twenty-five qualified voters of such town requesting that such question be submitted to the voters of the town. The petition shall be filed with the town clerk at least three weeks nor more than four weeks previous to the holding of any annual or special town meeting at which such question is to be submitted. Notice of the submission of such question shall be given in a manner provided for giving notice of a special town meeting.

Ballot: form; canvass. 2. Any qualified voter of the town may vote "For a commission" or "Against a commission" on a separate printed ballot, to be deposited in a box used only for such ballots, and the votes cast upon this question shall be canvassed in the same manner as votes are canvassed for town officers.

Commissioners: number, term, disqualification, vacancies. 3. If a majority of the votes cast on this question are for a commission then there shall be elected at any adjourned

highway repair fund. The town chairman shall promptly report all defects and lack of repair in any county highway within his town, and in any emergency shall, without direction or order, make such temporary repairs as shall render such highway safe for travel, and shall be liable to the county for any damages resulting from any neglect.

(Ch. 487, 1907.)

Approaches and crossings; townships to maintain. SECTION 1311—25. It shall not be the duty of the county to lay out, open or construct or improve any approaches to such adopted highway from any other road or cross-road nor to repair any such approaches or crossings as may have been damaged by the construction of any such county highway or by the alteration of any existing grade, whether within or without the limits of such highway, but such approaches and crossings shall be constructed and maintained by the townships in which such road is situated.

(Ch. 487, 1907.)

County road and bridge fund: tax rate and levy. SECTION 1311m. 1. The rate of taxation in any county, for the maintenance of the county road and bridge fund, shall not be less than one-fourth of one mill, nor more than two mills on the dollar of the assessed valuation of the county.

2. The county board shall make the first levy of a tax to create such fund at the time of the organization of the county into a road district and the election of a county commissioner of highways; or at the annual meeting of the board next following.

3. Such county tax shall be levied annually thereafter.

(Ch. 552, 1907.)

County commissioner of highways. SECTION 1311n. 1. As soon as practicable after the organization of any county into a road district the county board shall elect a county commissioner of highways who shall be a competent engineer or an experienced road builder.

Term. 2. The term of office of such commissioner shall be three years, but the county board may remove him for cause at any time.

Compensation. 3. The county board shall fix the compensation of such commissioner in counties having an assessed valuation less than ten million dollars at not less than four dollars a day for each day's actual service, and in counties having a greater valuation, at an annual salary of not less than one thousand dollars.

Duties. 4. It shall be the duty of such commissioner, as the county board may require, to examine any road or bridge designated for improvement, make any survey or map, establish any grade, make report as to the condition of any road, bridge or culvert in the county, and furnish specifications for and an estimate of the cost of any improvement.

Work and tools. 5. Such commissioner shall have personal charge of any work ordered by the county board and of any machinery, tools and materials subject to their control.

Presence at meetings. 6. Such commissioner shall be present when required at any meeting of the county board.

Records and reports. 7. Such commissioner shall keep a record of all work performed, itemizing and classifying all outlays so as to show the cost of any particular piece of work, and from time to time make report to the county board.

Assistant commissioners. 8. The county board may appoint the chairman of any town containing a county road or bridge described in section 1311p—4 as assistant commissioner and fix his per diem and prescribe his duties, which shall be to make such temporary repairs on any county road or bridge as may be necessary for public safety, the cost of which shall not exceed ten dollars including his per diem, and immediately report the condition of such road or bridge to the commissioner, and the cost of the repairs made.

(Ch. 552, 1907.)

Roads and bridges: county board's powers. SECTION 1311o. 1. The expenditure of the county road and bridge fund shall be under the exclusive control of the county board, but no part thereof shall be expended within the corporate limits of any village or city.

2. The county board are empowered to purchase, hold, sell and convey for public use as authorized by law, any property,

real or personal, and to make any contract necessary to the discharge of their duties in improving, constructing or repairing any road or bridge.

3. The county board may exercise, with respect to any road or bridge designated for improvement, any authority now vested in and to the exclusion of any town or county officer.

(Ch. 552, 1907.)

General road and bridge plan: maps, notices, roads chosen. SECTION 1311p. 1. As soon as practicable after the organization of the county into a road district, the county board shall determine upon a general plan for the improvement of roads and bridges in their county, and show the same on a county map.

2. They shall file one copy of such map in the office of the county clerk and one copy in the office of the state geological survey.

3. If any road or bridge in any town be designated for improvement, they shall give the town board of such town written notice thereof.

4. As far as practicable, any road designated shall be one of the leading market roads in the county, and thereafter known as a county road.

(Ch. 552, 1907.)

Roads and bridges: county board's powers and duties. SECTION 1311q. 1. The powers of the county board shall include examining, constructing, grading, graveling, macadamizing, rebuilding and repairing any public road, bridge or culvert in the county lying outside the corporate limits of any village or city.

2. The county board shall have the right to purchase any machinery, tools, sand and gravel pits, quarries and material needed to carry out any road or bridge improvement proposed by them.

3. Before any improvement of or work upon any road or bridge shall be entered upon, the county board shall cause plans, specifications, surveys, profiles and estimates to be prepared and filed by the commissioner of highways in the office of the county clerk for the use of all persons who may desire to bid on the work.

4. The county board shall give notice of the letting of any work, for at least two successive weeks, in some newspaper published in the county.

5. All work to be done shall be let to the lowest responsible bidder.

6. Any successful bidder shall be required to enter into a written contract and to give a sufficient bond for the faithful performance thereof.

(Ch. 532, 1907.)

Roads and bridges: county aid to towns; commissioner's accounting; board's annual report. SECTION 1311r. 1. If any town raise a tax for such fund of not less than one-fourth of one mill on all its taxable property and petition the county board for aid in improving any road or bridge shown on map described in section 1311p. 1, in such town, they shall expend the amount of such town tax together with an equal sum from the county road and bridge fund upon such road or bridge in such town, as they may designate. Should more than one town petition for aid in any year, the county board shall determine how many of those first applying shall receive aid.

2. The commissioner shall keep a complete record of all work done; an accurate account of money received and expended by him or under his direction, which record and account shall at all times be open to the inspection of and annually reported to the county board. Such account shall show the cost of any improvement on any road or bridge.

3. The county board shall publish annually and circulate a report of the work done by them and of their receipts and disbursements.

(Ch. 532, 1907.)

Commissioner of highways. SECTION 1311s. No person while holding the office of commissioner shall hold any town or other county office.

(Ch. 552, 1907.)

Railroad cars obstructing country highways. SECTION 1326m. It shall be unlawful to stop any railroad train or electric train upon or across any highway or street crossing or to leave any car or locomotive standing upon or across any highway or street crossing outside the limits of incorporated cities for a longer time than ten minutes, except in case of accident.

(Ch. 70, 1907.)

Penalty. SECTION 1326n. Any conductor, or other person who shall violate any of the provisions of section 1326m of