

whether, and if any, how much more or less than estimated in July and October, will be needed for the entire school year ending in June.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1879.

[No. 376, A.]

[Published March 20, 1879.]

CHAPTER 180.

AN ACT to amend chapter one hundred and ninety-five, of the laws of 1878, entitled "an act to incorporate the city of Waupun."

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

Amendment.

SECTION 1. Chapter one hundred and ninety-five of the laws of 1878, entitled "an act to incorporate the city of Waupun" is hereby amended by striking out the word "six" where it occurs in the third line of section eleven of chapter four of said act, and inserting in place thereof the word "ten"

President of council.

SECTION 2. Section two, of chapter five, of said act, is amended by adding thereto, at the end of said section the following: *provided*, that in case of the absence or inability to act, of the mayor, if all of the aldermen be present, they shall constitute a quorum for the transaction of business, and may elect one of their own number a presiding officer, who shall be styled acting mayor, and who shall during such absence or inability of the mayor to act, perform the duties of such officer when required by the common council so to do.

Of grades.

SECTION 3. The eighteenth sub-division of section six of chapter five of said act is amended so as to read as follows: 18th. The common council shall have power and authority to establish the grade of any or all streets, gutters and sidewalks in said city, and the said common council shall on the petition of a majority of the owners of real estate bordering on any street or sidewalk in said city not less than ten rods in length, establish the grade of such street, sidewalk or gutter, as the case may be; such grade shall be established on the survey of a practical surveyor, to be appointed by the said common council, whose compensation shall not exceed the pay allowed by law for like services, and it shall be the duty of the common council to cause the

grade of all streets, gutters and sidewalks, when established, to be recorded in the office of the clerk of said city in a book to be provided for that purpose, and when any such grade shall have been so established and recorded, the same shall not be altered or changed except upon the written recommendation of a practical surveyor, and by the unanimous vote of the common council: *provided*, that where any grade shall have been so established on Main or Washington streets, between Mill and Carrington streets, in said city, such grade shall be uniform across the end of each such block: *and, provided further*, that no sidewalk shall be constructed or rebuilt within said city without such grade first established.

SECTION 4. Section six of chapter five of said act is amended by adding thereto at the end of said section the following: Subdivision 26th. The common council shall have power to compel the building and repairing of sidewalks in said city, to control and regulate their material and construction and to levy special taxes on the adjoining property for the building or repairing of the same in the manner provided in chapter eight, of this act. Special taxes for building and repairing sidewalks..

SECTION 5. Section eleven of chapter five of said act is amended by striking out the word "six," where it occurs in the second line of said section, and inserting in place thereof the word "ten." Amendment.

SECTION 6. Section two of chapter six of said act is amended by striking out the words "between the first Monday in May, and the first Monday in July," where they occur in said section, and inserting in place thereof, the words "on or before the first Monday in October." Amendment.

SECTION 7. Section four of chapter six, of said act is amended by striking out the words, "nor shall the common council issue in any one year orders upon the city treasurer greater in amount than the amount of taxes which may be levied and collected under this act for such year," where they occur in said section, and inserting in place thereof the words, "nor shall the common council issue orders on the city treasurer for any sum of money not actually in the treasury of said city at the time such order is issued." Amount of city orders limited.

SECTION 8. Section seven of chapter seven of said act is amended by inserting, after the word "delinquencies," where it first occurs in said section, the words, "the particular offense or delinquency shall be named." Amendment.

SECTION 9. Chapter eight of said act is hereby Manner of securing con-

struction of
sidewalks.

amended so as to read as follows: Chapter 8. Section 1. Whenever a majority of the resident owners of real estate, or lots bordering on any one side of any street or part of street in said city, not less than ten rods in length, shall desire to have a sidewalk built along the line of such real estate or lots, they shall make out, in writing, and sign an application to the common council in which shall be stated the points where they desire such sidewalk to commence and terminate, and request that such sidewalk be ordered laid, and that a special tax be levied upon the property bounded thereby sufficient to build the same. Section

Duty of coun-
cil.

2. On the receipt of such application, the common council, if it shall deem the building of such sidewalk necessary or expedient, shall prescribe the manner of its construction and the material of which the same shall be composed, and shall direct the street commissioner to cause the grade to be established for such sidewalk, and to report the cost of building the same along the line of each lot or tract of land bounded thereby. Upon the coming in of such report, the common council shall have power to alter or correct the same, and shall levy such tax and shall direct the clerk to make out and deliver to the street commissioner a list or roll of such tax as is required to build said sidewalk along the line of each lot or tract of land bounded thereby, giving the names of the owners, if known, and a description of each lot or tract of land so taxed; whereupon the street commissioner shall notify the persons named in such tax list by delivering to or leaving at the residence of each such person (if residing within said city) a written or printed notice requiring such person therein named to build such sidewalk to the approval of the street commissioner and in the manner directed by the common council, along the line of the lot or land so taxed, within thirty days, or to pay the amount of said tax in money. In case any person so taxed does not reside within said city, such notice may be served by delivering the same to such person if to be found, or in lieu of such personal service, such notice may be posted in three public places in said city. Section 3. To every such tax list or roll issued as aforesaid, a warrant shall be annexed, signed by the mayor and countersigned by the clerk, commanding the street commissioner to give notice to the several persons named therein, as is provided in section two of this chapter, and in case any such person shall have failed to build such sidewalk,

Duty of street
commissioner.

for the building of which such tax was levied, within thirty days after such notice, to demand the payment of such tax in money. The street commissioner shall return such tax list or roll to the city clerk within forty days from the time the same shall have been placed in his hands, together with his statement, duly verified, showing what part or parts of said sidewalk has been built as required therein by the several owners of lots and tracts of land along the line thereof, also what part of each such tax has been paid in money and by whom paid. Section 4. On the return of such tax list and warrant, if it shall appear that any part of any such tax remains unpaid, the common council may order the street commissioner to complete the building of such sidewalk, and the cost thereof shall be paid out of the general fund of said city, and all such unpaid taxes shall be collected as is provided in section six of this chapter, and when collected shall be returned into the aforesaid general fund. Section 5. Whenever any sidewalk in said city shall, in the opinion of the common council, require repairing or rebuilding, the said common council may direct the street commissioner to notify the owner or owners of such sidewalk to rebuild the same within twenty days, or to repair the same within twenty-four hours, as the case may be, which notice shall be given as is provided in section two of this chapter. In case any such person shall fail to rebuild or repair the same within the time required by such notice, the common council shall have authority to direct the street commissioner to rebuild or repair the said sidewalk, and to certify and return the expense thereof to the city clerk, and all such cost and expense shall become a tax against the property bounded by the sidewalk so rebuilt or repaired, and shall be collected as is provided in section six of this chapter. Section 6. The city clerk in making out the general tax-rolls of said city, next thereafter shall enter therein all such unpaid special taxes for the building and repairing of sidewalks in a separate column, opposite to the names and descriptions of the property against which such taxes remain unpaid, and such taxes shall be collected by the treasurer of said city in the same manner as the general taxes are collected.

Unpaid tax.

Rebuilding
sidewalks.Collection of
unpaid tax.

SECTION 10. Section fifteen of chapter five of said act is amended so as to read as follows: Section 15. The street commissioner shall collect the highway taxes of said city, and shall superintend the expenditure of

Expenditure of
highway tax.

the same under the direction of the common council; and he shall, before entering upon the duties of his office, execute and file with the clerk a bond to the city of Waupun for the faithful discharge of his official duties, in such an amount and with such sureties and conditions as shall be required by the common council and approved by the mayor.

Annual high-
way tax.

SECTION 11. Section three of chapter six of said act is amended so as to read as follows: Section 3. The common council of said city shall on or before the first Monday in May of each year determine the amount of highway tax for said city necessary to be collected for such year, and shall levy such tax on the assessment of said city for the previous year, which tax shall not be more than two mills on the dollar of such assessed value of said city, and the said common council shall also levy a poll tax of not to exceed one dollar and fifty cents upon each male person, not exempt by law from the payment of poll tax, of the age of twenty-one years and under the age of fifty years, residing within said city; which said poll and highway taxes may be paid in labor or money, as is provided herein. The highway tax roll of each year shall be made out by the clerk and delivered to the street commissioner of said city on or before the first Monday in June of each year, and to each such tax roll a warrant shall be annexed, signed by the mayor and countersigned by the clerk, commanding the street commissioner to demand the payment of such tax therein levied of the several persons and corporations therein named, any such tax may be paid in labor at such rate of compensation as shall have been fixed by the common council for such year and not otherwise, and the said common council shall at the time of levying the highway tax for any year, fix by resolution the rate of compensation to be allowed on such taxes for labor, teams, wagons, carts and plows, used in the payment of highway taxes for such year. The street commissioner shall give at least three days' notice to each person so taxed and residing within said city, and who may desire to pay such tax in labor, of the time and place where such labor may be performed or teams and utensils furnished, and shall inform such person of the rate of compensation fixed by the common council, and if any person so notified shall fail to appear and work such tax at the time and place he shall be notified by the street commissioner so to do, such person shall be precluded from afterward paying such tax in labor, and the same

shall in each such case be paid in money. The street commissioner shall collect all such highway taxes on personal property, and all such aforesaid poll taxes, in the same manner as town treasurers are required by law to collect taxes on personal property, and for that purpose shall have and possess all the powers conferred by law on town treasurers. On the first Monday in October of each year the street commissioner shall certify and return to the city clerk all unpaid taxes on real estate as appears from said roll, and the clerk shall insert the same in the general tax roll next thereafter in a separate column opposite the description of the property so taxed, and the same shall be collected therewith in the same manner as other taxes on real estate are collected and paid over to the street commissioner, who shall make a final return of such highway tax roll to the common council, whenever required by the said common council so to do.

SECTION 12. Section one of chapter five of said act Special police. is amended by striking out all after the word "city," where it occurs in the thirteenth line of said section, and inserting in place thereof the following words: And is hereby authorized to appoint policemen when in his opinion the good order and safety of the city shall require the same, and who shall, when so appointed, possess in all criminal cases the power and authority of constables in both the counties of Dodge and Fond du Lac, and may serve, execute and return in either of said counties all processes issued for the violation of any ordinance or regulation of said city, and any order made by any duly authorized officer of said city; all such appointments shall be subject to the approval of the common council, who shall prescribe the compensation and regulate the duties of such policemen.

SECTION 13. The sixth subdivision of section six of chapter five of said act Cleaning sidewalks. is amended so as to read as follows: 6th. To prevent the encumbering or obstructing of streets, alleys, sidewalks and public grounds with any material substance, and to require the removal from any street, alley, or public ground of any rubbish, filth or obstruction, by the person or persons who placed or caused the same to be placed therein and to require the removal of snow or other substances from any sidewalk in said city by the owners or occupants of the premises bounded thereby, and in default of such removal to cause the same to be done at the expense of such person or persons.

Amendment.

SECTION 14. Section eight of chapter four of said act is amended by striking out all after the word "state," where it occurs in the twenty-fourth line of said section.

SECTION 15. This act shall be in force from and after its passage.

Approved March 4, 1879.

[No. 270, A.]

[Published March 14, 1879.]

CHAPTER 181.

AN ACT fixing the terms of the circuit court in certain counties of the eleventh judicial circuit.

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

Ashland.

Barron.

Bayfield.

Burnett.

Chippewa.

Douglas.

Polk.

Terms in Chippewa and Polk to be special terms for whole circuit.

SECTION 1. The terms of the several circuit courts of the eleventh judicial circuit, shall hereafter be held as follows: In the county of Ashland on the second Monday of January and on the third Monday of July. In the county of Barron on the fourth Monday of April and on the fourth Monday of November. In the county of Bayfield on the third Monday of January and on the second Monday of July. In the county of Burnett on the first Wednesday of April and on the first Wednesday of November. In the county of Chippewa on the first Monday of June and on the first Monday of December. In the county of Douglas on the first Monday of July and on the fourth Monday of October. In the county of Polk on the second Monday of April and on the second Monday of November.

SECTION 2. Every term of said circuit court in the counties of Chippewa and Polk shall also be special terms for the whole of said circuit, and all actions, motions, proceedings or other business now pending, or which may hereafter arise in any or either of the counties in said circuit, and not requiring a jury, may be brought on, heard, tried and determined, or otherwise acted upon, or disposed of, at any or either of said special terms, in the same manner and with the same force and effect as if the same were brought on, or heard, tried, determined or otherwise acted upon or disposed of, in the county wherein the same are now pending or may hereafter arise; and when any cause or matters are pending in either counties different from the county in which the special term is held, the clerk