

[No. 228, A.]

[Published March 15, 1880.]

CHAPTER 158.

AN ACT to amend section one thousand three hundred and ninety of chapter fifty-five of the revised statutes of 1878, by adding the words "wire" and "barbed wire," after the word "boards," in the second line of said section.

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

Description of
legal fence.

SECTION 1. All fences four and one-half feet high and in good repair, consisting of rails, timbers, boards, wire, barbed wire, or stone walls, or any combination thereof, and all brooks, rivers, ponds, creeks, ditches and hedges, or other things which shall be considered equivalent thereto in the judgment of owners within whose jurisdiction the same may be, shall be deemed legal and sufficient fences. Fences on marsh or swamp lands may be made by a ditch combined, not exceeding twelve feet in width, equal amounts of material being taken from, or space occupied on each side of the division line.

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

Approved March 10, 1880.

[No. 377, A.]

[Published March 16, 1880.]

CHAPTER 159.

AN ACT to amend chapter six of chapter four hundred and seventy-four of the private and local laws of 1866, entitled an act to reduce the act incorporating the city of Janesville and the several acts amendatory thereof, into one act, and to amend the same, approved April 12, 1866.

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

Amended.

SECTION 1. Chapter six of chapter four hundred and seventy-four of the private and local laws of 1866, is hereby amended by adding to said chapter the following sections, and numbered consecutively as follows:

Nomination of
street commis-
sioner.

SECTION 41. At any regular meeting of the common council held during the month of May of any year, the mayor shall nominate a street commissioner, and if any such nomination shall be confirmed by a majority of the aldermen, the person so nominated and confirmed shall be the street commissioner for the ensuing year.

SECTION 42. The person so appointed shall take the oath of office prescribed for the aldermen, and shall within five days from the date of his appointment give a bond to the city in the penal sum of one thousand dollars with good and sufficient sureties, to be approved by the mayor, 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 in his hands by virtue of his office.

Oath of office
and bond.

SECTION 43. It shall be the duty of such street commissioner, within ten days after his appointment, confirmation and qualification, to inspect all the streets and highways of the city, and all sidewalks, crosswalks, ditches, gutters, sewers, culverts and bridges; and all things and matter appertaining to the streets and highways, and report in writing to the common council recommending in his opinion what is necessary and ought to be done thereto, in separate items in the order of the first, second and third importance and necessity, and so on to the end of his recommendations under item number one for the first necessity, item number two for the second necessity, and so on; and he shall make and keep a duplicate of his report. On receipt of said report, the common council shall consider the same, add to, amend, strike out or change the order of any item, as it may deem best, and as soon as acted upon in full, the city clerk shall certify to said street commissioner the action of the council thereon. Upon receiving the same, said commissioner shall proceed and cause to be executed under his immediate supervision, all such necessary work or repairs as shall be directed by the common council, in such manner and by such means as it may from time to time direct, as now provided for in the charter of said city of Janesville and the several acts amendatory thereof; but in no event shall said superintendent incur any indebtedness otherwise than that provided by the common council; he shall also perform such other duties as the common council shall direct, by ordinance or otherwise, relative to streets.

Duty of street
commissioner.

SECTION 44. It shall be the duty of said street commissioner, when directed by the common council, to notify all persons liable to pay a poll tax, as contained in a list to be furnished him by the city clerk, on or before the first Monday of May, in each year, and to credit the same to the person who

Poll tax.

In case of refusal to pay poll tax.

may work out the same upon the streets or highways, or to collect the money where they elect, to commute the same, as is now provided by law. In case any person who may be liable to pay a poll tax as provided for in section thirty-three of chapter six, of chapter four hundred and seventy-four, of which this act is amendatory, shall refuse to work or pay the same, it shall be the duty of said street commissioner to proceed and collect the same in the manner now provided for in section nine hundred and eleven, of chapter forty of revised statutes of 1878, and the same powers are conferred upon said street commissioner in collecting the same as is conferred upon town and village treasurers by said section and act, said money when so collected, to be paid into the treasury of said city of Janesville, and to be expended only by direction and order of the common council, upon the streets and highways of said city.

Commissioner to have control of teams, etc.

SECTION 45. The said commissioner shall have control and charge of all teams, wagons, tools and implements owned by said city and used upon the streets of said city. He shall also employ such help, teams, tools and implements as he may require for the performance of all work necessary to be done by him, and shall carry out the details of the general plan laid out for him by the common council, and by the highway, street and bridge committee. He shall keep a record time book of the time of all persons and teams employed by him, where employed and what materials used, and where used, and the price to be paid for help, teams and materials; and no bill for service or materials furnished and used upon the streets shall be allowed by the common council unless first certified to as correct by said commissioner, and in no event shall said street commissioner be interested in or own any teams employed by him in performing any work provided to be done by the provisions of this act.

To keep record of time.

To report to council.

SECTION 46. The maximum price to be paid for employes and teams shall be fixed by the council, but the said commissioner shall have the selection and control of the employes and teams so used. It shall also be the duty of said commissioner to make to the common council an annual report of his doings, or oftener if required by them, giving in detail where and what work has been done or performed, the amounts paid to employes for work and use of teams, materials, tools and implements, together with such other information as the common council may direct or demand.

SECTION 47. It shall be the duty of the common council to fix the salary or compensation of said street commissioner at least one week before he is nominated and confirmed by said council, but in no case after he has assumed the duties of his office shall his compensation be increased or diminished during the time for which he was appointed to serve.

Salary of commissioner.

SECTION 2. Section twenty of chapter six of said chapter four hundred and seventy-four is hereby amended by striking out the word "twelve," after the words "as hereinbefore provided," and insert in lieu thereof the word "five," so that said section, when amended, shall read as follows: Section 20. In all cases where taxes or assessments are not paid on or before the day of the filing of the treasurer's report for judgment of the court as hereinbefore provided, five per cent. shall be collected as additional costs, and be added to and collected with the other taxes or assessments as the case may be, and the expenses authorized to be collected on the property assessed, and for this purpose the treasurer shall add to his said report, in a separate column, the amount of such additional costs; and on all taxes and assessments paid between the time of the expiration of the twenty days notice, as provided in section four of this chapter, and the time of sale of the real estate on which such taxes and assessments are a lien, interest at the rate of twelve per cent. per annum, to be computed from the date of the warrant for the collection thereof to the date of such payment, shall be added to the same and collected therewith; and said treasurer shall also collect with such taxes and assessments, all fees, costs and expenses incident to the proceedings consequent upon nonpayment of taxes and assessment as provided in the act, and such fees, costs and expenses are hereby declared to be legal charges upon the real estate on which any tax is levied or assessment made under the provisions of the act. The fees for publishing notice of sale of lands for taxes or assessments under this act shall be the same as provided in section one hundred and thirty-three of chapter fifteen of the revised statutes for publishing notice of sale for taxes, and for publishing all other notices, proceedings and advertisements required to be published under this chapter, the same fees as allowed for publishing legal notices, etc., by section thirty-seven of chapter one hundred and thirty-one of the revised statutes; and the clerk of the circuit court shall have and receive the same fees on proceedings in said court

Amended.

When five per cent. to be added to taxes.

When twelve per cent. interest to be charged.

Fees for publishing notice.

Fees of clerk of the court.

under the provisions of this chapter, as for similar services in other cases in said court; said fees, costs and expenses shall be apportioned equally upon the several parcels of lands concerning which said notice or notices were published and said proceedings taken.

SECTION 3. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1880.

[No. 174, A.]

[Published March 17, 1880.]

CHAPTER 160.

AN ACT to provide for the election of the president, secretary and treasurer of the Plymouth farmers' fire insurance association.

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

Elections by ballot.

SECTION 1. The president, secretary and treasurer of the Plymouth farmers' fire insurance association of the county of Sheboygan, shall be chosen by ballot at the annual meeting of the corporation by the members thereof, but no director shall be eligible to the office of president, secretary or treasurer.

President and secretary of board of directors.

SECTION 2. The president and secretary elected as herein provided shall be respectively president and secretary of the board of directors of the aforesaid corporation, but shall have no power to vote on any question before said board of directors, except in case of a tie vote the president may cast the deciding vote.

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

Approved March 10, 1880.

[No. 41, A.]

[Published March 13, 1880.]

CHAPTER 161.

AN ACT to exempt members of the Watertown fire department from certain duties therein named.

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

Exemption from service on juries and from military duty.

SECTION 1. Each and every person being a member of the fire department in the city of Watertown, organized in pursuance of any law of this state, and having served as such for the term of ten years, shall be entitled to a discharge certificate, to be signed by