

CHAPTER 134.

[Published March 25, 1876.]

AN ACT to amend chapter forty-seven (47), laws of 1876, entitled, "An act to codify, consolidate and amend the act to incorporate the city of Appleton and the several acts amendatory thereof."

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

Amended.

SECTION 1. Section seven (7), of chapter three (3), of chapter forty-seven (47), of the laws of 1876, is hereby amended by inserting after the words "made by him for the city," the words "which shall be the property of the city," so that said section when amended shall read as follows: Section 7. The city surveyor shall be a practical surveyor and engineer, and shall have a per diem compensation, to be fixed by the common council. He shall keep his office at some convenient place in the city. He shall preserve and have open to the inspection of any person all surveys profiles, plans or estimates made by him for the city (which shall be the property of the city), and which, with all books or papers pertaining to his office, and minutes of surveys by him made, he shall turn over to his successor, or the city clerk, on the expiration of his term of office. All bridges, reservoirs and sewers shall be built subject to his acceptance, but a contractor may appeal from his decision to the common council.

City surveyor.

Amended.

SECTION 2. Section 9, of chapter 6, of said chapter 47, of the laws of 1876, is hereby amended by inserting after the words "tendered to such owner or agent," the words "or in case the said owner or agent," so that said section, when so amended, shall read as follows: Section 9. The lands taken for the purposes mentioned in this chapter, shall not be appropriated to the public use, until the damages awarded therefor, to each owner thereof, shall be paid or tendered to such owner or agent, or in case the said owner or agent cannot be found, or is unknown, deposited to his credit with the county treasurer of Outagamie county, and then, and not before, such lands may be taken and appropriated for the purposes required; and the same shall thereafter be subject to all the ordinances and regulations of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out; *provided*, that the

Taking of lands for public use.

damages awarded by the aforesaid jurors shall be paid, tendered, or deposited as hereinbefore required, within one year from the date of the filing of said award and report with the city clerk, and if not so paid, or tendered, or deposited, all the proceedings in such case shall be null and void.

SECTION 3. Section sixteen, of chapter five, of said chapter 47, of the laws of 1876, is hereby amended by inserting after the word "institute" the words "any proceedings to set aside," so that said section when so amended shall read as follows: "Section 16. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land, or to set aside or to set up or interpose any objections to the title derived by virtue of any deed executed in consequence of the non-payment of such taxes and of the sale of the premises therefor, unless such person shall first pay or tender to the proper party, or deposit for his use with the treasurer, the amount of all state, county, and city taxes that may remain unpaid upon such lot or tract, together with the interest and charges thereon."

Amended.

When suit to set aside tax may be brought.

SECTION 4. Subdivision 2, of section 4, of chapter 10, of said chapter 47, laws of 1876, is hereby amended by inserting after the word "districts" the words "and to form new districts," so that said section when so amended will read as follows: Section 4. The duties of the board of education shall be as follows: 1. To elect annually, at the regular meeting in June, a city superintendent of schools, and one of their number to officiate as clerk. Such clerk shall keep a record of the proceedings of each meeting, and discharge such other duties as the board may direct. 2. To arrange and determine the boundaries of school districts, and to form new districts, subject to the approval of the common council; *provided*, that no joint district shall be formed of a portion of the city and a portion of any adjoining town. 3. To arrange terms and vacations of all public schools, and establish uniformity in the school system. 4. To require uniformity in text books, and to adopt or reject text books at will; *provided*, that text books shall not be changed oftener than once in five years. 5. To institute uniform regulations for schools, not conflicting with the constitution or laws of this state.

Amended.

Duty of board of education.

SECTION 5. Section 15, of chapter 11, of said chapter 47, of the laws of 1876, is hereby amended by in-

Amended.

serting after the words "thereon by the city clerk," the words, "with the corporate seal of the city attached, and filed in the office of the city clerk," so that said section when so amended, shall read as follows: "Section 15. The common council may, at any time, by resolution duly passed and entered on its minutes, authorize the city surveyor, or such assistant surveyor as they may appoint, to make a new and accurate survey of the lines and boundaries of all the streets, alleys, avenues, highways, public grounds, wharves, docks, blocks and lots, establishing such permanent land-marks in each ward or in any one ward, as the common council may require, and to cause an accurate map or maps, plat or plats thereof to be made and certified to by such surveyor, or assistant surveyor, to be approved by the common council, which approval shall be endorsed thereon by the city clerk, with the corporate seal of the city attached, and filed in the office of the city clerk, and an attested copy thereof filed and recorded in the office of the register of deeds of Outagamie county; and such survey and land-marks when so established and recorded shall be prima facie evidence in all courts and places, of the fact therein set forth.

Re-survey of city.

Amended.

Establishment of grade.

SECTION 6. Section 16, of chapter 11, of said chapter 47, of the laws of 1876, is hereby amended by adding after the words "construed as prevent the" the words "street commissioner," so that said section when so amended shall read as follows: Section 16. The common council of said city may, at such times as they deem proper, establish the grade of all streets, avenues, alleys, highways and sidewalks in said city, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Outagamie county, and should the grade so established be any time thereafter altered, all damages, costs and charges arising therefrom, shall be paid by the city to the owner of any lot or parcel of land or tenement which may be injured in consequence of any alteration of such grade; *provided*, that nothing in this section shall be so construed as to prevent the street commissioner from ordering or causing to be done, the grading of any street, avenue, alley or highway, to a temporary grade to be by him established.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1876.