

in the name of the city, sue for and collect such tax, with fifty per cent. damages on the same, with cost of suit, before any justice of the peace of said city; provided, however, the common council may by resolution cause the said poll tax list to be placed in the hands of the superintendent of streets, and said superintendent of streets shall have the same power to collect and receipt for such taxes as the treasurer and shall account for such taxes by him collected in the same manner as for other moneys coming into his hands by virtue of his office, and the treasurer and superintendent of streets, while said poll tax list is in his hands for collection, shall put upon the same the names of all such persons liable to such poll tax as shall have been omitted therefrom, who shall then be liable, the same as if their names were originally placed upon such list.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1887.

[No. 160, A.]

[Published March 26, 1887.]

CHAPTER 122.

AN ACT to amend chapter 313, of the laws of 1876, entitled, "an act to revise, consolidate and amend the charter of the city of Racine, approved August 8, 1848, and the several acts amendatory thereof," approved March 11, 1876, and the several acts amendatory thereof.

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

SECTION 1. Section 2, of title 1, of chapter 313, of the laws of 1876, is hereby amended to read as follows: Section 2. The territory included within the following boundaries and limits shall constitute the "City of Racine," to wit: Beginning at a point three miles due east from the northeast corner of the fractional southeast quar-

Boundaries of city defined.

ter of section number four, in township number three north, of range number twenty-three east, in the county of Racine, running thence west, along the quarter lines of sections four and five to the north and south quarter line of section five; thence due south along the quarter lines of sections five and eight, to the north line of section seventeen; thence west along the north line of section seventeen to the west line of section seventeen; thence south along the west line of sections seventeen and twenty, to the southwest corner of the northwest quarter of section number twenty in said township number three and range number twenty-three, and thence east along the quarter section lines of sections twenty and twenty-one, to Lake Michigan; thence easterly to a point three miles due east, and thence northerly to the place of beginning.

Ward boundaries defined.

SECTION 2. Section 3, of title 1, of said act as amended, is hereby amended to read as follows: Section 3. The said city shall be divided into wards, and the number and boundaries shall be as follows, until altered by the common council: The first ward shall embrace all the territory south and east of the center line of Root river and north of the center line of Seventh street and east of the center of Park avenue. The second ward shall embrace the territory bounded as follows: Commence at the intersection of the continuation of the center line of Seventh street with the east boundary line of the city; run thence west along the center of Seventh street to its intersection with College avenue; thence south along the center line of College avenue to the south line of section sixteen; thence west along said south line to the northwest corner of the east half of the northwest quarter of section twenty-one; thence south to the city limits; and thence east to the east boundary line of the city, and thence north to the place of beginning. The third ward shall embrace all that territory situated within the following boundaries: Commencing at the intersection of the center line of College avenue with the south line of section sixteen, run thence west on the south line of said section to its intersection with the center line of Center street; thence north along the center of Center street to the center of Root river; thence easterly along

the center of said river to the intersection with the center line of Park avenue; run thence southerly along the center of Park avenue to the center of Seventh street; run thence east along the center of Seventh street to the intersection with the center line of College avenue, and thence south along the center of College avenue to the place of beginning. The fourth ward shall embrace all that part of the territory of said city bounded as follows: Commence in the center of Root river on the south line of the north half of section nine; run thence west to the center of St. Clair street; thence northerly along the center of St. Clair street to the intersection with the center line of Prospect street; thence west along the center line of Prospect street to the center of Marquette street; thence north along the center line of Marquette street to the center line of St. Patrick street, and thence easterly along the center line of St. Patrick street to the east boundary line of the city; thence south along the east boundary line of said city to the center line of Root river; thence westerly on said last named line to the place of beginning. The fifth ward shall embrace all that territory situated within the following boundaries, to-wit: Commence in the center of Root river on the south line of the north half of section nine; run thence west to the center of St. Clair street; thence northerly along the center of St. Clair street to the intersection with the center line of Prospect street; thence west along the center line of Prospect street to the center of Marquette street; thence north along the center line of Marquette street to the center of Albert street; thence west along the center line of Albert street and Albert street extended to the west boundary line of the city; thence south along the west boundary line of the city to the north line of section seventeen; thence west along the north line of section seventeen to the west line thereof; thence south along the west line of section seventeen to the south line of the highway running along the north side of Mound cemetery; thence east along the south line of said highway and the same extended to Root river; thence along the center line of said river to the place of beginning. The sixth ward shall embrace all that territory of the city situated

south of the fifth ward and the center line of Root river and not embraced by the first second and third wards. The seventh ward shall embrace all that part of the territory of the city bounded as follows: Commencing at the intersection of the center line of St. Patrick street with the east boundary line of said city; thence west along the center line of St. Patrick street to the center line of Marquette street; thence south, along the center line of Marquette street to the center line of Albert street; thence west along the center line of Albert street and Albert street extended to the west boundary line of the city; thence north on said west boundary line to the north boundary line of the city; thence east on the said north boundary line to the east boundary line of the city; thence southerly on the east boundary line to the place of beginning.

Who are entitled to vote.

SECTION 3. Section 8, of title 2, of said act is amended to read as follows: Section 8. All elections by the people shall be by ballot and a plurality of votes shall elect. All persons entitled to vote at any election for the state or county officers, and who shall have resided in the state for one year next preceeding such election and for ten days within the election district where they offer to vote, shall be entitled to vote for any officer to be elected under this act and be eligible to any office hereby created.

Amended.

SECTION 4. Section 7, of the title 3, of said act as amended by chapter 26, of the laws of 1877, is hereby amended by striking out the words, "fifteen hundred" in the last sentence thereof and inserting in lieu thereof the words, "eighteen hundred."

Regulating streets.

SECTION 5. Subdivision 32, of section 3, of title 4, of said act is hereby amended so as to read as follows: 32. To control, regulate, repair, mend and clean the streets, alleys, public grounds, bridges, side and cross walks, and open, widen, straighten and vacate streets and alleys, and establish and alter the grades thereof; to provide for sprinkling the streets, alleys and public squares at the cost of the lots or parts of lots fronting thereon, and to prevent the encumbering of the streets and alleys in any manner, and to protect the same from encroachment or any injury, and to regulate the manner of using the

streets and pavements of said city and to protect the same from injury by vehicles used therein.

SECTION 6. Section 9, of title 5, of said act, as amended by chapter 123, of the laws of 1882, is hereby amended to read as follows: Section 9. Whenever the amount of benefits found and assessed by such commissioners shall be less than the amount of damages found and assessed the difference shall be paid by the city of Racine from the contingent fund, or from a special fund to be raised for that purpose; provided, however, that the common council may at any time before the adoption of the final resolution ordering such street, alley or ground to be opened, discontinue, dismiss and annul the proceedings had.

Relating to difference assessed.

SECTION 7. Section 22, of title 5, of said act, is hereby repealed.

Repealed.

SECTION 8. Section 2, of title 6, of said act is hereby amended by inserting after the word, sewers, in the first sentence thereof, the words, and revetment retaining walls.

Amended.

SECTION 9. Section 8, of title 6, or of said acts as amended by chapter 77, of the laws of 1883, and chapter 226, of the laws of 1885, is hereby amended to read as follows: Section 18. The common council may cause the construction and repair of suitable breakwaters, parallel piling, sheet piling, piers, cribs or such other protections as may be planned or devised for the purpose of protecting the lake shore within the limits of said city of Racine from the encroachments of the waters of Lake Michigan, in the manner hereinafter provided. Whenever it shall be deemed necessary by the common council to construct or repair any of the protections specified in this section, the common council shall first cause plans and specifications and an estimate of the cost thereof to be made and filed with the city clerk. After the adoption of such plans and specifications, and after the cost of such protections shall have been so ascertained, the work shall be let by contract to the lowest responsible bidder or bidders; at least two weeks' notice of the receiving of such bids having been given in the official paper of the city; and the common council may reject any and all bids if found too high, or for any neglect to furnish satisfactory bonds for the prompt,

Encroachments of the lake.

faithful and skillful performance of such contract. Such contract, however, shall be of no validity as against said city of Racine until the report of the special commissioners hereinafter specified shall have been confirmed by the common council. The contractor or contractors shall be required to receive as part payment the certificates of special assessments upon the lot or parcels of land benefited, and shall be required to make a contract in all respects similar to the provisions of the contract named in section 8, of this title, as amended by chapter 226, of the laws of 1885, so far as said certificates are to be used to pay for such work. After such contract shall have been let as aforesaid, the common council shall direct application to be made for the appointment of five special commissioners to determine the several amounts to be charged against any and every lot or parcel of land benefited by such proposed protection. Such application shall be made and such commissioners shall be appointed and shall make their assessment of benefits and their report thereof in like manner and with like effect as provided in section 8, of title 5, of this act, with regard to commissioners for the assessment of benefits and damages in the opening of streets. Residents in the ward in which such protections are to be made shall, however, be eligible to appointment as such commissioners if not directly interested in the proposed improvement, and in all cases one of such commissioners, and but one, shall be a resident of such ward. The officers and commissioners acting in the matter, shall receive like compensation as provided for in section 7, of title 5, of this act. Said commissioners shall assess upon each lot or parcel of land within the assessment district hereinafter specified, such special benefits as in their opinion shall be its true, just and equitable proportion of the total amount of the special assessment of benefit, and shall report their assessment when complete to the common council. The common council shall, at the next regular meeting thereof, by resolution reject or confirm such report of special assessments. Upon the confirmation of such report notice thereof shall be given to all persons interested by the publication of such report for at least two weeks, once each week, in

the official paper of the city. From the time of the passage of such resolution confirming such report, the assessment of benefits shall be a lien upon the several lots or parcels of land upon which they are assessed, and collection thereof shall be enforced in the same manner as other taxes.

SECTION 10. Section 19, of title 6, of said act, as amended by chapter 133, of the laws of 1882, is hereby amended to read as follows: Section 19. The cost of such protections shall be raised as follows: One-half thereof shall be paid by the city of Racine out of the contingent fund or out of a special fund to be raised for the purpose and one-half thereof shall be levied and raised by the assessment of special benefits as hereinbefore provided, upon the real estate with the following district or districts, to-wit: The eastern boundary of such district shall be the line of the proposed protection. The north and south limits respectively of such district shall be straight lines extended westerly from the north and south ends respectively of such protection, and running parallel with the north and south block lines of the several blocks through which the same shall pass and extending to the western boundary of such district, and the western boundary of such district shall be as follows: From Root river south to Tenth street such boundary shall be said Root river to the point where the east line of College avenue extended northerly intersects the easterly line of said river, and from thence south to Tenth street, such boundary shall be College avenue; from Tenth street to Twelfth street it shall be Park avenue; from Twelfth street to Sixteenth street it shall be Grand avenue; from Sixteenth street to De Koven avenue it shall be the east line of Franklin street extended southerly, and from De Koven avenue to the southern limits of the city it shall be the present north and south boundary line between the second and sixth wards of said city. From Root river north to Hubbard street it shall be North Main street; from Hubbard street to High street it shall be North Erie, and from High street to the northern limits of the city it shall be Green street; provided, however, that not more than ten thousand dollars shall be raised or ex-

Boundaries of
land needing
protection de-
scribed.

pended in any one year for such improvement exclusive of the amounts necessary to protect the easterly ends of the streets abutting on Lake Michigan, and provided further that the expense of protecting the ends of such streets shall be borne wholly by the city of Racine, and the ends of such streets shall be protected whenever the block or blocks contiguous thereto are protected and in like manner and with like material as the block or blocks contiguous thereto. After the completion and performance of any contract entered into by the common council as hereinbefore provided and the acceptance of the work by the common council, special assessment certificates shall be issued to the contractor or contractors upon the several lots or parcels of land upon which the assessment of benefits have been made as hereinbefore provided. Such certificates shall be issued in the same manner, shall be in the same form and shall be of like force and effect and in all respects as the certificates provided for in section 12, of this title.

Owner feeling himself aggrieved may appeal.

SECTION 11. Section 20, of title 6, of said act is hereby amended to read as follows: Section 20. The owner of any lot or parcel of land who feels himself aggrieved by such assessment made as aforesaid, as to the proper proportion of the amount of benefits thereby determined to accrue to him by reason of such protection and charged against his lot or parcel of land may, within twenty days, after the confirmation of such assessment by the common council appeal therefrom to the circuit court of Racine county, and such appeal shall be taken, tried and determined, and bonds for costs shall be given and costs awarded therein in like manner as in case of appeal to the said circuit court provided for in title 5, of this act. Such appeal shall not affect the rights of the contractor or the proceedings in reference to his contract, but the certificate against the lot or parcel of land in question shall be given as if no appeal had been taken. In case the appellant shall succeed, the difference between the amount charged in the certificate and the amount of benefits finally adjudged shall be paid by the city out of the proper fund, but not until such appellant shall have paid the certificate issued on such land. Such appeal shall be the only remedy or proceeding in which

the question, as to the amount of benefits accruing to any lot or parcel of land shall be litigated.

SECTION 12. Title 6, of said act, is hereby amended by adding at the end thereof the following sections: Section 39. Whenever a petition shall be presented to the common council, signed by a majority of the owners of lots or parcels of land fronting or abutting on any street, or part of a street requesting such street or part of street to be sprinkled, the common council shall have power to order such sprinkling to be done. After ordering such sprinkling to be done, the common council shall advertise in the official paper for at least two weeks, once in each week for sealed proposals for sprinkling such street or part of street. Such advertisement shall state the street or part of street to be sprinkled and for what length of time, and the contract shall be let to the lowest responsible bidder, who may be required to execute a bond to be approved by the council for the faithful discharge of his duties. Said contract shall contain like provisions as to the receiving of special assessment certificates and tax certificates in payment by said contractor as are contained in section 8, of this title, as amended by chapter 226, of the laws of 1885. Section 40. The cost of sprinkling such street or part of street at its intersection with streets and alleys and across public grounds and to the middle of such street adjacent to public grounds, shall be paid out of the fund of the ward in which such work is done. Section 41. The amount to be assessed to the respective lots or parcels of land fronting or abutting on such street or part of street shall be determined by the number of foot frontage of such lot or parcel of land, and after the completion and performance of any contract entered into by the common council, by virtue of the aforesaid sections of this title relating to sprinkling streets, the common council shall give to the contractor or contractors special assessment certificates upon the several lots or parcels of land benefited by such sprinkling, and such certificates shall be in substantially the same form, be executed in the same manner and shall have the same force and effect and be subject to the same limitations as is provided by section 12, of this title.

Sprinkling
streets.

SECTION 13. Section 1, of title 12, of said act,

Salary of superintendent of the poor.

as amended by chapter 77, of the laws of 1883, and chapter 226, of the laws of 1885, is hereby amended by making the salary of the superintendent of the poor, four hundred and fifty dollars, in place of four hundred dollars, and by inserting immediately after the words, "the assessors three hundred dollars each," the words, "to members of the board of review one hundred dollars each, and said board of review shall remain in session the maximum time limited by law."

Pay of fire department.

SECTION 14. Section 1, of title 13, of said act, as amended by chapter 226, of the laws of 1885, is hereby amended so that the fifth subdivision shall read as follows:

5th. A sum not exceeding thirteen thousand five hundred dollars for the fire department, from which fund the salaries of all officers and employes of said department shall be paid, and a further sum not exceeding, fourteen thousand dollars, from which the rent of all fire hydrants shall be paid; and so that the eighth subdivision thereof shall read as follows: 8th. In addition to the afore-mentioned general levies, the common council may annually levy on the taxable property of the several wards the following sums for ward funds for the repair of streets, lighting of streets and other ward purposes, viz: On the first ward, not to exceed twenty-five hundred dollars; on the second ward, not to exceed twenty-five hundred dollars; on the third ward not to exceed twenty-five hundred dollars; on the fourth ward, not to exceed two thousand dollars; on the fifth ward, not to exceed thirty-five hundred dollars; on the sixth ward, not to exceed three thousand dollars; on the seventh ward, not to exceed three thousand dollars.

Levy for repair of streets.

Management of the public schools.

SECTION 15. Section 1, of title 15, of said act as amended by chapter 133, of the laws of 1882, is hereby amended so that the same shall read as follows: Section 1. The public schools in said city shall be under the supervision and management of the board of education, consisting of two school commissioners from each ward; such commissioners shall be appointed by the mayor, subject to confirmation by the common council. At the first meeting of said council in May, 1887, the mayor shall appoint two commissioners from each of the odd numbered wards in said city, and one

commissioner from each of the even numbered wards; and of such commissioners so appointed the commissioners from the even numbered wards and one commissioner from each of the odd numbered wards, shall hold their office two years, and one commissioner from each of the odd numbered wards shall hold their office one year respectively, and until their successors are appointed and qualified; and thereafter at the first meeting of said council in May of each year the mayor shall appoint one commissioner from each ward. All commissioners appointed for a full term after the first board of education appointed under the section as now amended shall hold their respective offices for two years and until their respective successors are appointed and qualified. The present school board shall continue to act as the school board of said city until the first regular meeting of the said council in May, 1887; and each member of such board shall hold his office under this act until the expiration of the time which he was appointed to such board unless sooner removed as herein provided.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1887.

[No. 552, A.]

[Published March 25, 1887.]

CHAPTER 123.

AN ACT to amend the charter of the city of Fond du Lac.

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

SECTION 1. Section 1, of chapter 3, of said chapter 152, is hereby amended so as to read as follows:

CITY AND WARD OFFICERS.

SECTION 1. The officers of said corporation shall consist of a mayor, two aldermen from each ward, City and ward officers.