

CHAPTER 200.

[Published April 6, 1876.]

AN ACT to authorize the second ward of the city of Green Bay and the second ward of the city of Fort Howard, to rebuild, repair and maintain the middle bridge across Fox river between Green Bay and Fort Howard.

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

Joint bridge district.

SECTION 1. All that territory that on the first (1st) day of January, 1876, constituted the second ward of the city of Green Bay and the second ward of the city of Fort Howard is constituted a joint bridge district, for the purpose of rebuilding, repairing and maintaining the middle bridge across Fox river between said cities, viz: The bridge extending from foot of Walnut street, Green Bay, to the foot of Main street, Fort Howard.

Bridge to be built and kept in repair by wards named.

SECTION 2. The said bridge shall be rebuilt, repaired and maintained at the expense of said wards as above named, as herein provided by section nine (9) of this act; *provided*, that the cost of rebuilding and repairing said bridge shall not exceed ten thousand dollars (\$10,000), and the yearly repair of and maintaining thereof, including service of keeper, is not to exceed the sum of five thousand dollars (\$5,000) in any one year. And said bridge shall be and remain forever free, and no tolls shall be required from any person or persons crossing or passing the same. The draw of said bridge shall be capable of being so managed as to admit the passage of all boats, vessels and water-craft navigating or which may hereafter navigate the said Fox River without hindering an unnecessary delay or expense.

Rebuilding, etc. of bridge to be let to lowest bidder.

SECTION 3. The rebuilding, repairing, and the keeping of said bridge shall be let by contract to the lowest responsible bidders, after notice to receive sealed proposals for that purpose at such time and in such manner as the bridge commissioners may direct; *provided*, that plans and specifications for the rebuilding or repair of said bridge shall first be made and [placed] on exhibition for the guidance and direction of such bidders; *and provided, further*, that the whole plan and construction of such rebuilding and repair shall be under the superintendence of a competent civil

engineer, who shall be employed for that purpose by the bridge commissioners herein named.

SECTION 4. The aldermen of the second ward of the city of Green Bay and the aldermen of the second ward of the city of Fort Howard, together with the aldermen of any other wards that may be formed of or from the territory that on the first (1st) day of January, 1876, constituted the second wards of the cities of Green Bay and Fort Howard, shall form and constitute a board of bridge commissioners for said joint bridge district. Two-thirds of the whole number of said aldermen shall constitute a quorum for business relating to said bridge, and all matters and business relating to the rebuilding, repair and keeping of said bridge shall receive the assent of two-thirds of such aldermen to be valid.

Board of bridge commissioners.

SECTION 5. Within twenty (20) days after the passage and publication of this act, the said aldermen shall assemble in some public or private room in either the city of Green Bay or Fort Howard, and proceed to elect one of their number president of such board of bridge commissioners, and one of their number secretary of said board of bridge commissioners, who shall hold their several offices for and during the official term of their aldermanship, and no longer. Vacancies in the office of such president and secretary shall be filled within ten (10) days after the happening of such vacancy by election called and held for that purpose by said board of bridge commissioners. It shall be the duty of the president, when present, to preside at all meetings of said bridge commissioners, but in case of his absence for any cause, any member of such board of bridge commissioners may be called to temporarily preside over the meeting of such board; the secretary shall keep a record of all the proceedings of said board of bridge commissioners, and perform such other duties as may be required of him by this act, or the resolutions of said board.

President and secretary of board of bridge commissioners.

SECTION 6. For the purpose of enabling said joint bridge district to rebuild or repair said bridge, the said joint bridge district is hereby authorized to issue bonds on the faith and credit of the taxable property situated in the said joint bridge district as herein formed, to such an amount as may be determined necessary by the board of bridge commissioners of said joint bridge district, not to exceed ten thousand dollars (\$10,000) in the aggregate, with interest coupons attached, executed in such manner and form as

Bridge district may issue bonds.

said bridge commissioners may direct, in sums of not more than five hundred dollars (\$500) nor less than fifty dollars (\$50) each, which bonds shall mature in five years from the date of their issue, and shall draw interest payable annually at the rate of ten per cent. per annum. The said bonds shall be signed by the president of said board of bridge commissioners and countersigned by the secretary of said board of bridge commissioners, and may be under the private seal of such president and secretary, and issued in such form in other respects as said board of bridge commissioners may direct, and at such times after the letting of the contract to rebuild or repair said bridge as said board may determine. The said bonds shall be payable to bearer at such bank in the city of Green Bay as may be selected by said board of bridge commissioners and expressed in said bonds and coupons.

Classification
of bonds.

SECTION 7. The said bonds shall be divided equally into five classes. The first class of said bonds, with 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 as last aforesaid, in two years from the date thereof, and so on until the last class of said bonds shall become due and payable. No larger amount of bonds shall be issued, pursuant to this act, than shall be required for the rebuilding or repair of said bridge, and no part of said bonds or the proceeds or interest thereof shall be used for any purpose, other than for the rebuilding, repair or superintendence of such rebuilding and repairs of said bridge.

Rights and
powers of joint
bridge district.

SECTION 8. The said bridge when rebuilt or repaired, shall be and become the property of said joint bridge district. Said joint bridge district by that name and style, shall have the right to prosecute and maintain in any and all courts of this state, any action or actions to recover damages for any injury or injuries done to said bridge, or to prevent the commission of any injury or damage thereto. Said joint bridge district, by its board of commissioners, may also control and regulate the passage of persons and teams, and of animals over and upon said bridge, and for that purpose may impose and enforce collections of such fines and penalties, for any violation or violations of any ordinance, resolution or regulation made by them in relation thereto, and may enforce any proper resolution or regulation to prevent or remove obstructions thereto or therefrom in the same man-

ner and to the same extent as if said bridge were one of the streets or public highways of either of said cities herein named. All fines and penalties, damages or other sums recovered, shall be paid to the president of said board of bridge commissioners, and used as a fund to help pay the services of the keeper of said bridge, and for necessary repairs thereof.

SECTION 9. The board of bridge commissioners shall annually, and before the first (1st) day of October of each year, assess and determine a tax on all the taxable property of said joint bridge district sufficient to pay the interest on all of the said bonds which at the time of such levy shall be outstanding, and the principal of as many of said bonds as shall mature and become payable in each year, as provided in this act, together with a sum sufficient to pay for the keeping and necessary repairs of said bridge from year to year, which sum so determined shall be assessed and levied according to the then last assessed valuation of the persons and territory, that on the 1st day of January, 1876, formed the second ward of the city of Green Bay, and the territory that on said last named day formed the second ward of the city of Fort Howard, which said assessment, determination and statement thereof, signed by the secretary of said board, shall be delivered to the clerks of the city of Green Bay and Fort Howard, respectively, on or before the 1st day of October in each year; and said clerks are required, authorized and directed to insert the same in the tax roll of said cities on the taxable property of the persons and territory of said wards as they existed on said 1st day of January; and said clerks shall calculate, enter, and carry out upon their respective tax rolls the amount necessary to be charged against each and every person or persons, corporation or corporations, assessed with real or personal property in said territory a sufficient percentage pro rata to pay the whole amount of such tax, but in a separate column from all other taxes, and to be called the "joint bridge tax." Said tax shall be collected as other city taxes, but paid in money or in the said bonds and coupons then due and payable, and when collected shall be paid out on the order of the board of bridge commissioners, signed by the president and countersigned by their secretary; said money, when so paid, to be used only for the purpose of this act.

SECTION 10. The said taxes shall be levied and collected in the same manner as other city taxes are levied.

Special bridge tax to be levied

When corporate authorities neglect or refuse to levy tax

ied and collected, and the good faith of the said respective wards shall stand pledged for the punctual payment of the principal and interest on said bonds, as the same shall become due, and if the said corporate authorities, or either of them, as the case may be, shall neglect or refuse to levy or to collect the said tax or any part thereof, at any times provided for by this act, it shall be the duty of the judge of the Tenth judicial circuit, in vacation or at any term of the circuit court in said circuit, on the petition of any holder of the said bonds, verified by affidavit, showing to the satisfaction of said judge that the said authorities have neglected or refused to levy or collect the said tax or any part thereof, as aforesaid, to make and issue an order or precept directing the sheriff of Brown county to take the latest assessment rolls of said wards and to calculate, enter and carry out upon said assessment roll or rolls the amounts necessary to be charged against each and every person or persons, corporation or corporations, assessed with real or personal property upon said roll or rolls, a sufficient percentage pro rata to pay the whole amount of the tax so neglected or refused to be levied or collected by the corporate authorities aforesaid, or either of them, and all the accruing interest on said bonds, together with the proper costs and charges, and to proceed to collect the said tax in the same manner in which the treasurer of said city or borough could lawfully collect the same. The said sheriff shall receive the same fees for his services under this act, as other officers would be entitled to for like services; and in case of the neglect or refusal of any person or corporation to pay such tax when demanded by said sheriff, it shall be the duty of said sheriff to enforce collection or payment of the same by proceeding in the same manner in all respects as the city treasurer of Green Bay or the treasurer of the city of Fort Howard is or may be authorized by law to proceed in enforcing the collection of state, county, or city taxes; and it shall be the duty of the clerks of said cities, or of the clerk of either corporation, or of any other officer having the charge or custody thereof, to deliver to said sheriff the said assessment roll or rolls, for the purposes herein provided for, on the demand of said sheriff, and the production by him of said order from the circuit judge; and any failure or refusal of said clerk or clerks, or other officer, or either of them, to deliver to said sheriff the said roll or rolls, shall be deemed

Duty of sheriff.

a misdemeanor, which shall be punishable by indictment, and by fine and imprisonment, at the discretion of the circuit court. Any refusal and neglect on the part of said sheriff to perform any of the duties enjoined upon him by this act, shall be a breach of his official bond, and he and his sureties shall be held liable thereon for all damages to any person or persons, corporation or corporations, aggrieved by such refusal or neglect, which damages may be recovered by action on said bond, in any court of competent jurisdiction.

SECTION 11. No bonds shall be issued for the first rebuilding or repair of said bridge under this act until the question shall have been submitted to a vote of the electors resident in said second ward of the city of Green Bay and said second ward of the city of Fort Howard, respectively, qualified to vote at any election held in said cities. It shall be the duty of the aldermen of the second wards of each of said above named cities, within twenty days after the passage of this act, to give or cause to be given five days notice at least of such election, by posting up written or printed notices in five or more public places in each of said wards five days before such election. The said notice shall set forth that on a certain day, during the usual hours, and at the place where the last election in said ward was held, an election will be held for the purpose of deciding whether the said joint bridge district will issue bonds and coupons for the purpose mentioned in this act, and shall state the amount of such bonds and coupons, and how and when payable. On the day and at the place specified in said notices, the said election shall be held, and the same shall be conducted, canvassed, and the result declared under the supervision and direction of the aldermen of each of said wards, together with such assistants and clerks as they may select, and the result, together with sworn proof of posting up of the notices required by this act, certified under the hand of each of said aldermen, shall be delivered to the secretary of said board of bridge commissioners, who shall record such result and file such proofs in the records of his office. And such record and files or certified copies thereof shall be *prima facie* proof in all courts of the facts therein alleged. The electors shall vote by ballot, and each vote shall have written or printed on each ballot the words "For Rebuilding Bridge," or the words "Against the Rebuilding of Bridge." If it appears

Question of rebuilding bridge to be submitted to vote of people.

How election to be conducted

that a majority of the votes cast at such election in each of said wards are for the rebuilding of the bridge, then the bonds shall be issued as provided in section six of this act, but not otherwise.

Construction of act. SECTION 12. This act shall be a public act, and shall be favorably construed to effect the objects of the same, and shall take effect from and after its passage and publication.

Approved March 8, 1876.

CHAPTER 201.

[Published March 15, 1876.]

AN ACT to provide for the manner of electing assessors in the city of Neenah.

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

Election of assessors.

SECTION 1. There shall be elected annually at the municipal election in the city of Neenah, two assessors from the city at large, who shall assess all the real and personal property within said city, and perform all the duties now incumbent upon assessors as provided by law.

Appeal to mayor.

SECTION 2. In case of disagreement of values in assessing, an appeal to the mayor (or in his absence, the acting mayor), and his decision shall determine for the purpose of completing the assessment roll.

Compensation of assessors.

SECTION 3. The assessors of the city of Neenah shall receive for their services such compensation as the common council shall determine, not exceeding three dollars per day for the time actually employed.

Repealed.

SECTION 4. All acts or parts of acts, contravening the provisions of this act, are hereby repealed.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved March 8, 1876.