

keep such beasts in some secure place other than the public pound, until his damages shall be appraised, and within twenty-four hours after such distress, unless the same shall be made on Saturday, in which case, before the Tuesday morning thereafter, he shall apply to a justice of the peace, who shall appoint three disinterested freeholders of such town to appraise the damages.

How damages to be determined.

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

Approved March 7, 1877.

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[Published March 14, 1877.]

### CHAPTER 195.

AN ACT to amend chapter one hundred and sixty-four of the laws of 1873, entitled "An act to incorporate the city of Fort Howard," approved March 14, 1873.

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

SECTION 1. That section 24 of chapter 8 of said act, is hereby amended so as to read: "The city treasurer of said city shall be entitled to receive and collect as fees for the collection of taxes, two per cent. upon all taxes collected by or paid to him after the first Monday of January, and before the first Monday of February, in each year, and one per cent. per month additional for every month that taxes shall remain unpaid, after said first Monday in February of each year, up to the time of the sale of lands or personal property for taxes. And in case of the distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sale of goods upon execution; for each certificate by him issued, on sale of lands for payment of taxes and assessments, ten cents (to be added to the amount of such tax or assessment, and included in such certificate) for each lot redeemed, for which he shall issue a certificate, twenty-five cents, and five cents for each additional lot or tract embraced in such deed, to be paid by the person receiving the same. The city treasurer shall collect the fees hereinbefore prescribed, and shall keep in a book to be provided for that purpose, a true account and statement of all fees received by him as city treasurer from any source what-

Amended.

Fees of city treasurer.

Treasurer to keep record of fees.

ever, and when the amount thereof shall reach the sum of five hundred dollars, which sum is hereby intended to be the compensation of said treasurer, all sums over and above that amount shall be paid by him into the general fund of the city. And such book shall be open at all reasonable times to the inspection of any person; and he shall, when required, make report to the common council on his oath, of all fees or other moneys received as city treasurer, and he shall receive no other or further compensation for his services as treasurer than is hereinbefore provided, except that the common council shall, at the expense of the city, provide him all necessary books, blanks and stationery necessary to the discharge of his duties; *provided*, that the common council may, at their last regular meeting in March in any year, fix by resolution the salary of the treasurer to be elected at the next ensuing election, but in no case to exceed eight hundred dollars.

Depositing of  
city funds.

SECTION 2. The common council may, by resolution, at their first annual meeting, or at any time thereafter, select some bank, banks or banking association in or without the limits of said city, where all the moneys in the treasury of said city, or which shall thereafter be collected or received by the treasurer shall be deposited; *provided, however*, that the depository or depositories so selected, shall, before receiving such funds, give security to an amount fixed by the said council, and in the same manner as is now required of the treasurer of said city, conditional upon the safe keeping and proper distribution of such funds, which security shall be approved by the common council.

Duty of city  
treasurer to  
deposit funds.

SECTION 3. The city treasurer shall daily deposit with the bank, banks or banking association so selected, all moneys collected or received by him during the day, it or they giving proper vouchers therefor. From the time of so depositing such moneys the said treasurer shall be relieved from all liability to the city arising from the failure of said bank, banks or banking associations safely to keep said funds and to account for the same. Such funds shall be drawn out only by the check of said treasurer, countersigned by the city clerk.

Council to  
make contract  
with bank.

SECTION 4. The common council may, before or after so selecting a depository or depositories, contract with such bank, banks or banking associations, that it or they shall pay to the city such interest upon said funds as they may mutually agree upon. The council may, at any time, direct all sums so deposited to be paid in-

to the city treasury or to such other bank, banks or banking association as they may select under the law, and they may at any time require such depository or depositories to give new or additional securities for such funds.

SECTION 5. Section one of chapter eleven of said act is hereby amended so as to read as follows: "The mayor and common council shall, at their first meeting in April, in the year A. D., 1878, elect as school commissioners one each from the First, Third and Fifth wards for the term of one year, and one each from the Second, Fourth and Sixth wards for the term of two years, and from the city at large for the term of two years, and at their first meeting in April of each year thereafter, they shall elect three, whose term of office shall be two years, and once in two years they shall elect one from the city at large to hold for two years; *provided, however,* that the seven members of the present board, who were elected for the term of two years, shall constitute the board until the expiration of the term for which they were elected. The members of the school board, when elected, shall choose their own presiding officer, and no member of the city council shall be eligible as a member of the school board.

Amended.

Election of school commissioners.

SECTION 6. That section six, of said chapter eleven, is hereby amended to read as follows: The city superintendent of schools shall receive an annual salary, which shall be fixed each year by the board of education, before the election of superintendent for said year.

Salary of superintendent of schools.

SECTION 7. Subdivision six, of section eleven, of said chapter, is hereby amended to read as follows: He shall, between the first and tenth days of September in each year, make a statement of the number of children, male and female designated separately, over the age of four and under the age of twenty years, residing in said city on the last day of August previous to the date of such report; and shall, on or before the tenth day of October in each year, make and transmit to the state superintendent of public instruction a report containing all the facts set forth in section forty-three of the general school laws of the state, a copy of which report he shall present to the board of education at their first meeting.

Superintendent to make report.

SECTION 8. Section nine, of chapter three, of said act, is hereby amended to read as follows: The common council at their first meeting in each year, or as soon thereafter as may be, shall designate one or

Publication of ordinances, etc.

more newspapers printed or published in the county of Brown, in which shall be published all ordinances, and other proceedings and matters required by this act, or by the by-laws, or ordinances of the common council, to be published in a public newspaper which printing and publishing shall be let by contract to the lowest bidder or bidders.

**Repealed.** SECTION 9. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after the first day of July, 1877.

Approved March 7, 1877.

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[Published March 21, 1877.]

#### CHAPTER 196.

AN ACT relating to the supreme court, and amendatory of chapter 284 of the laws of 1876.

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

**Amended.**

When allowance may be made by associate justice.

SECTION 1. Section 1 of chapter 284, laws of 1876, entitled "An act relating to the supreme court," is hereby amended by adding thereto the following: *Provided*, that in case of the sickness or absence of the chief justice, such allowance may be made by either of the associate justices.

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

Approved March 7, 1877.

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[Published March 21, 1877.]

#### CHAPTER 197.

AN ACT in relation to the settlement of estates when the county judge is incapacitated. To amend section 16, of chapter 117, of the revised statutes.

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

**Amended.**

SECTION 1. Section sixteen (16) of chapter one hundred and seventeen (117) of the revised statutes, is