

treasurer, or by the person collecting the same, and the same shall be put in the annual tax roll by the city clerk, and be collected in all respects as is provided by law for the return and collecting of delinquent road taxes in the towns of Iowa county.

SECTION 4. Section 9, of chapter 10, of chapter 237, of the laws of 1873, is hereby changed and amended so as to read as follows: Section 9. To the mayor and each of the aldermen of said city for his attendance upon a regular meeting of the common council not to exceed one in each month, the following compensation shall be allowed to be paid out of the city treasury; to the mayor two dollars, to each alderman one dollar.

Section 9, chapter 10, amended.

SECTION 5. This act shall take effect and be in force from and after its passage and publication. Approved April 4, 1885.

[No. 235, A.]

[Published April 10, 1885.]

CHAPTER 305.

AN ACT to amend chapter 254, of private and local laws of 1868, and the several acts amendatory thereof, being the acts revising and amending the acts incorporating the city of Sheboygan.

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

SECTION 1. Subchapter 3, of chapter 254, of private and local laws of 1868, is hereby amended by adding thereto another section, as follows: Section 10. The term of office of all officers of said city, who are elected by the people at such annual municipal elections, shall commence on and with the third Tuesday of April in the year in which they are elected.

Subsection three amended.

SECTION 2. Subdivision 3, of section 1, of subchapter 10, of said chapter 254, is hereby amended so as to read as follows: 3. To annually levy and collect a tax not exceeding five mills on the dollar on the assessed value of all real and personal property in the city made taxable by the laws of this state for the support and main-

Subsection three, of section one, amended.

tenance of the fire department, to purchase and repair engines, steamers and horses for the fire department, and fire apparatus, and the building and repairing of engine houses; to provide such other means of water supply for protection against fire as may be adopted, and other requirements for the fire department of said city which shall constitute the "Fire Fund."

Section two, of
subchapter
thirteen,
amended.

SECTION 3. Section 2, of subchapter 13, of said chapter 254, is hereby amended so as to read as follows: Section 2. The common council shall have the power to establish the width of sidewalks and the grade upon which they shall be built, and to prescribe the plan thereof, and the material of which they shall be constructed upon any street in said city, and to require that such sidewalks be so constructed and placed upon the established grade at the expense of the lots or premises fronting thereon, and to require the construction of cross walks, gutters and sewers at the expense of the ward. Thereupon, the street commissioners of the ward in which the same is to be constructed, shall have the charge of such construction, and require the same, and attend thereto, as hereinafter provided for grading or other improvement of streets. And it shall be the duty of the street commissioners to require that sidewalks be kept in repair, and be kept and placed upon the established grade, and to repair the same or have them placed upon the established grade, wherever the owner has placed the same too high or too low, at the expense of the abutting lot or premises, whenever the owner or occupant of such premises neglects so to do. If there is an occupant on such abutting premises, or if the owner thereof resides in the city and is known to the street commissioners or being known, has an agent in the city known to such commissioners, a written order for such repairs or changes specifying the time when the same shall be done shall be made by the commissioners and a copy thereof, served on such occupant or known owner or agent in the manner provided for serving a summons in civil actions, at least six days previous to the time therein specified for the owner to perform the same; and where such personal notice cannot be given a copy of such order shall be posted in a

conspicuous place in the post-office in said city. The repairs shall be made by the street commissioners if the owner neglects to make the same, and they shall report the actual expense thereof, without any charge for commissioners' services to the common council; and the common council may thereupon order that such expense be assessed against the adjoining premises, and entered upon the tax roll and collected for the use and benefit of the ward, to repay such expenditure, as the taxes on real estate are charged and collected. The street commissioners shall, within their respective wards, repair and keep in repair all streets, bridges, culverts, cross walks, gutters and sewers at the expense of the ward; and in case of their neglect so to do, the common council shall have authority to require and cause such repairs to be made at the expense of the proper ward.

SECTION 4. Section 3, of said subchapter 13, is hereby amended, so as to read as follows: Section 3. The common council shall have authority to require that any certain street or alley, or part of a street or alley, be graded, graveled macadamized or paved, as they shall determine, and that the cost and expense thereof, to the center of said street or alley, be borne and charged to the lots or premises respectively, fronting or abutting upon the portion of such street or alley for which such work is required; provided, however, that no such work shall be ordered at the expense of such abutting lots, unless a petition shall be made and presented to the common council, signed by the owners of three-fifths of the number of feet frontage of lots or parts of lots or parcels of land fronting or abutting upon the portion of street for which such work is requested, exclusive of streets, alleys and public grounds. The signing of such petition shall constitute a waiver by the signer of all claims for damages or injury. An ordinance or resolution based upon a petition shall be presumptive evidence that such petition was in accordance with the foregoing requirement.

Section three,
of subchapter
thirteen,
amended.

SECTION 5. Section 4, of said chapter 13, is hereby amended so as to read as follows: Section 4. Whenever the common council shall require or authorize any work or improvements mentioned in sections 2 and 3 of this chapter, which shall be

Section four, of
chapter thir-
teen, amended.

chargeable to lots or parcels of land, as therein provided, such work shall be made and performed under the direction and authority of the street commissioners of the ward in which the same is located. After the resolution or ordinance requiring the same shall have passed, the city clerk shall publish in the official paper of the city, at least two weeks prior to the time therein fixed for completing the work, a notice to all owners or occupants of lots or parcels of land liable to the expense of any such improvement (in which it shall be necessary only to mention the blocks or lots affected thereby), requiring such owners or occupants to do the work mentioned in such notice, within a time which shall be therein specified, and that if the said work is not completed within such time, to the acceptance of the street commissioners, the same will be let to the lowest bidder and made a charge to such lots respectively. If any such work shall be left not completed by the lot owner as required by such notice, the said city clerk shall advertise for at least ten days, in said official paper, for proposals for the doing of such work, to be received by the said city clerk at the time therein stated, and thereafter the street commissioners of said ward shall proceed to let such work to the lowest responsible bidder by contract, in the name of the city. If no bids are received therefor, the street commissioners shall let the same by contract at as low and reasonable sum as they can arrange for the same. The expense incurred by such contract or letting shall be apportioned by the street commissioners, upon the basis of the specifications filed therefor as hereinafter provided, and such part thereof as is made a charge against the lots respectively shall be certified by them and be assessed and collected against the said lots or parcels of lands as hereinafter provided; and any portion thereof made a public charge shall be paid as directed by the common council. The affidavit of the printer thereof, shall be *prima facie* evidence of the notice hereinbefore prescribed and of the time and manner of publication.

Section six, of
subchapter
thirteen,
amended.

SECTION 6. Section 6, of said subchapter 13, is hereby amended so as to read as follows: Section 6. It shall be the duty of the common council before ordering any improvement which is charge-

able to adjoining lots under the provisions of this chapter, to have such plan, profile, or specifications made as shall furnish reasonable information of the work required, and in case of excavations or fillings, an estimate of the number of yards thereof, required of each lot or parcel affected thereby, which shall be considered as specifications of the work and be filed with the city clerk. The street commissioners may furnish such plan and information, or require the same to be furnished by the city surveyor. Any failure or irregularity therein which does not cause actual injury to or mislead the lot owners shall not affect the validity of any proceedings under this chapter.

SECTION 7. Section 7, of said subchapter 13, is hereby amended so as to read as follows: Section 7. Whenever, under the provisions of this chapter, the improvement ordered shall require deep cutting or extraordinary filling in any street or sidewalk, or any portion thereof, and the owner or owners of land fronting on such deep cutting or filling shall deem himself or themselves aggrieved thereby, and he or they shall, before the expiration of the time fixed in the notice for doing the work, notify the street commissioners of the ward in writing that the expense of such filling or excavation will greatly exceed the benefit the same will be to the property charged therewith, the street commissioner shall direct, and the city marshal or any constable they shall call upon, shall summon three disinterested freeholders who are not residents of the ward in which such work is ordered, and such freeholders, after being duly sworn by the city clerk faithfully and impartially to discharge their duty in such matter, shall examine the premises and certify whether, in their opinion the cost of the work ordered will exceed the benefit derived therefrom by such lot or lots, and whether any and what portion or share of such work should be chargeable to such lot or parcel of land, and how much or what portion should be a public charge, and deliver such report to the street commissioners. Thereupon the street commissioners shall submit such report to the common council at their first regular meeting thereafter, for hearing and determination. The common council shall then consider the matters so reported and either affirm such report, or make

Section seven,
of subchapter
thirteen,
amended.

such order in the premises as shall deem just; and for that purpose may, at their discretion, summon and hear witnesses, either before the common council, or before a committee appointed for the purpose. If the common council shall determine that any portion of the expense of the proposed work should be a public charge, they shall order what portion should be so charged, and what portion of the expense, if any, should be a charge to the lot or lots affected thereby. Any certificate issued by the street commissioners under section 9, for the charge and expense of such work, as to such lots so affected, shall be for the portion so made a charge by such order.

Section one, of
chapter 236,
amended.

SECTION 8. Section 1, of chapter 236, of the laws of 1874, is hereby amended so as to read as follows: Section 1. The justices of the peace, and each and every one of them, of said city of Sheboygan, shall have like civil and criminal jurisdiction, and perform all the duties of justices of the peace as provided by the general laws of the state. Said justices shall also have original jurisdiction of all causes growing out of the violation of the charter or of any ordinance, rule, order, resolution or by-law of said city, and of all cases wherein the city is a party, as are within the jurisdiction of a justice of the peace, and the office of police justice of said city of Sheboygan is hereby abolished. And each and every justice of the peace within said city, shall make a monthly report to the common council of all fines and penalties collected by him belonging to the city, and shall be liable to a penalty of twenty-five dollars, recoverable in the name of the city, for each failure so to report as aforesaid.

Section eight,
of chapter 236,
amended.

SECTION 9. Section 8, of chapter 236, of the laws of 1874, is hereby amended, so as to read as follows: Section 8. The record of all ordinances of said city, as now appearing in the book of ordinances kept by the city clerk, is hereby validated, and the same or a copy of any thereof, certified by the city clerk as a true copy shall be received as evidence of the due passage, publication and recording of the same. The common council may have the ordinances of said city, or any thereof, printed in pamphlet or other form, and such publication, purporting to be by such authority, shall

be received in all courts as presumptive evidence thereof.

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

Approved April 4, 1885.

[No. 403, A.]

[Published April 9, 1885.]

CHAPTER 322.

AN ACT to incorporate the city of Lake Geneva.

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

CHAPTER I.

SECTION 1. All the territory hereinafter described, situated in the county of Walworth, shall from and after the adoption of this charter as hereinafter provided, be a city by the name of Lake Geneva, and the people now inhabiting, and those that shall hereafter inhabit said territory, shall be a municipal corporation by the name of the city of Lake Geneva, and shall have all the general powers, rights and immunities possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession and shall be capable of contracting and being contracted with, suing and being sued, of pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Corporate name.

SECTION 2. All the territory in the county of Walworth and state of Wisconsin, included within the following described boundaries, shall constitute the city of Lake Geneva, to wit: Commencing at the southeast corner of town two, north of range seventeen east, in said county; thence north forty chains in the east line of said town to the quarter section post therein; thence east four hundred sixty-six and sixty-nine hundredths feet in the east and west quarter line of section thirty-one in town two, north of range eighteen east in

City boundaries.