

before whom the case is tried, be committed to one of the industrial schools of this state, instead of to the state prison, house of correction, county jail, or police station, as the case may be, until attaining the age of twenty-one years, subject to the provisions of this section."

SECTION 50. This act shall take effect and be in force, from and after its passage and publication.

Approved May 4, 1899.

No. 536, A.]

[Published May 9, 1899.]

## CHAPTER 352.

AN ACT concerning the construction of free gravel, stone or other macadamized roads, providing for their location, the manner of their construction, and providing for the payment of the same, and for their maintenance.

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

SECTION 1. Whenever fifty or more resident freeholders of any town within the state, shall file with the town clerk their petition in writing, requesting the supervisors of any such town to improve any highway, or highways therein, by grading, gravelling, paving with stone, or macadamizing the same, the supervisors shall by order to be made within ten days from and after the filing of such petition, appoint an engineer and two disinterested freeholders of such towns as viewers, to examine the highway, or highways, described in the petition; to make a profile of the grade thereof, and to determine the extent and character of the work to be done, and the character

Proceedings for securing macadam roads, heretofore started.

Appointment  
of viewers to  
be in writing.

and quantity of the materials to be furnished and used, with an estimate of the cost of the construction and completion of the work proposed to be done, including all bridges, culverts, drainage and other work necessary to the completion of the improvement proposed. Such appointment shall be in writing, signed by the supervisors and filed with the town clerk as a part of the record in the proceedings. Before entering upon his duties as viewer, each person so appointed shall take and subscribe before the town clerk, or some authorized officer, an oath to support the constitution of the United States, and the constitution of this state, and to faithfully discharge the duties of his office as viewer to the best of his ability, and shall file the same, duly certified by the officer administering it, in the office of the town clerk.

Duty of view-  
ers.

SECTION 2. The viewers so appointed, shall proceed to view the highway or highways, sought to be improved, and shall prepare the necessary plans, plats and profiles showing the location and extent of the work proposed to be done, with full specifications thereof and with an estimate of the cost thereof, all of which shall be embodied in a report to the supervisors of said town, which said report shall be filed in the office of the town clerk within thirty days from and after the date of the appointment and qualification of such viewers.

Contents of  
application.

SECTION 3. The application hereinbefore referred to, shall clearly and distinctly describe the point of beginning and the terminus of each road, or roads, proposed to be improved, with the common name and general direction of such roads, with the distance in miles, or fractions thereof, covered by such improvement, and shall further describe, in general terms, the character of the improvement sought to be made, with the material which it is desired shall be used.

Electors to  
vote upon  
question.

SECTION 4. All petitions filed under this act, shall be voted upon at the annual, or any special, town meeting held in the towns so petitioning. A notice of the filing of such petition, and that it shall be voted upon at the next annual town meeting, or at a special town meeting, to be held in

any such town, shall be published in at least one newspaper, printed and published within the county, and within which such town is situate, once each week for three successive weeks preceding the time of the holding of such town meeting, and copies of such notice shall be posted for the same time in at least three public places within such town, prior to the date of such town meeting. Such notice shall set forth the date of the filing of the petition, the highways sought to be improved, and the estimated cost of such proposed improvement as such cost is found and determined by the viewers, as hereinbefore set forth, and if more than one application is to be voted upon at any annual or special town meeting, all of such applications may be referred to and covered in the same notice, but each application shall be voted for separately and shall be designated in the notice and on the ballots hereinafter provided for, as "Application No. 1," "Application No. 2," etc. The ballots upon the question submitted shall contain the words "Application No. —," "For Building of Road," or, "Against Building of Road." Such ballots shall be deposited, in a separate ballot box in each voting precinct. The vote on such question shall be canvassed by the town board in the same manner as votes on all other questions are canvassed, and if at such town meeting a majority of the votes on such question are in favor of building such road, or roads, the supervisors shall at once proceed to the construction of the same, but not otherwise.

SECTION 5. When the voters of any town have determined to improve any highways by vote, and in the manner hereinbefore provided, it shall be the duty of the supervisors of said town to advertise in at least one newspaper of general circulation, published in the county in which such town is situate, and by posting copies of such advertisement in five or more public places in such town, for bids for the construction and completion within the time to be fixed by the town board and stated in such notice, of the improvements as

Notice, how given.

Notice, what to contain.

Separate election for each application.

Supervisors to secure bids for construction of roads.

described, specified and set forth in the report of the viewers, hereinbefore referred to. Such advertisement shall be published and posted for at least thirty days prior to the time fixed therein for the receiving of bids. Each bidder shall file with his bid, a good and sufficient bond running to the town as obligees in twice the amount of such bid, conditioned that in the event the contract for such improvement is awarded to such bidder, that he will well and faithfully perform the work proposed within the time fixed in said notice. The contract entered into, shall require the proposed work to be done in strict compliance with the plans and specifications prepared by the viewers, and such plans and specifications by distinct reference thereto, shall be made a part of each contract entered into hereunder.

Bidder to file bond.

Question of taxing or bonding may be submitted to voters.

SECTION 6. At the time of filing the petition hereinbefore referred to, and as a part thereof, the petitioners may request the supervisors of said town to submit to the voters thereof, at the annual or special town meeting at which such petition is to be voted on, the question of levying a tax or issuing the bonds of said town to raise money for the purpose of paying all or any part of the cost of said proposed improvement. Whenever such request is made, the supervisors shall include in the notice to be published prior to the holding of the annual or special town meeting at which such petition is to be voted on, a further notice that at such meeting the question of authorizing the execution, issuance and sale of the bonds of said town to raise money for the purpose aforesaid, will be voted upon by the electors assembled, and no such bonds shall be issued or sold unless authorized in the manner as set forth in section 777 of the revised statutes of the state of Wisconsin. Such bonds, if authorized and provision made for the payment thereof, as herein provided, shall be in denominations of not less than fifty dollars each, shall be divided into not more than ten equal series and shall be made payable as follows: The first series in one year, the second series in two years, the third series in three

Description of bonds.

years, the fourth series in four years, the fifth series in five years, the sixth series in six years, the seventh series in seven years, the eighth series in eight years, the ninth series in nine years, the tenth series in ten years. Such bonds shall bear interest at a rate not to exceed five per cent per annum payable annually. The town treasurer of any such town shall give public notice of the time and place of the sale thereof by publishing a copy of such notice in one or more newspapers within the county wherein such town is situate, and by posting copies thereof in at least three public places within such town for three successive weeks next preceding the time fixed for such sale. Such bonds shall be sold to the highest and best bidder for cash, and shall in no case be sold below par, and the moneys derived therefrom shall be held as a separate fund to be used in paying the cost of such proposed improvement, to be disbursed upon orders issued in the manner provided by law; provided, however, that payments to the contractor shall at no time exceed eighty per centum of the contract price of work actually done under the contract until the entire work is completed and accepted, when payments shall be made of the balance due to him under his contract.

Notice of sale  
of bonds.

SECTION 7. The compensation of persons employed under this act shall be as follows: engineer, five dollars per day; other viewers, two dollars per day; engineer's helpers not to exceed one dollar and fifty cents per day.

Compensation  
of persons em-  
ployed on  
roads.

SECTION 8. The board of supervisors of any town in which improvements are to be made under this act, shall appoint a competent superintendent, to be governed by such rules and regulations as the supervisors may impose, to supervise the work contracted for. The compensation of such superintendent, shall be two dollars for each day's work actually performed by him and no more. He shall render a verified statement of the actual time employed to the supervisors, and payment shall be made to him in accord there-

Supervisors to  
appoint super-  
intendent of  
construction.

with. Such superintendent shall give bond to the town, to be approved by the supervisors, in the sum of five hundred dollars, conditioned that he will faithfully discharge his duties as such superintendent.

Not to interfere with highway laws.

SECTION 9. This act shall be deemed in no manner to interfere with or otherwise affect any law concerning the building or maintenance of highways in the state of Wisconsin.

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

Approved May 4, 1899.

No. 242, A.]

[Published May 10, 1899.]

## CHAPTER 353.

AN ACT to amend section 1636c of the Wisconsin statutes of 1898, relative to state forest wardens, and the better protection of life and property against forest fires.

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

Where fire wardens are to be appointed.

SECTION 1. Section 1636c is hereby amended by striking out the words "shall appoint at least one fire warden in each organized town, and shall keep a register of the name and postoffice address of each" in the second line of said section, and insert in lieu thereof "shall appoint one or more fire wardens in each of the following counties: Ashland, Barron, Bayfield, Burnett, Chippewa, Clark, Douglas, Dunn, Florence, Forest, Iron, Jackson, Langlade, Lincoln, Marathon, Marinette, Oconto, Oneida, Polk, Portage, Price, Sawyer, Shawano, Taylor, Vilas, Waupaca, Washburn, and Wood; provided, that he may appoint