

a statement of the number for the railroad subscription, and the number against the railroad subscription; and such certificate shall be as conclusive evidence of the fact as to the number of votes cast for or against such proposition, and also of the fact that such election was regularly held and conducted according to law, as in other elections held and conducted according to law. If a majority of the votes given at the election provided for in this section, shall be 'for the railroad subscription,' it shall be the duty of said commissioners to immediately subscribe to the capital stock of said railway company, provided in this section."

If vote in favor of question, commissioners may subscribe.

SECTION 2. This act shall take effect and be in force from and after its passage and publication; and all acts or parts of acts inconsistent herewith, are hereby repealed.

Approved June 17, 1862.

CHAPTER 378.

[Published June 21, 1862.]

AN ACT to amend the city charter of the city of Madison.

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

SECTION 1. The common council of the city of Madison shall have power, by order or resolution, to determine and establish the grade of the streets of the city, but shall not change the grade of any streets which have heretofore been established, and which can be ascertained and determined from the records of the city or the late village, nor any grade which may hereafter be established, except as provided by chapter six of the charter of the city.

Grade of streets.

SECTION 2. The fourth section of an act entitled "an act to amend an act entitled 'an act to incorporate the city of Madison,'" approved February 1st, 1858, is hereby so amended as to read as follows: "No sidewalk shall be ordered to be constructed where none has been constructed, except upon the petition of three-fourths of the owners of lots who reside upon the same,

Sidewalks

Petition necessary for new ones.

Petition not necessary for repairs, &c., of old ones.

Proposals for constructing sidewalks, &c.

Repair of sidewalks, &c.

When contractors to be paid.

Poll tax.

Penalty for not working or paying said tax.

Street superintendent to give bond, &c.

along which the sidewalk is proposed to pass; but where sidewalks have been once built, the common council shall have power by a two-thirds vote of the members present at any meeting, without petition, to order such walks to be repaired in such manner as they may deem proper, or may order new walks to be constructed of different material. The city clerk shall receive all proposals for constructing or repairing sidewalks, and shall open them in presence of the council, which shall award the contract to the lowest bidder, 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 now provided by law, in case of constructing a new sidewalk. No contractor for building or repairing sidewalks shall receive any pay therefor from the city, until the tax levied for the purpose shall have been actually paid to the city or county."

SECTION 3. It shall be the duty of each male inhabitant of the city over twenty-one years of age and under fifty, except active members of the fire department, to perform one full day's labor, annually, on the streets of the city; such work to be performed under the direction of the superintendent of streets, and at such time and place as he shall direct; but such person may, at his option, in lieu of such labor, pay to said superintendent one dollar, to be by him expended in work upon the streets. In case any such person shall fail to perform such labor at the time and place directed by the street superintendent, and shall not, on demand, pay the said money in lieu thereof, he shall be liable to and shall pay a penalty of two dollars, to be prosecuted for by the superintendent of streets, in the name of the city of Madison, in the police court of said city. The process in such case shall be a warrant, and in case judgment is rendered for the plaintiff, the defendant, in default of payment thereof and costs, shall be imprisoned in the county jail for ten days at hard labor. The penalty, when recovered, shall be paid to the street superintendent, to be expended in the work upon streets.

SECTION 4. The superintendent of streets shall, before entering upon the duties of his office, execute to the city a bond in the penal sum of one thousand dol-

lars, with two sufficient sureties to be approved by the council, conditioned for the faithful performance of the duties of his office, and of such 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 the foregoing section. He shall have a general supervision of all streets, and shall let all contracts for work upon the same, ordered by the council. He shall personally see that every man required to perform labor upon the streets, as provided by the preceding section, performs such labor or pays the amount required in lieu thereof, before the first day of September, in each year, and shall summarily prosecute for every violation of said section. He shall expend the labor and money so realized in each ward, at such places in such ward as shall be designated by the senior alderman thereof. He shall, on the first day of September, in each year, report to the council, in writing, under oath, a true and correct statement of all money received by him by virtue of this act, and from whom received, and how and where expended; also, the names of all persons who have performed one full day's labor as hereby required, the names of those who have not in any respect complied with this act, and the names of all persons who have been prosecuted for violation hereof, and the amount of penalties collected from them by virtue hereof; and the said superintendent of streets shall be held strictly responsible for the full and complete execution of this act, 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 per day for each day actually and necessarily occupied by him in the discharge of his duties. The chief of police shall be street superintendent in any year when the common council shall so determine, and shall receive for his services, when actually occupied in collecting and expending the poll tax, such sum per day as the council shall determine, not more than one dollar per day, or a per centage on the amount collected, not more than ten per cent.

Duties of superintendent.

Compensation.

Chief of police may act as superintendent.

SECTION 5. The mayor shall have power to grant pardons or commutations, after conviction, for all offenses against the ordinances of the city, upon such

Mayor may grant pardons, &c.

- conditions and with such restrictions as he may deem proper. He shall communicate any such action to the council at its next meeting, with the reasons therefor.
- Fines, &c.** All fines imposed by the police court of the city of Madison, shall be paid by the officer collecting the same into the city treasury, and a separate account made thereof; and in the months of March and September, in each year, the city clerk shall report to the council the amount so received during the preceding six months, and also the expenses attending criminal prosecutions in the city during the same period; and the clear proceeds of all such fines being thereby ascertained, shall, by order of the council, be paid into the county treasury, to be disposed of according to law.
- Tax for interest on capitol bonds.** SECTION 6. The common council shall, in the year 1862, levy a tax sufficient to pay the interest on the capitol bonds, so called, due on the first day of July, 1862, and the first days of January and July, 1863.
- Expulsion of constables.** SECTION 7. The common council shall have power, and it shall be their duty, to expel from office any ward constable for misconduct or neglect in the discharge of his official duties, or for refusing or neglecting to perform such acts as are required of him by law.
- City attorney—his salary.** SECTION 8. The mayor may select annually an attorney, competent for the purpose, to attend to such legal business of the city as shall be required of him by the council or mayor; but such attorney shall not receive more than three hundred dollars per year for such services, to be paid in the month of March, in each year, upon an itemized bill rendered.
- Ex officio members of board of education.** SECTION 9. The mayor and one alderman, to be selected by the council by *viva voce*, shall be *ex officio* members of the board of education of the city of Madison. They shall hold till their official term as mayor and alderman, respectively, shall expire, and shall have the same rights and privileges as other members of the board. The board of education shall annually, on the first day of September, and oftener if required, report in writing to the common council a full and detailed statement of the financial affairs and transactions of the board for the year preceding, and of its wants and requirements for the ensuing year. The common council shall have power to levy a special tax to pay all outstanding valid claims against the board of education, or such part thereof as they may deem proper; and
- Board to make annual report.**
- Special tax to pay claims against board.**

the money arising from such tax shall be applied to no other purpose whatever. Money shall be paid from the treasury of the board, on future appropriations, only upon certificate of its president and clerk, and no order on the treasury nor other evidence of debt shall hereafter be issued upon the allowance of claims.

SECTION 10. Any provision of law heretofore passed, ^{Repeal and restoration.} prohibiting the common council from levying a tax to pay judgments against the city, is hereby repealed, and the former law restored.

SECTION 11. Section four of chapter six of the city ^{Repeal.} charter, and section three of the act amendatory thereof, approved February 1st, 1858, and all acts and parts of acts, so far as they conflict with this act, are hereby repealed.

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

Approved June 17, 1862.

CHAPTER 380.

[Published June 24, 1862.]

AN ACT for the flowing of lands in Juneau county, for the purpose of cultivating [cultivating] cranberries.

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

SECTION 1. That the county board of supervisors of ^{Authority to supervisors.} Juneau county are hereby empowered to make all such rules and regulations for the flowage and drainage of the swamp and overflowed lands in said county, as in the opinion of said board may be necessary for the encouragement and promotion of the cultivation of said lands, so far as the public interest and welfare of the county may require.

SECTION 2. No private property shall be injured in ^{Compensation for damages.} consequence of the acts of the county board of supervisors, authorized by section one of this act, without, first, compensation shall be made therefor.

SECTION 3. The compensation aforesaid shall be de- ^{How determined.}