

*authorized by the commissioner of agriculture and state veterinarian or any duly appointed health officer may enter upon any premises or go into any building or place, where he has reason to suspect there may be diseased animals, and examine the same, and may call to his aid, if necessary, the sheriff or any constable of the county in which such animals may be located and all such officers, when so called upon by the department of agriculture or a duly appointed representative shall assist * * * in the enforcement of the provisions of law relating to contagious and infectious diseases of animals.*

SECTION 6. Section 1492e—19 of the statutes is amended to read: Section 1492e—19. No person shall be prohibited by sections 1492e—1 to 1492e—18, inclusive, of the statutes, from castrating domestic animals, *except horses and mules*, * * * from dehorning cattle, from treating * * * sprains, cuts or other ordinary minor injuries to which domestic animals are subject; nor shall said sections be construed to prohibit any person from treating diseases of domestic animals for compensation at any place within this state which shall be * * * *five* or more miles distant from the office or place of business of a duly licensed veterinarian authorized to practice under the provisions of said sections 1492e—1 to 1492e—18, inclusive, of the statutes.

SECTION 7. This act shall take effect upon passage and publication.

Approved July 29, 1919.

No. 532, S.]

[Published Aug. 2, 1919.

CHAPTER 691.

AN ACT to renumber chapter 45q of the statutes to be chapter 61, and to renumber, amend and revise the sections thereof relating to villages.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 45q of the statutes is renumbered to be:

CHAPTER 61.

VILLAGES.

INCORPORATION.

SECTION 2. Sections 854 and 855 of the statutes are renumbered and amended to read:

61.01 INCORPORATION; AREA AND POPULATION.

* * * Any part of any town or towns * * * not in-

cluded in any village, * * * all lying in the same county, *not more than one-half square mile in area*, * * * *with a resident population of not less than one hundred and fifty; * * * or * * * of a greater area than one-half square mile and * * * a * * * population of not less than two hundred; * * * or * * * not less than one square mile in area, * * * lying in two or more adjoining counties, * * * with a * * * population of at least four hundred persons to every square mile thereof, may, upon application therefor by not less than five taxpayers and residents of such territory and upon compliance with the conditions of this chapter, become incorporated as a village by such name as may be designated in the order of the court for its incorporation with the ordinary powers of a municipal corporation, and such as are conferred by the statutes. * * **

61.02 SURVEY; MAP; CENSUS. * * * The persons intending to make the application, * * * for the incorporation of such village shall cause to be made by a practical surveyor an accurate survey and map of the territory intended to be embraced within the limits of such village, showing the courses and distances of the boundaries and the quantity of land contained therein; *which * * * survey and map shall be verified by the * * * affidavit of such surveyor affixed * * ** thereto. They shall also cause to be taken an accurate census of the resident population of such territory as it may be on some day not more than ten weeks previous to the time of making such application, exhibiting the name of every head of a family and the name of every person a resident in good faith of such territory on such day, and the lot or quarter section of land on which he resides, which shall be verified by the affidavit of the person taking the same affixed thereto.

SECTION 3. Sections 856, 857 and 858 of the statutes are renumbered respectively to be sections 61.03 SAME; PUBLIC MAY EXAMINE, 61.04 NOTICE OF APPLICATION TO COURT, 61.05 NOTICE; PUBLICATION.

SECTION 4. Section 859 of the statutes is renumbered and amended to read:

61.06 PETITION; ACCOMPANYING DOCUMENTS.
* * * Such application shall be by petition, subscribed by the applicants, * * * and shall *have annexed * * ** such survey, map and census and the affidavits verifying the same, and an affidavit that they were left and kept subject to examination as provided in section * * * 61.03, * * * *together with a copy of the notice of application * * ** with an affi-

davit * * * affixed thereto, of the publication or posting of the same as hereinbefore provided, * * * and it shall be presented at the time specified in the notice for presenting the same or as soon thereafter as the applicants can be conveniently heard in respect thereto.

SECTION 5. Section 860 of the statutes is renumbered to be section 61.07 HEARING; COSTS.

SECTION 6. Section 861 of the statutes is renumbered and amended to read:

61.08 ORDER; CONTENTS; IMMATERIAL DEFECTS.

* * * If the court, after such hearing, shall be satisfied of the correctness of any such survey or resurvey and census, that all the requirements of the statutes have been complied with, and that such territory as is proposed to be included contained, at the time such census was first or subsequently taken, the population in number and in proportion to the quantity of land therein required in section * * * 61.01, it shall make an order declaring that such territory, the boundaries of which shall be therein set forth by courses and distances, shall be an incorporated village by the name specified in such application, if the electors thereof shall assent thereto as hereinafter provided; and in such order it shall direct three persons of the town or towns in which such territory shall lie, to be named therein, to perform the duties of inspectors of election as *herein* required. * * * If the order of incorporation as made by the court shall be irregularly or defectively entered the court or the presiding judge thereof may, at any time, sign and enter nunc pro tunc the proper order of incorporation, and the same may be recorded as herein provided within ten days after the actual signing of such order, * * * any other irregularities or defects not going to the groundwork of the organization shall not be deemed to invalidate the incorporation of said village.

SECTION 7. Sections 862, 863, 864 and that part of 865 of the statutes which reads as follows: "and the inspectors who shall have presided at such meeting shall cause a statement of the holding of such meeting to be made showing the whole number of ballots given thereat, the number having thereon the word 'yes' and the number having thereon the word 'no', which statement shall be verified by the affidavit of said inspectors written thereon or annexed thereto, to be likewise recorded in the office of the register of deeds as hereinafter provided" are renumbered and amended to read:

61.09 ELECTION. (1) NOTICE. * * * Such inspectors shall, without unnecessary delay, give notice of a meeting of the

electors of the territory described in such order to be held within sixty days of the date of such order at some convenient place therein, to be specified in such notice, for the purpose of determining whether or not such territory shall be an incorporated village. * * *

(2) PUBLICATION OF NOTICE. * * * If there be a newspaper printed in such territory such notice shall be published therein once in each week for three successive weeks previous to such meeting; and if there be no newspaper so printed copies of such notice shall be posted in at least three of the most public places in such territory at least three weeks previous to such meeting.

(3) HOW CONDUCTED. * * * Such inspectors shall preside and act as inspectors of election at such meeting, and may designate one of their number or some other person as clerk thereof. * * * *The ballot shall contain the words "for incorporation" and "against incorporation" and shall otherwise conform to the provisions of subsection (8) of section 6.23. The polls shall be opened and closed; vacancies in the board of inspectors shall be filled and such election shall be conducted and votes canvassed according to the statutes regulating town meetings; and all laws relating to elections for town officers shall apply to and govern such meeting and the proceedings thereof and the persons voting thereat so far as properly applicable and consistent therewith* * * *

(4) CANVASS; STATEMENT TO BE RECORDED. * * * The inspectors who shall have presided at such meeting shall * * * make a statement of the holding of such meeting * * * showing the whole number of *votes cast*, * * * the number *cast for incorporation*, * * * and the number *cast against incorporation*, * * * which statement *they shall* * * * verify by * * * *their affidavit* * * * annexed thereto, and cause said statement to be * * * recorded in the office of the register of deeds of the county or counties in which such territory lies as * * * provided in section 61.11.

SECTION 8. Section 865 of the statutes, except that part thereof incorporated in subsection (4) of section 61.09 is renumbered and amended to read:

61.10 VILLAGE A CORPORATION (1) DATE OF; NAME. * * * If a majority of the * * * *votes cast* at such meeting shall be *against incorporation* * * * no further proceedings shall be had in respect to such incorporation under such application and order; but if a majority of such * * * *votes* shall be *in favor of incorporation* * * * the inhabitants of

such territory shall, from the time of the recording of the order of the court aforesaid in the office of the register of deeds, be deemed a body corporate by the name specified in such order.

* * *

(2) REMAINS PART OF FORMER ELECTION DISTRICT; WHEN. (Section 865) * * * If after any village shall have become *incorporated* * * * there shall not remain, before the next ensuing judicial election or election for state or county superintendent or before any general election, time to comply with the provisions of any law relating to the holding of *any* such * * * election, * * * then and in that event such village shall, for the purposes of *any* such ensuing * * * election * * * remain a part of the election district or districts to which the same was attached before said separation was had.

SECTION 9. Section 866 of the statutes is renumbered to be section 61.11 DOCUMENTS TO BE FILED AND RECORDED.

ORGANIZATION.

SECTION 10. Sections 867 and 868 of the statutes are renumbered and amended to read:

61.12 ELECTION OF OFFICERS. * * * Within ten days after the incorporation of such village as aforesaid the inspectors named in such order of the court shall give notice in the manner prescribed in * * * *subsection (2) of section 61.09*, of the time, which shall not be more than thirty days after the date of such notice, and place of a meeting of the electors of such village to elect officers thereof; such meeting shall be held at some convenient place therein, to be specified in such notice. * * *

61.13 CONDUCT OF ELECTION. * * * Such inspectors shall preside at such first election as inspectors thereof, and shall designate one of their number or some other person to act as clerk; and all the laws of this state in relation to the election of town officers and notification of their election shall apply to such first election so far as the same can be so applied and are consistent *therewith*. * * * *Vacancies* in the office of inspector of elections * * * shall be filled as * * * provided for in the case of inspectors of town meetings.

SECTION 11. Section 869 of the statutes is renumbered to be section 61.14 CANVASS.

ADJUSTMENT OF ASSETS AND LIABILITIES.

SECTION 12. Sections 925c and 925e of the statutes are renumbered respectively to be sections 61.15 INDEBTEDNESS; HOW APPORTIONED AND PAID, and 61.16 PROPERTY; HOW DIVIDED.

SECTION 13. Section 925i of the statutes is renumbered and amended to read:

61.17 TAXES LEVIED BEFORE INCORPORATION; HOW COLLECTED AND DIVIDED. * * * Whenever a village * * * is incorporated from territory within any town or towns, after the assessment of taxes in any year and before the collection of such taxes, the tax so assessed shall be collected by the town treasurer of the town or the town treasurers of the different towns of which such village formerly constituted a part, and all moneys collected from the tax levied for town purposes shall be divided between such village and such town or the towns, as the case may be, in the same manner provided by section * * * 61.16, for the division of property owned jointly by towns and villages.

ALTERATION OF BOUNDARIES.

SECTION 14. Section 870 of the statutes is repealed.

SECTION 15. Section 870a of the statutes is renumbered to be subsection (1) of section 61.18 and is amended to read:

61.18 BOUNDARIES. (1) ALTERATION OF. * * * The boundaries of any village * * * may be altered * * * by annexing * * * contiguous territory, or by * * * *detaching* territory, * * * or by both annexing * * * contiguous territory and * * * *detaching* territory * * * upon compliance with the provisions of *this section*.
* * *

SECTION 16. Sections 870b to 870h, inclusive, of the statutes are consolidated, revised and renumbered to be subsections (2) and (3) of section 61.18 and to read:

(61.18) (2) AREA AND POPULATION. The population and area of the village after the boundaries shall have been altered shall conform to the requirements relating thereto in section 61.01.

(3) APPLICATION; PROCEDURE. Application to alter the boundary of any village shall be made to the circuit court of the county in which the village or any part thereof lies, by petition subscribed by some officer, or officers, of the village acting under the authority and direction of the village board, or by at least

five residents and taxpayers of said village, and shall be preceded by proceedings respecting survey, map, census, notice to be heard, and publication of notice pursuant to the provisions of sections 61.01 to 61.06, inclusive, properly applied to such subject, except that the survey, map and census required shall be left for examination by persons interested with the village clerk for a period of three weeks from the posting or first publication of the notice of such application.

SECTION 17. Section 870i of the statutes is renumbered to be subsections (4), (5) and (6) of section 61.18 and amended to read:

(61.18) (4) ORDER. CHANGING BOUNDARY. * * * If the court, after such hearing, shall be satisfied of the correctness of any such survey or resurvey and census, that all the requirements of this act have been complied with, and that such village, after the proposed alteration * * * contains within its limits * * * the population * * * and area required by section * * * 61.01 * * * it shall make an order altering * * * the boundaries of such village as prayed for in said petition; said order shall describe the boundaries as altered * * * which shall be therein set forth by courses and distances.

(5) CONSENT TO ALTERATION; ELECTION. * * * If the court after such hearing shall be satisfied by affidavit or other due proofs that the board of trustees of such village has duly passed a resolution consenting to such proposed alteration * * * and that all of the owners of property to be annexed, or *detached*, * * * consent to such proposed alteration. * * * the boundaries of such village shall be deemed altered * * * without any further acts, upon the recording of such order in the office of the register of deeds of the county in which said village may be located. But if * * * the board of trustees * * * and each owner of land to be annexed or *detached* * * * shall not have so consented to such alteration * * * the order of the court shall direct a special election to be called by the trustees of such village as well as an election in such additional territory or *detached* * * * territory by inspectors to be appointed by the court. *The ballot shall contain the words "for alteration" and "against alteration" and shall otherwise conform to the provisions of subsection (8) of section 6.23.* If the majority of ballots in either the village or such territory shall be *against alteration* * * * no further action shall be had under such application. But if the majority of the ballots in each be *"for alteration"* * * * such boun-

daries shall be altered * * * from the time of recording such order of alteration * * * with the register of deeds.

(6) CANVASS; DOCUMENTS TO BE FILED AND RECORDED. The inspector of election * * * in both the village and such territory shall make a similar statement to that required in * * * subsection (4) of section 61.09 * * * and all proceedings shall be recorded as provided in said * * * subsection (4) of section 61.09. In all cases of an alteration * * * of boundaries * * * like certificate and affidavits shall be filed in the office of the secretary of state as in the case of the incorporation of new villages.

OFFICERS.

SECTION 18. Section 875 and the last five lines of subsection (1) of section 875m of the statutes, beginning with the word "provided" are renumbered, consolidated and revised to read:

61.19 ELECTIONS; APPOINTMENTS; ELIGIBILITY. At the annual election in each village there shall be chosen the following officers, viz.: A president, a clerk, a treasurer, an assessor, a supervisor, a constable, and a justice of the peace. In villages in counties having a population of at least two hundred and fifty thousand no supervisor shall be elected and the other officers named shall be elected for a term of two years on the first Tuesday of April of each year in which is to be held a general election for state officers. All other officers, except trustees, shall be appointed by the village board at their first meeting after the annual election unless such board shall otherwise provide. No person not a resident elector in such village shall be eligible to any office therein. The village clerk may appoint a deputy clerk for whom he shall be responsible, and who shall take and file the oath of office, and in case of the absence, sickness or other disability of the clerk, may perform his duties and receive the same compensation unless the village board shall appoint a person to act as such clerk.

SECTION 19. Section 875a of the statutes and that part of section 875m of the statutes not incorporated into section 61.19 are repealed.

SECTION 20. A new section is added to the statutes to read:
61.20 ELECTION OF TRUSTEES; TERMS. (1) Villages shall have six trustees, except as provided otherwise in subsection (3) of this section, whose term of office shall be two years, three of whom shall be elected each year.

(2) Villages not now having six trustees shall, on the first

Tuesday of April, 1920, and annually thereafter, elect three trustees.

(3) Villages having a population of two hundred and fifty or less shall have two trustees, who together with the president shall constitute the village board, a majority of whom shall constitute a quorum. One trustee shall be elected each year for a term of two years.

SECTION 21. Sections 876, 877 and 878 of the statutes are renumbered and amended to read:

61.21 CLERK TO NOTIFY OFFICERS ELECT; OATH OF OFFICE. * * * Within five days after the election or appointment of any village officer the village clerk shall notify the person so selected thereof unless he voted at such election, and every person elected or appointed to any office named in * * * section 61.19 except justice of the peace * * * shall within ten days after such election or appointment or notice thereof, when so required to be given, * * * take and *file* * * * the official oath. * * *

61.22 OFFICIAL BONDS; OFFICERS NOT TO BE SURETIES. * * * Every bond required * * * of a village officer shall be executed with sufficient sureties * * * in a sum * * * fixed by the village board when not otherwise prescribed *and* * * * be approved by the president. * * * Whenever the village board shall deem any bond insufficient they may require an additional bond to be executed and filed in a sum and within a time not less than ten days, to be fixed by them. No village officer shall be accepted as a surety on any bond, note or other obligation to the village.

61.23 TERMS; TEMPORARY VACANCY. * * * The term of office of all village officers, except trustees *and* justice of the peace, * * * shall be one year and until their respective successors are elected or appointed and *qualify*. * * * If any officer be absent or temporarily incapacitated from any cause the board may appoint some person to discharge * * * his duties *until he returns or until such disability is removed*. * * *

DUTIES OF OFFICERS.

SECTION 22. Section 879 of the statutes is renumbered to be section 61.24 PRESIDENT.

SECTION 23. Section 880 of the statutes is renumbered to be section 61.25 and the introductory paragraph at the beginning thereof and subsections (2) and (3) thereof are amended to read:

61.25 CLERK. * * * The village clerk shall * * * *execute and file an official bond.* * * * It shall be his duty:

(61.25) (2) To transmit to the county clerk, within ten days after election and qualification, a certified statement of the name and term for which elected, of the president, clerk, treasurer, supervisor and assessor; and to the clerk of the circuit court immediately after their election or appointment and qualification, a like statement of the time and term for which elected or appointed of every justice of the peace, * * * marshal or constable of the village.

(61.25) (3) To attend all meetings of the village board; to record and sign the proceedings thereof and all ordinances, rules, by-laws, resolutions and regulations adopted, and to countersign and keep a record of all licenses, commissions and permits granted or authorized by them, and for such purpose to keep the following books: A minute book, in which shall be recorded in chronological order all the papers mentioned in section * * * 61.11; full minutes of all elections, general or special, and the statements of the inspectors thereof; full minutes of all the proceedings of the board of trustees; the titles of all ordinances, rules, regulations and by-laws, with reference to the book and page where the same may be found. An ordinance book, in which shall be recorded at length, in chronological order, all ordinances, rules, regulations and by-laws. A finance book, in which shall be kept a full and complete record of the finances of the village, showing the receipts, the date, amount and sources thereof, and the disbursements, with the date, amount and object for which paid out; and to enter in either such other matters as the board shall prescribe, and such other books as the board direct.

SECTION 24. Section 881 of the statutes is renumbered to be section 61.26 and the first sentence thereof is amended to read:

61.26 TREASURER. * * * The village treasurer shall * * * *execute and file an official bond.* * * *

And said section is further amended by striking out the word "annotated."

SECTION 25. Section 882 of the statutes is renumbered to be section 61.27 and the first sentence thereof is amended to read:

61.27 ASSESSOR. * * * In all villages * * * the assessor shall take and * * * *file the official oath.* * * *

And said section is further amended by striking out the last sentence, namely: "Any vacancy in the office of assessor may be filled by the village board for the residue of the unexpired term only."

SECTION 26. Section 884 (883) of the statutes is renumbered

to be section 61.28 and the first sentence thereof is amended to read:

61.28 MARSHAL. * * * The village marshal shall * * * *execute and file an official bond.* * * *

And said section is further amended by striking out the word "police" and by inserting immediately after the word "justice" the words "of the peace."

SECTION 27. Section 885 (884) of the statutes is renumbered and amended to read:

61.29 CONSTABLE. * * * The constable shall * * * *execute and file an official bond* * * * and shall be * * * governed in every respect by the law prescribed * * * *for constables in towns.*

SECTION 28. Section 886 (885) of the statutes is renumbered and amended to read:

61.30 JUSTICE OF THE PEACE; BOND; JURISDICTION. * * * The justice of the peace shall within ten days after his election, take and * * * *file the official oath* * * * and * * * *execute and file an official* * * * bond. * * * He shall hold his office for two years from the time of his election and until his successor is elected and qualified. * * * He shall have concurrent jurisdiction and powers throughout the county with other justices of the peace. * * * *He shall hold the police court and shall have* exclusive jurisdiction of all cases arising under the ordinances and by-laws of such village. * * *

SECTION 29. Section 887 (886) of the statutes is repealed.

SECTION 30. Section 888 (887) of the statutes is renumbered to be section 61.31 PEACE OFFICERS; WHO ARE, and is amended by striking out the figures "884 (883)" and by inserting in place thereof the figures "61.28."

VILLAGE BOARD.

SECTION 31. Section 890 (889) of the statutes is renumbered and amended to read:

61.32 WHO CONSTITUTE; MEETINGS; SALARIES. * * * The trustees of each village shall constitute a board designated "The Village Board of" (name of village), in which shall be vested all the powers of the village not specifically given some other officer. Four trustees shall constitute a quorum, *except in villages having a population of two hundred and fifty or less*, but a less number may adjourn from time to time. The president shall preside at all meetings when present. In his

absence the board may select another trustee to preside. Regular meetings shall be held at such times as may be prescribed by their by-laws. Special meetings may be called by any two trustees in writing, filed with the clerk, who shall thereupon seasonably notify all the trustees of the time and place thereof in the manner directed by the by-laws. All meetings shall be open to the public. The board shall keep a record of all its proceedings, shall have power to preserve order at its meetings, compel attendance of trustees and punish nonattendance, and it shall be judge of the election and qualification of its members. The president and board of trustees of any village, whether operating under general or special law, may by resolution determine that an annual salary be paid the president and trustees. * * * The question whether the provisions of such resolution shall take effect and be in force, shall be submitted to the people of such village at the next annual election, to be voted upon by ballot in substantially the manner provided by sections 6.22 and 6.23. If approved by a majority of the votes cast upon the question * * * *the resolution shall be in force and effect and shall apply to all succeeding presidents and trustees.*

SECTION 32. Section 891 (890) is renumbered to be section 61.33 TRUSTEES NOT TO BE INTERESTED IN CONTRACTS and is amended by striking therefrom the last sentence, namely, "This section shall have the same application to trustees of villages incorporated under special laws as to those of villages incorporated under this chapter."

SECTION 33. Section 893 (892) of the statutes is renumbered to be section 61.34 POWERS OF BOARD, and subsections thereof beginning with subsection (9a) to and including subsection (34), except subsection (27m), are renumbered consecutively (10) to (35); and subsections (4), (7) and (33) as so renumbered are amended to read:

(61.34) (4) To limit and define the duties and powers of officers and agents of the village, fix their compensation *which in the case of the treasurer shall include his services in the collection of taxes* and fill vacancies when no other provision is made by law; to call special elections and to designate trustees to act as inspectors of elections.

(61.34) (7) To appoint a village attorney, a pound master, a marshal, one or more sextons or keepers of cemeteries, one or more fire wardens and one or more street commissioners, whenever they deem necessary. Every street commissioner, when by resolution the village board shall require it, shall take and file * * *

*the official oath * * * and execute * * * an official bond. * * **

(61.34) (33) Whenever by reason of any flood, freshet, fire or other sudden emergency the municipal lighting plant, water-works plant, sewerage system or other municipal property shall be in danger of damage, injury or destruction, or the municipal dam, roadway or turnpike shall be in danger of being damaged or destroyed, the village board may levy a tax for the purpose of repairing or completing any such property or preventing the destruction thereof, and when so levied may borrow money in anticipation of such tax and forthwith proceed to protect, complete and conserve the municipal property. * * *

SECTION 34. Section 904b of the statutes is renumbered to be section 61.35 ADDITIONAL POWERS OF VILLAGE IN POPULOUS COUNTIES.

STREETS AND ALLEYS, ETC., ACQUIRING LAND FOR.

SECTION 35. Section 895 of the statutes is renumbered and amended to read:

61.36 PURPOSES FOR WHICH VILLAGE MAY ACQUIRE LAND. * * * The village board of any village *may acquire land* * * * to lay out and open, change, widen or extend any street, lane, alley, public grounds, square or other place, * * * to construct and open, alter, enlarge or extend drains, canals or sewers, * * * to construct a sewage disposal plant and the necessary mains incident thereto, either within or without the limits of said village, * * * to alter, widen, or straighten water courses therein, or * * * for the use or improvements of a harbor. * * *

SECTION 36. Section 903 of the statutes is renumbered to be section 61.37 and subsection (1) thereof is amended to read:

61.37 ASSESSMENT OF SPECIAL BENEFITS BY VILLAGE BOARD. * * * (1) For the purpose of payment of the expenses, including such excess of damages and all other expenses and costs incurred for the taking of private property and of making any improvement mentioned in * * * section 61.36 the village board may, by resolution, levy and assess the whole or any part of such expenses, as a tax upon such property as they shall determine is specially benefited thereby, and they shall include in said levy the whole of any part of the excess of benefits over total damages, if any, * * * making therein a list thereof in which shall be described every lot or parcel of land so assessed with the name of the owner thereof, if known, and the amount levied thereon set opposite.

SECTION 37. Section 904 of the statutes is renumbered to be section 61.38 DISCONTINUANCE OF STREETS AND ALLEYS.

SECTION 38. Section 904a of the statutes is renumbered to be section 61.39 DISCONTINUANCE OF ABANDONED ALLEYS and is amended by striking from both places where they occur in the section the figures "904" and by substituting in both places the figures "61.38".

IMPROVEMENT OF STREETS AND ALLEYS.

SECTION 39. Sections 905m and 908 of the statutes are repealed.

SECTION 40. Section 905 of the statutes is renumbered and amended to read:

61.40 POWERS OF BOARD. * * * (1) The village board of any village in any county having a population of less than one hundred and fifty thousand may cause any street or alley or any part of any street or alley not less than sixteen rods in length to be graded, paved, macadamized or otherwise improved, including the construction of curbs and gutters upon a petition therefor in writing signed by at least a majority of all the owners of real estate bounding both sides. The village board of any village in any county having a population of one hundred and fifty thousand or more may cause any such work to be done upon a vote of not less than three-fourths of its members.
* * *

(2) *Before ordering any such work to be done there shall be filed with the village clerk plans and specifications for same, and the village board may thereupon cause the work to be done. At any time after the filing of the plans and specifications for said work the village board or its committee on streets, shall thereupon view the premises and determine the entire cost of the contemplated work and the benefits that will accrue to the several lots, tracts or parcels of land fronting or abutting upon such street or part of street to be improved, and the amount that should be assessed under the provisions of this chapter to each such lot, tract or parcel of land as benefits accruing thereto by such contemplated work, and shall make and file with the village clerk a report of their determination upon said question. The village board shall thereupon levy and cause to be collected upon the lots, tracts or parcels of ground fronting or abutting upon such street or part of street, a tax sufficient to pay the expense of constructing such improvement as ordered opposite said prop-*

erty to the center of the street. But in no case shall the amount assessed against any such lot, tract or parcel of land exceed the benefit accruing thereto by such improvement. If any taxes levied under this chapter shall prove insufficient to pay the entire cost of such improvement, the remainder shall be paid from the village treasury.

SECTION 41. Section 906 of the statutes is renumbered to be subsections (1) and (2) of section 61.41 and amended to read:

61.41 NOTICE, LEVY AND COLLECTION OF ASSESSMENTS; BONDS; REASSESSMENT. (1) * * * Whenever the village board shall levy any such tax as specified in the preceding section they shall make out * * * a list * * * and a description of the property taxed and file the same in the office of the village clerk and the clerk shall thereupon give notice of the time and place of a meeting of the village board to hear objections to any such assessment, by publishing a notice at least once in some newspaper published in said village, if there be one; if there be none, by posting up such notice in three public places in said village. Such meeting shall be held not less than two weeks nor more than three weeks from the date of said notice. At the time so fixed said board shall hear all parties interested and shall thereupon review and modify or affirm such levy as they deem just.

(2) When the village board shall have reviewed said assessment the village clerk shall deliver to the street commissioner a copy of said assessment, together with a warrant for the collection * * * of said tax and thereupon the street commissioner shall notify the * * * owners of the property described by publishing a notice two weeks in some newspaper published in said village, if there be one; if there be none, by posting up notices in three * * * public places in such village, and shall specify in such notice a time or times, not less than twenty days nor more than thirty days from the date thereof, when the * * * owners of said real estate shall pay their taxes and the * * * owners charged with such tax shall, at such time and place as may be required by the said street commissioner, pay the same; the street commissioner shall be provided with a book or memorandum by the village clerk in which he shall keep an accurate account of all moneys coming into his hands pursuant to this section, including the amounts received, the name of the person from whom received, and the lot, tract, or parcel of land upon which each payment is made. The book containing the account so kept shall, at all times when required, be furnished for the inspection of the board of trustees, and ten days before

the expiration of his term of office shall be handed to the village clerk to be filed in his office for the inspection of the taxpayers.

SECTION 41a. Section 907 of the statutes is renumbered to be subsection (3) of new section 61.41 and is amended by striking therefrom the words and figures "section 914b of the statutes" and by inserting in lieu thereof the words and figure "subsection (4) of this section."

SECTION 41b. Section 914b of the statutes is renumbered to be subsection (4) of new section 61.41.

SECTION 41c. A new subsection is added to new section 61.41 to be numbered and to read:

(61.41) (5) The provisions of sections 1210d, 1210e, 1210f, 1210g and 1210h of the statutes relating to reassessment of special assessments shall apply to villages.

SECTION 42. Section 910 of the statutes is renumbered to be section 61.42 SERVICE PIPES TO BE LAID IN ADVANCE OF PAVING, and subsection (3) thereof is amended to read:

(61.42) (3) Every such tax levied pursuant to this section shall be a lien upon said respective pieces of land from the date of ordering such work and shall be entered by the clerk in the tax roll as a special tax against said respective pieces of property and collected in all respects like other village taxes upon real estate; provided, however, that the provisions of * * * subsection (4) of section 61.41 shall extend to all work provided for in this section.

SECTION 43. Section 909a of the statutes is renumbered to be subsection (1) of section 61.43 BUILDING AND REPAIR OF SIDEWALKS. (1) POWER OF BOARD; NOTICE, and is amended by striking out the sixth word "incorporated" and also by striking out the following words, namely, "incorporated under the general law or special acts of the state."

SECTION 44. Sections 909b and 909c of the statutes are renumbered to be respectively subsections of section 61.43, namely, (2) WHEN WORK DONE BY VILLAGE and (3) TAXES TO DEFRAY EXPENSE.

SECTION 45. Section 909 of the statutes is renumbered to be subsection (4) of section 61.43 and is amended to read:

(61.43) (4) WHERE COST OF REPAIR DOES NOT EXCEED TEN DOLLARS. * * * Whenever * * * any defect in any street, sidewalk or gutter, is such as to require immediate repair * * * and the cost of such repair * * * will not exceed ten dollars, it shall be the duty of the street commissioner forthwith to cause such repair * * * to be made, and the cost

thereof shall be audited by the trustees of such village and paid out of the general fund.

SECTION 46. Section 909d of the statutes is renumbered to be subsection (5) of section 61.43 and is amended to read:

(61.43) (5) ONE-HALF OF COST MAY BE PAID BY VILLAGE; WHEN. * * * The village board of * * * any village * * * may, in its discretion, *when authorized so to do by a majority vote of the electors at any village election and until such authority is, in like manner, revoked*, direct that a part, not exceeding one-half of the cost of building, rebuilding or repairing any sidewalk, shall be paid by such village * * * out of the general fund. * * *

SECTION 47. Section 925d of the statutes is renumbered to be subsection (1) of section 61.44 and is amended to read:

61.44 SPRINKLING AND OILING STREETS. (1) UPON PETITION. * * * Whenever a petition shall be presented to the clerk of any village * * * praying that any street in said village, or any part of any street not less than twenty rods in length be sprinkled or oiled, signed by at least a majority of all owners of land abutting upon that portion of said street proposed to be sprinkled representing a majority of the foot frontage on such street or part of such street, which petition shall be verified by affidavit as to such ownership, the board of trustees of such village may provide for the sprinkling or oiling of such street or part of street for such time as they may determine, *and* * * * shall levy and collect a tax upon the lots and parcels of land abutting that portion of such street to be sprinkled or oiled in the manner provided in section * * * 61.43, so far as such section may be applicable, to defray the expenses thereof. * * * Pending the levying and collection of such tax the expense of such sprinkling or oiling may be paid from the general fund, to be reimbursed by such special tax when collected. * * * The cost of the water used for such sprinkling may be paid out of the general fund.

SECTION 48. Section 925d—1 of the statutes is renumbered to be subsection (2) of section 61.44 and revised to read:

(61.44) (2) WITHOUT PETITION. The village board may, without petition provide for the sprinkling or oiling of any street, or portion thereof by adopting at a regular meeting a resolution providing therefor which resolution shall have been introduced at least four weeks prior thereto and be supported on its passage by at least two members in villages having only two trustees, and in all other villages by at least five members and the vote thereon shall be duly recorded.

SECTION 49. Section 925d—2 of the statutes is renumbered to be subsection (3) STREET RAILWAY ZONE of section 61.44.

SEWERS AND DRAINS.

SECTION 50. Section 919a of the statutes is renumbered and amended to read:

61.45 MAKING AND ALTERATION OF; SEWAGE PLANT; GENERAL CITY CHARTER STATUTES TO APPLY. * * * It shall be lawful for the president and trustees of any village * * * whenever they shall deem it necessary for the public health, to cause sewers and drains to be made in any part of such village, and to order and direct the construction of either of the same, and to alter, repair or mend any sewer or drain heretofore, or hereafter, constructed within said village, and to cause a main sewer for the purpose of an outlet for the branch sewers and drains to be constructed without the limits of said village when necessary; and to cause a sewage disposal plant to be constructed within, or without, the limits of the village * * * pursuant to the provisions of subchapter XX of chapter 61bb of the statutes, except section 925—221, which shall govern the construction, alteration and repair of sewers and drains in villages to the same extent as if villages were cities so far as said provisions are applicable and powers and duties conferred therein upon the common council and board of public works shall be exercised by the president and trustees and those conferred upon the mayor by the president and those conferred upon the city clerk or comptroller by the village clerk. In villages in which no newspaper is published notices required by said sections to be published in the official paper of the city shall be published in like manner in some newspaper published in the county in which the village or some part thereof is located.

TAXES.

SECTION 51. Section 914 of the statutes is renumbered to be subsection (1) of section 61.46 VILLAGE BOARD TO LEVY. (1) GENERAL; LIMITATION.

SECTION 52. Section 914a of the statutes is renumbered to be subsection (2) of section 61.46 and amended to read:

(61.46) (2) HIGHWAY. * * * The village board * * * shall, at the same time * * * and * * * in like manner, * * * determine the amount, if any, of highway tax to be levied and collected in such village for the current year, which shall not exceed in any one year one-tenth of one per cen-

tum on the assessed valuation of such property. Such highway tax shall thereafter be assessed and collected by the village treasurer at the time and in the manner provided for the collection of other village taxes; and such highway tax shall be kept as a separate fund, and shall be expended under the direction of the village board in the improvement of the streets, highways and bridges in said village. * * *

SECTION 53. Section 911 of the statutes is renumbered to be section 61.47 POLL TAX, COLLECTION OF; EXEMPTIONS, and is amended by striking therefrom the word "police" and by inserting therein immediately after the word "justice" the following words: "of the peace."

SECTION 53a. Section 912 of the statutes is renumbered to be section 61.48 EXPENDITURE OF POLL TAX and is amended by striking therefrom the following matter "section 68 of this act (section 914a)" and by inserting in lieu thereof the following matter, namely, "subsection (2) of section 61.46".

SECTION 54. Sections 894a, 925a and 925b of the statutes are transferred to chapter 64i of the statutes and renumbered to be sections 1319n, 1319o and 1319p, respectively.

SECTION 55. Section 915 of the statutes is renumbered and amended to read:

61.49 GENERAL LAW APPLIES. * * * Chapter * * * 64gg of the * * * statutes entitled "collection of taxes," so far as the same is applicable, is hereby declared to apply to and govern the collection of taxes in all villages. * * *

SECTION 56. Section 922 of the statutes is repealed.

SECTION 57. Section 925h of the statutes is repealed.

MISCELLANEOUS.

SECTION 58. Section 892 (891) of the statutes is renumbered to be section 61.50 ORDINANCES; CONTRACTS; OTHER INSTRUMENTS; HOW EXECUTED. (1) PUBLICATION OF ORDINANCES. (2) PROOF OF PUBLICATION.

SECTION 59. Section 894 (893) of the statutes is renumbered to be section 61.51 AUDITING ACCOUNTS.

SECTION 60. Section 920 of the statutes is renumbered to be section 61.52 DISCONTINUANCE OF OFFICES, and is amended by striking therefrom the words "police justice".

SECTION 61. Section 925f of the statutes is renumbered and amended to read:

61.53 TOWN OFFICERS RESIDING IN NEW VILLAGES. * * * Any town officer, except justices of the peace, who shall reside within the territory embraced within any village hereafter organized, shall continue to be such town offi-

cer and discharge all the duties thereof until ten days after the next annual town meeting in said town unless his successor shall have sooner qualified.

SECTION 62. Sections 904m and 904n of the statutes are transferred to chapter 64i of the statutes relating to Highways and Bridges, and renumbered to be sections 1344m and 1344n.

SECTION 63. Sections 926—157, 926—158, and 926—159 of the statutes are renumbered to be respectively subsections (1), (2) and (3) of section 61.54 and are amended to read:

61.54 BIDS ON IMPROVEMENTS. (1) WHEN VILLAGE MAY REJECT AND PERFORM WORK. * * * Whenever the * * * village board of any village, * * * 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 reasonable value of the work to be done or materials to be furnished, said * * * village board 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 * * * village directly, and under the direction and supervision of the *village* board. * * *

(2) POWER OF BOARD. * * * Whenever the * * * village board of any village shall determine to carry on any public work or construct any improvement under the provisions of this * * * section it shall have the power to purchase and secure all necessary and proper tools and equipment with which to perform the same.

(3) SPECIAL ASSESSMENT NOT TO EXCEED LOWEST BID. * * * The cost and expense of all work done and all materials furnished by any * * * village under this * * * section shall be collected in the same manner as if done and furnished by any other person under contract with said * * * village, 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 * * * by law; 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 * * * village at large.

SECTION 64. Section 921 of the statutes is renumbered to be section 61.55 **CONTRACTS INVOLVING OVER FIVE HUNDRED DOLLARS; HOW LET.**

SECTION 65. Section 924 of the statutes is renumbered to be section 61.56 **DISSOLUTION; PROCEDURE**, and is amended by striking from the section the words “‘incorporated by special act or under the general statutes’”.

SECTION 66. Section 925 of the statutes is renumbered to be section 61.57 **DISSOLUTION; DATE OF; PROPERTY; CLAIMS; TERRITORY.**

SECTION 67. Section 925g of the statutes is renumbered to be section 61.58 **VILLAGES OF FIFTEEN HUNDRED TO BECOME CITIES.**

SECTION 68. There is added to the statutes a new section to read:

Section 926—157. The provisions of section 61.54 are made applicable to cities, except that in cities of the first class no bids therein referred to shall be rejected or such work done or material furnished by the city, unless the rejection of such bids, the doing of such work or the furnishing of such material by the city shall have been recommended by the commissioner of public works.

SECTION 69. There is added to the statutes a new section to read:

Section 925—205a. The provisions of subsection (5) of section 61.43 of the statutes are hereby made applicable to cities of the fourth class.

SECTION 70. Sections 919b, 919c, 919cc, 919d, 919e, 919f, 919g, 919h, 919i, 919j, 919k, 919l and 919m of the statutes are repealed.

SECTION 71. Section 853 of the statutes is repealed.

SECTION 72. Section 853a of the statutes is repealed.

SECTION 73. Sections 852, 852c, 894a (894) and 923 of the statutes are renumbered respectively to be sections 61.59 **REINCORPORATION OF SPECIAL CHARTER VILLAGES**, 61.60 **JUSTICES AND CONSTABLES IN VILLAGES SPECIALLY INCORPORATED**, 61.61 **VILLAGE ORDERS; BORROWING MONEY**, and 61.62 **COLLECTION OF JUDGMENTS AGAINST VILLAGES; DISSOLUTION.**

SECTION 74. Sections 916, 917, 918 and 919 of the statutes are renumbered to be respectively subsections of section 61.63 **FORFEITURES AND PENALTIES**. (1) **COLLECTION OF**; (2) **JUDGMENT, COMMITMENT**; (3) **APPEAL**; and (4) **FINES TO GO TO VILLAGE TREASURY.**

SECTION 75. Section 853ab of the statutes is renumbered to be subsection (3) of section 61.59 and is amended by striking therefrom in each place where they appear the word and figures "section 852" and by inserting in each such place the words "this section."

SECTION 76. Section 853b of the statutes is renumbered to be section 61.64 VALIDITY OF INCORPORATION; HOW AND WHEN TESTED, and is amended by striking therefrom the figures "40" where they occur in both places in said section and by inserting in lieu thereof the figures "64bb."

SECTION 77. Sections 852a and 852b of the statutes are repealed.

SECTION 78. Two new sections are added to the statutes to read: 61.65 SECTIONS APPLICABLE TO SPECIAL CHARTER VILLAGES. The following sections shall apply to villages incorporated by special acts as well as to villages incorporated under the general law, namely: sections 61.27, 61.36, 61.37, 61.38, 61.39, 61.40, 61.41, 61.42, 61.43, 61.45, 61.46, 61.54, 61.56, 61.57 and 61.58.

61.66 PENDING PROCEEDINGS AND CONTRACTS CONTINUED. Every proceeding instituted and every executory contract made by any village, however incorporated, before the enactment of this section for public improvements or for other public purposes shall be continued to completion or carried into full execution pursuant to the laws in force at the time the proceeding was instituted or the contract entered into.

SECTION 79. This act shall take effect upon passage and publication.

Approved July 29, 1919.

No. 20, S.]

[Published Aug. 2, 1919.

CHAPTER 692.

AN ACT to amend subdivision (1) and the first paragraph of subdivision (3) and paragraph (a) of subdivision (3) of section 2394—9, and to repeal paragraph (b) of subdivision (3) of section 2394—9, and to amend the second paragraph of subdivision (1) of section 2394—10 of the statutes, relating to workmen's compensation.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision (1) and the first paragraph of subdivision (3) and paragraph (a) of subdivision (3) of section 2394—9 are amended to read: (Section 2394—9) (1) Such