

of said section, the following: "Provided that said superintendent shall have authority in his discretion, when not otherwise directed by the board of education, to issue such certificates to any applicant or applicants who may have been already once examined and licensed by him, as aforesaid, in any previous year, without re-examination of such applicant or applicants," so that the first sub-division of said section sixteen, prescribing the duties of the superintendent of schools of said city of La Crosse, shall read as follows: 1. To examine all applicants for teachers' licenses in the branches taught in the public schools of said city, and, if such applicants be approved by him to give them certificates to teach in said city not exceeding one year from the date thereof: *provided*, that said superintendent shall have authority, in his discretion, when not otherwise directed by the board of education, to issue such certificates to any applicant or applicants who may have been already once examined and licensed by him as aforesaid in any previous year, without re-examination of such applicant or applicants.

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

Approved February 25, 1879.

[No. 246, A.]

[Published February 27, 1879.]

## CHAPTER 81.

AN ACT to amend an act entitled an act to revise, consolidate and amend an act, entitled an act to incorporate the city of Waupaca, approved March 5, 1875, and approved March 10, 1876.

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

SECTION 1. Section thirteen of chapter three is hereby amended so as to read as follows: Section 13. At the first meeting of the council after the annual election in April in each year, or within ten days thereafter, the common council may elect one superintendent of streets for said city, and a city surveyor, each one of whom shall hold his office until his successor is appointed and qualified, and the common council shall have power to fill, from time to time, vacancies that may exist in said offices.

SECTION 2. Section fifteen of chapter three is here-  
by amended so as to read as follows: Section 15. Duties and compensation

**of street super-  
intendent.** The superintendent of streets shall perform the duties, and under the restrictions and for the compensation prescribed in section seven of chapter six of this act, and such other duties as may be required of him by this act and the ordinances of the common council of said city, not inconsistent with this act.

**Further duties.** SECTION 3. Section three of chapter six is hereby amended so as to read as follows: Section 3. It shall be the duty of the superintendent of streets to see that all the ordinances of the city, relating to the obstruction and clearing or cleaning of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses, in said city, are duly observed and kept, and direct and control the persons employed therein. Under the supervision of the common council, the superintendent of streets shall have a general supervision over all the works let by contract for the improvement of streets or sidewalks in said city unless the common council shall otherwise provide.

**Construction of  
sidewalks.** SECTION 4. Section four of chapter six is hereby amended so as to read as follows: Section 4. Sidewalks shall be constructed, reconstructed or repaired, upon the proper established grade of any street in said city, of such width, in such manner, of such materials and in such time, as the common council by ordinance, resolution or order, shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, in the manner, of the material, or at the time, as so directed, the common council may cause the same to be constructed forthwith at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable responsible bidder, and notice shall be given by publication in the official paper of the city, by at least one insertion thereof, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the costs of constructing the same: *provided*, that no such contract shall be let until twenty days after notice shall have been given to such owner or owners of the ordinance, resolution or order, requiring the construction of such sidewalks, by the publication of the same by at least one insertion in the official paper of the city: *provided, further*, that nothing herein contained shall

prevent the common council from directing the work to be done by the superintendent of streets, or by the city, without letting the same as hereinbefore provided.

SECTION 5. Section five of chapter six is hereby amended so as to read as follows: Section 5. The common council shall have power, by a vote of a majority of all its members, to order the building, construction, reconstruction or repair of sidewalks in the city of Waupaca, in such manner as they may deem proper. The city clerk shall, in case the city council propose to let the work to the lowest bidder, receive proposals for constructing and repairing sidewalks, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder, provided such bid is a reasonable one, subject to such provisions, in case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks, and levying and collecting special taxes on the respective lots, to pay for the same, shall be the same as herein provided as in case of constructing a new sidewalk, except as otherwise provided in this section. No contractor, for building or repairing sidewalks, shall receive any pay therefor from the city, under any circumstances, until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair and so remain for the space of twenty-four hours, which in the opinion of the superintendent of streets will not cost to exceed the amount of five dollars, in front of any one lot, to repair the same, he shall be authorized, and it is hereby made his duty to cause the same to be immediately repaired; and when the same is completed, he shall make out an itemized bill of the cost of such repairs, specifying the lot or block, or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Waupaca, for payment; and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the city of Waupaca, the

Authority of  
council to or-  
der sidewalks  
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said superintendent shall return said account to the common council, with his certificate, stating the fact, and the council shall thereupon levy a special tax to pay the same, in the manner in this section provided.

Poll tax; persons exempt from paying; how collected.

SECTION 6. Section six of chapter six is hereby amended so as to read as follows: Section 6. Every male inhabitant of the city of Waupaca, over twenty-one years of age and under sixty, except active members of the fire department, and such as shall be exempted on account of sickness, infirmity, poverty or other cause, as hereinafter provided, shall pay into the city treasury annually the sum of one dollar and fifty cents each, as a poll tax. It shall be the duty of the assessor of the city of Waupaca, during the month of May in each year, to make out duplicate lists of all the persons liable to said tax in the city of Waupaca, and said assessor shall, on the first Monday of June of each year, deliver one of said lists to the city clerk and one to the treasurer of the city of Waupaca. The said treasurer shall thereupon immediately proceed to collect the same; and all persons liable to pay such tax, who shall not have paid the same after demand, either personally or by written notice left at their usual place of abode, on or before the first day of July in each year, shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Waupaca. The process in such case shall be by warrant, and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail not to exceed ten days. The said assessor, in making such list, shall designate the ward in which such person on said list resides; and the treasurer shall credit each ward of the city with the amount thus collected from the inhabitants of such ward. The moneys collected as above shall be kept as a distinct fund, and shall be expended under the direction and supervision of the superintendent of streets, on the repair and improvement of streets of the respective wards in which said tax is paid, and to be drawn out upon itemized accounts of the superintendent of streets, certified to by the alderman of the ward in which said work is done, and audited by the common council. The mayor, assessor and city clerk shall constitute a board to determine the liability of persons to pay such tax; and all persons claiming to be exempt from such tax, must apply to said board within twenty

days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property.

SECTION 7. Section seven of chapter six is hereby amended so as to read as follows: Section 7. The superintendent of streets shall, before entering upon the duties of his office, execute to the city a bond in the penal sum of five hundred dollars, with two sufficient sureties, to be approved by the council, conditioned for the faithful performance of the duties of his office and for such other duties as may be required of him by the council, and for the proper expenditure of the money which may be collected or come into his hands by virtue of his office. He shall have a general supervision of all streets, subject to the common council; he shall expend the money realized from the poll tax in the respective wards, at such places in each ward as he shall see fit; he shall, on or before the first day of September in each year, report to the council in writing, under oath, a true and correct statement of all moneys received by him by virtue of this act, and from whom received, and how, where and when expended; and the said superintendent of streets shall be held strictly responsible for the full and complete execution of this act so far as the same relates to streets, according to the terms thereof, and the council may at any time remove him from office for neglect of duty, and appoint a competent man in his place. The street superintendent shall receive for his services not more than two dollars for each day actually and necessarily occupied by him in the discharge of his duties.

SECTION 8. Section thirteen of chapter six is hereby amended so as to read as follows: Section 13. All work provided for in this chapter shall be done under the supervision of the common council, or a committee thereof, and superintendent of streets.

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

Approved February 25, 1879.