

three cents a head ; sheep or hogs in droves of ten or less, three cents a head ; if in droves of more than ten, two cents a head ; and for each footman, five cents : *provided*, that foot passengers may have season contracts for passing over said bridge that shall not exceed one dollar and fifty cents.

SECTION 4. Any person who shall forcibly or in any manner pass over said bridge authorized by this act to be constructed, without paying the toll hereby authorized to be collected for passing over said bridge, shall be guilty of trespass, and for such offense shall forfeit the sum of ten dollars to and for the use of said A. R. Barrows, Alex. Mariet and their associates and assigns, to be recovered with costs as in other actions in tort in any court in said county of Chippewa or any court of competent jurisdiction.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved February 26, 1874.

CHAPTER 66.

[*Published March 5, 1874.*]

AN ACT to authorize the city of Green Bay to construct two wagon bridges across the Fox river.

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

SECTION 1. The city of Green Bay is hereby authorized and empowered to build and maintain two wagon bridges across Fox river. The first of said bridges shall be built and shall abut on or within two hundred feet of the end of Mason street, on Fox river, and shall abut at such points in the said river, in the city of Fort Howard, as may be acquired for that purpose as hereinafter provided, and the second of said bridges shall be built and shall abut on the end of Main street on Fox river, in Green Bay, and shall abut on the east end of Dousman street on Fox river, in the city of Fort Howard ; *provided*, that said bridges when so constructed shall not be less than twenty-four feet wide, and shall have a draw not less than eighty feet wide ; and *provided, further*, that the cost of any one of such bridges shall not exceed thirty thousand dollars, and that said bridges shall be and remain forever

Location and description of bridges.

Cost limited.

free, and no toll shall be required from any person or persons crossing the same.

Draws.

SECTION 2. The draws of said bridges shall be so constructed and managed as to admit the passage of all boats, vessels and water crafts navigating, or which may hereafter navigate, the said Fox river, without hindrance or unnecessary delay, and the said city shall cause the same to be attended at all times to afford free passage to all boats, vessels or water crafts free of charge and without unnecessary delay.

City bonds may be issued.

SECTION 3. To enable said city to build such bridges the city shall have authority to issue its bonds bearing interest at the rate of not exceeding ten per cent. per annum, to an amount not exceeding thirty thousand dollars for each of said bridges, or for such less amount as the said bridges, or either of them, may be built for, not exceeding thirty thousand dollars for each of said bridges. Said bonds may be in such sums of not more than five hundred, nor less than one hundred dollars each, and shall be divided into classes, the first class of which, with the interest on all of said bonds, which shall then have been issued, shall become due and payable in one year from the date thereof; the second class with interest on the bonds remaining due and unpaid shall become due in two years from the date thereof; and so on consecutively until the last class of said bonds become due and payable: *provided*, that none of said bonds shall be made to run more than thirty years, nor shall the number of classes into which the same may be divided be less than ten nor more than thirty.

Interest and principal, when paid.

Bonds, how executed and to whom paid.

SECTION 4. The said bonds shall be signed by the mayor and clerk of said city, and shall be under the seal of said city, and may be issued in such form in other respects as the common council may direct, and at such times after the letting of the contract to build the said bridges as the common council may determine, and all of said bonds shall be payable to the bearer at the office of the city treasurer of said city. No larger amount of bonds shall be issued pursuant to this act than shall be required for the construction of said bridges for which the same are issued, and no part of said bonds or the proceeds or interest thereof shall be used for any purpose other than the erection of said bridges.

Jurisdiction of bridges.

SECTION 5. The said bridges when constructed, and all other bridges constructed by the city of Green Bay, across Fox river, one terminus of which shall be in said city, are hereby declared to be public

highways, and shall be under the jurisdiction of the corporate authorities of said city of Green Bay

SECTION 6. The said city of Green Bay, by its proper authorities, appointed by the common council, shall have power and authority to lay out and construct the necessary streets and approaches leading from the street or streets nearest to either terminus of either of said bridges in the cities of Green Bay and Fort Howard, and for that purpose shall have power to take and use any real estate lying within either of said cities, which may be adjudged necessary.

Approaches provided for.

SECTION 7. For the purpose of determining the necessity of taking any private property for public use as contemplated in the sixth section of this act, on the application of the mayor of said city, describing the property to be taken, it shall be the duty of any justice of the peace in said county to issue the necessary process, and impanel a jury of twelve persons qualified to serve as jurors in the circuit court of said county, who shall be sworn to the discharge of the duty assigned them, and forthwith make an examination and inspection of the premises, and within ten days thereafter certify under their hands their determination of the question whether or not the property so described is necessary to be taken for public use as contemplated by this act, and shall deliver the said certificate to the mayor of said city of Green Bay, and in case the said jury shall certify that the same is necessary, the said city may proceed in taking and using said property for the purposes hereinbefore mentioned; and in case the said city shall be unable to agree with the owner of any real estate so taken, as to the compensation to be made therefor, the same shall be ascertained in the manner hereinafter provided.

Jury to determine necessity for taking property, how empaneled.

SECTION 8. Upon the application of the mayor of said city of Green Bay, or of the owner of any real estate taken and used by said city for the purposes mentioned in the sixth section of this act, to the circuit judge of the tenth judicial circuit, he shall appoint three disinterested freeholders of the county of Brown, as commissioners to ascertain and report the amount of compensation to be made for the real estate taken and used as aforesaid, who shall be sworn to the faithful discharge of the duties imposed upon them by such appointment.

Commissioners to determine value of property, how empaneled.

SECTION 9. The commissioners shall give notice to all persons who claim any interest in the lands which they are required to appraise, by publication thereof, once in each week, in a newspaper printed in the

Commissioners shall give public notice, etc.

county in which the lands are situated, for four successive weeks, stating therein a description of the premises to be appraised, and the time when, and place where, they will meet to make such appraisal, and if any of such owners or persons interested in the premises are known and are residents of the county, a like notice shall be served upon them personally by delivery of a copy thereof, or by leaving the same at the place of their residence with some person of suitable age and discretion, at least ten days before the day appointed for such appraisal.

Commissioners shall hear proofs and allegations and report their decision in writing.

SECTION 10. At the time and place appointed for such appraisal, the said commissioners shall hear the proofs and allegations of the parties, and may if necessary, examine the premises, and within ten days thereafter, shall make a report in writing, describing particularly the premises and the price at which they have appraised the same, in which report a majority of said commissioners shall concur. A copy of such report shall be filed in the clerk's office of the circuit court of the county in which the premises are situated, and any person feeling himself aggrieved thereby may within sixty days after the filing thereof, appeal to the circuit court of such county.

Appeals, tried, revised, etc.

SECTION 11. Such appeal shall be tried by the court, and if the court shall find that the proceedings of the commissioners have not been in conformity with the provisions of this act, or that their decision is unjust or unreasonable, the same shall be revised; otherwise it shall be confirmed. In revising such decision, the court shall appoint three commissioners, who shall proceed, as above provided, to another hearing and determination; *provided*, that any party interested may require that the amount of compensation to be paid as aforesaid, shall be determined by a jury.

SECTION 12. The judge may from time to time appoint new commissioners to fill vacancies which may occur from any cause, and may allow such fees to be paid by the city as he may deem reasonable; and all costs on appeal shall be as the court may order.

Payments of awards.

SECTION 13. At the expiration of the time allowed for appeal, as provided in this act, or within ten days thereafter, if none be taken, or on the final determination thereof, in case an appeal shall be taken from the decision of the commissioners, the said city of Green Bay shall deposit with the clerk of the court, the full amount awarded and all cost allowed by the court, said amount to be distributed and paid to the parties interested therein under the order of the court.

SECTION 14. No bonds shall be issued under this act, or contract made for the construction of the said bridges across Fox river, until the question shall have been submitted to a vote of the qualified electors, residents in said city. It shall be the duty of the common council of the city of Green Bay, after this act takes effect, to give, or to cause to be given, eight days notice of such election, by the posting up of written or printed notices in five public places in said city, and to cause said notice to be published in one or more newspapers printed in said city, prior to the time fixed for holding said election in said city of Green Bay. The said notice shall set forth that on a certain day during the usual hours, and at the usual places for holding general elections in each ward of said city, an election will be held for the purposes mentioned in this act, and shall also state the amount of such bonds and coupons, and how and when payable, and who of the residents of said city are voters thereat. On the day and at the places specified in said notice or notices, the said election shall be held, and the same shall be conducted, canvassed and returned in all respects as provided by law for holding and conducting city elections. The said electors shall vote by ballot, and each vote shall have written or printed, or partly written and partly printed on each ballot the words, "for the bridges" or "against the bridges," and if it appears that a majority of the votes in said city are "for the bridges," then the said bonds shall be issued by said city, and the taxes to pay the same shall be levied and collected as provided by law for other city cases.

Election for, or against voting bridge bonds.

SECTION 15. The mayor of said city shall cause to be made and filed with the clerk of said city, an affidavit or affidavits, of the posting up of notices required in the preceding section of this act, which affidavit or affidavits shall be deposited in the said clerk's office, and the said affidavit or affidavits, or a certified copy or copies thereof, shall be evidence of the facts therein stated, in all courts and places whatever.

Notices of election how given.

SECTION 16. If a majority of the votes cast at said election shall be "for the bridges," it shall be the duty of the city clerk immediately after the result of said election shall be declared, to give notice in the official newspaper of said city, and such other papers as the common council may direct, at least ten days prior to the day fixed for the letting of the contracts, that the building of said bridges will be let by contract to the lowest bidder, and that sealed proposals will be received for that purpose by the city clerk at his office in said

Contracts for building bridges, how let, etc.

city, until the day and hour fixed in said notice, and that such proposals must be for the building and completion of said bridges by a day fixed by said council, and specified in such notice, and according to such plans as shall be adopted by said council, which plans shall be subject to inspection at the office of the city clerk. Such notice shall also state that the said bridges will be paid for in the bonds of said city, bearing ten (10) per cent. per annum, and at a cost, so far as said city is concerned, of not more than thirty thousand dollars for each bridge: *provided*, that no contract shall be binding unless the same is approved by the common council.

SECTION 17. This act shall be a public act, and shall be liberally and favorably construed to effect the objects of the same, and all acts and parts of acts inconsistent with or contravening the provisions of this act are hereby repealed.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1874.

CHAPTER 67.

[*Published March 5, 1874.*]

AN ACT to amend chapter 406 of the private and local laws of 1871, entitled "an act relating to the issue of bonds by the city of Milwaukee.

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

Water bonds
may be in-
creased to
\$1,650,000.

SECTION 1. The amount of water bonds authorized to be issued by the city of Milwaukee, and mentioned in the first section of the act hereby amended, is hereby increased from one million and four hundred thousand dollars to one million and six hundred and fifty thousand dollars; and all the provisions of the act hereby amended, and all other provisions of law applicable to the issue of water bonds by the said city, shall apply to the increased amount thereof hereby authorized to be issued.

Sale of water:
certificates
authorized.

SECTION 2. Power is hereby granted to the board of water commissioners of the said city of Milwaukee to demand from the commissioners of the public debt of the said city, and power is hereby granted to the