

CHAPTER 310.

[Published April 6, 1876.]

AN ACT to repeal chapter four hundred and eighty-two, of the general and special laws of 1852, entitled, "An act to incorporate the Manitowoc and Two Rivers Plank Road Company."

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

SECTION 1. Whenever a majority of the boards of supervisors of the towns of Manitowoc and Two Rivers shall determine to buy the Manitowoc and Two Rivers plank road, and shall deposit for this purpose in the First National Bank of Manitowoc the sum of eight hundred dollars to the credit of the said Manitowoc and Two Rivers Plank Road Company, and after due notice has been given by said bank, to the owners of said plank road company, that the amount of eight hundred dollars has been credited in favor of said plank road company, then the said plank road shall become a free road, and the property of the towns of Manitowoc and Two Rivers; and chapter four hundred and eighty-two, of the general and local laws of 1852, and all acts amendatory thereof, shall then be declared hereby repealed.

Plank road to become a free road when purchased by towns.

When charter repealed.

SECTION 2. The board of supervisors of the towns of Manitowoc and Two Rivers are hereby authorized and empowered to levy a tax sufficient to carry out the provisions of this act.

Authority to levy tax.

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

Approved March 11, 1876.

CHAPTER 311.

[Published March 23, 1876.]

AN ACT to amend chapter one hundred and eighty-four, of the laws of 1874, entitled, "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, 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 twelve, of chapter three, of chapter one hundred and eighty-four, of the laws of

Amended.

1874, entitled, "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," is hereby amended by striking out the word "April" where it occurs in the second and eighth lines of said section, and inserting in lieu thereof the word "January." Section one, of chapter seven, of said chapter one hundred and eighty-four, is hereby amended by striking out the word "May," in the third line of said section, and inserting in lieu thereof the word "January." Section three, of chapter seventeen, of said chapter one hundred and eighty-four, is hereby amended by striking out the word "June," in the second line of said section, and inserting in lieu thereof the word "February."

Amended.

SECTION 2. Subdivision forty, of section three, of chapter four, of said chapter one hundred and eighty-four, of the laws of 1874, is hereby amended by inserting after the words "proprietors of," in the third line of said subdivision, the words "intelligence offices."

Amended.

SECTION 3. Section four, of chapter six, of said chapter one hundred and eighty-four, of the laws of 1874, is hereby amended so as to read as follows:

Duty of jurors
in condemning
lands for pub-
lic use.

SECTION 4. The said jurors, when so appointed and sworn, at such time within thirty days from the date of the precept, as they may agree upon, of which at least three days' notice shall be given by publication in the official papers of the city, shall proceed in a body to view the premises proposed to be taken, and for their own information as to the necessity of taking the same, said jury or any one of their number may apply to the judge appointing said jury, to summon such witnesses as they or he may desire to appear before said jury, and testify as to the facts in the case; and said jury shall also hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors and attached to their report; and either of the jurors shall be authorized to administer the necessary oath to witnesses, and they may adjourn from day to day, when necessary or convenient. Said jury shall make a report of their proceedings to the common council within the time limited in the precept, which report shall be signed by them respectively, and shall state, whether in their judgment, it is necessary to take the premises in question for the public use, as proposed. Each juror shall be entitled for his ser-

vices to the same compensation as is paid to petit jurors attending the circuit court of Milwaukee county.

SECTION 4. Section two, of chapter seven, of said chapter one hundred and eighty-four, of the laws of 1874, as amended by section twenty-nine, of chapter one hundred and forty-four (144), of the laws of 1875, is hereby further amended so that said section two shall hereafter read as follows: Section 2. The grading, graveling and planking, macadamizing or paving to the center of any street or alley, and the grading, graveling, macadamizing, planking or paving of any sidewalk, and the paving of any gutter shall be chargeable to and payable by the lots fronting or abutting upon such street, alley or gutter, or fronting, abutting, or adjacent to such sidewalk, to the amount which such grading, graveling, macadamizing, planking or paving shall be adjudged by said board to benefit such lots. The expense of all such improvements or work across streets at their intersection with streets and alleys, excepting sidewalks, and the expense of all such improvements or work across public grounds and to the middle of streets and alleys adjacent to public grounds, and the construction of all crosswalks shall be paid out of the fund of the ward in which such improvements are made or such works are done. After a street, alley or gutter has been constructed to the grade established by the common council, and graveled, planked, paved or macadamized in compliance with the order of the proper city authorities, the expense of maintaining, renewing, repaving, keeping in repair and cleaning such street, alley or gutter, and the pavement or other surface thereof, and of any other subsequent improvement of such street, alley or gutter shall be paid out of the fund of the ward in which such work is done or such improvement is made; *provided, however*, that when a street or alley which has been graveled is ordered to be paved, planked or macadamized, the expense of such paving, planking or macadamizing shall be chargeable to and payable by the lots fronting or abutting upon such street or alley to the amount which such paving, planking or macadamizing shall be adjudged by said board to benefit such lots as hereinbefore provided for the improvement of a street or alley; *and further provided*, that when a change in the grade of any street or alley shall be ordered, the expense of cutting or filling incurred by such change of grade shall be chargeable to

Amended.

To what source expenses of improvements chargeable.

and paid by the lots fronting or abutting on the street or alley of which the grade shall be so changed; *and provided further*, that the provisions of this section in relation to the maintaining, renewing, repaving, keeping in repair and cleaning of streets, alleys and gutters shall not apply to the laying, relaying, cleaning or repairing of sidewalks.

Amended.

SECTION 5. Section seventeen, of chapter seven, of said chapter one hundred and eighty-four, of the laws of 1874, is hereby amended by inserting after the word "remade," in the fifth line of said section the words "or on account of being above or below the grade established by the common council."

Amended.

SECTION 6. Section twelve, of chapter ten, of said chapter one hundred and eighty-four, of the laws of 1874, is hereby amended so as to read as follows:

Collection of water rates.

Section twelve. All water rates shall be due and payable on the first day of January, and the first day of July, in each year, semi-annually, in advance. The mayor shall appoint on the first Monday of March, A. D. 1876, and biennially thereafter, subject to the approval of the common council, a proper person as collector of water rates, who shall hold his office for two years, and until his successor is appointed and qualified, unless sooner removed for cause, as hereinafter provided. Said collector shall be authorized to collect and receive all water rates, and give receipts therefor; and when not so employed shall perform such other duties as the common council by ordinance may prescribe. He shall keep proper books of account, and shall account to and pay over to the city treasurer daily all moneys which may come into his hands by virtue of his office as collector of water rates. He shall, before entering upon the duties of his office, take the usual oath of office, and execute a bond to the city of Milwaukee, with sufficient sureties, to be approved by the common council, and in such penal sum as said council may direct, conditioned that he will faithfully discharge the duties of his office, and account to and pay over to the city treasurer daily, all moneys which may come into his hands by virtue of his office as collector of water rates. He shall keep his office at such place, and receive such a salary for his services as the common council may determine. He may be removed at any time for cause by the board of public works, with the approval of the common council. On the first day of June and the first day of September, A. D. 1876, and thereafter

Duties of collector of water rates.

on the first day of March and the first day of September, in each year, it shall be the duty of said collector to make and certify to the comptroller of said city a list of all persons who up to the time of making such report shall have failed to pay the amount due from them for water rates, together with a description of the lots, parts of lots or parcels of land owned or occupied by such delinquents, and the amount unpaid. On receipt of such list the city comptroller shall add upon all such delinquent water rates so reported, a penalty of five per centum, and shall thereupon deliver such list to the city treasurer for collection. On receipt of such delinquent list, the city treasurer shall give public notice in the official papers of said city, for one week, that such list is in his hands for collection; and that all delinquent water rates must be paid thereafter to the city treasurer with the penalty added. If such rates shall remain unpaid on the first day of the succeeding month, the comptroller shall add an additional penalty of one per centum, and he shall continue to add on the first day of each month thereafter, an additional penalty of one per cent. until the first day of November, or to the time of payment, if previously paid. All delinquent water rates and penalties unpaid upon the first day of November in each year, shall be reported by the city treasurer to the comptroller of said city, together with a description of the lots, parts of lots, and parcels of land to which the same may be chargeable. In case (of) any of said water rates should remain unpaid at the time when the comptroller is required to make his annual report and schedule to the common council of lots, parts of lots, and parcels of land subject to special assessments in said city, it shall be the duty of the comptroller to include in such schedule and report all the water rates and penalties so delinquent, with a description of the lots, parts of lots and parcels of land to which they may be chargeable; and the same shall be levied, entered on the annual tax roll, and collected at the same time and in the same manner with other special taxes and assessments. All water rates for water furnished to any building or premises which shall remain unpaid for sixty days after the same shall be due, with the penalties above provided, shall be a lien on the lot, part of lot or parcel of land on which such buildings or premises shall be situated. Any water rates which may by mistake have been omitted in any warrant or

Duty of comptroller and treasurer.

Water rates to be lien against property.

list thereof delivered for collection as aforesaid may be entered and collected as omitted water rates upon any subsequent list that may be made within one year after such omission.

Amended.

Insurance agents to file bonds.

SECTION 7. Section eight, of chapter fourteen, of said chapter one hundred and eighty-four, of the laws of 1874, is hereby amended so as to read as follows: Section 8. Each and every such agent shall file such a bond with said city comptroller annually on the first secular day of January in each year, and every person who shall in said city effect, agree to effect, promise or procure any insurance specified in the preceding section of this chapter without having executed and delivered the bond required by this chapter, shall forfeit and pay to the city of Milwaukee for each offense, and for each insurance so effected or agreed or promised to be effected, the sum of one hundred and fifty dollars; such sums may be recovered by said city in a civil action, and said city may maintain an action on such bond or against such agent to recover all moneys required by section six of this chapter to be paid into the city treasury.

Money paid by fire insurance companies to go to use of fire department.

SECTION 8. All moneys hereafter paid to the treasurer of the city of Milwaukee by fire insurance companies, or their agents, under section six, of chapter fourteen, of said chapter one hundred and eighty-four, of the laws of 1874, shall be appropriated and used by said city of Milwaukee exclusively for the use and benefit of the fire department of said city.

Amended.

Duty of city treasurer.

SECTION 9. Section seven, of chapter seventeen, of said chapter one hundred and eighty-four, of the laws of 1874, is hereby amended so as to read as follows: "Section 7. The city treasurer shall render weekly statements to the common council, of the amount received and disbursed by him, and he shall deposit daily, with the bank or banks, or banking associations so selected, it or they giving proper vouchers therefor, all moneys which may come into his hands by virtue of his office as city treasurer, including county, school and state moneys, and the interest and redemption funds of the city; *provided, however,* that the city treasurer may retain in the treasury a sum not exceeding five thousand dollars. From the time of so depositing such moneys, the said treasurer shall be relieved from all liability arising from the failure of the bank or banks or banking association, safely to keep such moneys. Such moneys shall be drawn

out only upon the check of the said treasurer, countersigned by the comptroller of said city.

SECTION 10. Section fourteen, of chapter one hundred and forty-four, of the laws of 1875, being an act amendatory of said chapter one hundred and eighty-four, of the laws of 1874, and entitled, "An act to amend chapter one hundred and eighty-four, of the laws of 1874, entitled, 'an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereto,'" is hereby amended by adding to said section the following: Every ordinance to establish the grade of any street or alley, shall, after its introduction in the common council, be published in full with the proceedings of the council, and shall lay over not less than two weeks after its introduction, before it shall be passed.

How ordinances establishing grade of street to be published.

SECTION 11. Section thirty-two, of said chapter one hundred and forty-four, of the laws of 1875, is hereby amended by striking out the word "imperative" in the fourth line of said section; also by inserting after the words "public works" in the fifth line of said section the words, "with the consent of the aldermen of the proper ward;" also inserting after the word "empowered" in the ninth line of said section the words, "with the consent of the aldermen of the ward, in which such street, alley or sidewalk is located;" also by striking out the words "with part new and part old materials of the kind previously laid down" in the seventeenth, eighteenth and nineteenth lines of said section, and inserting in lieu thereof the words, "with new materials, or with part new and part old materials."

Amended.

SECTION 12. Section thirty-three, of said chapter one hundred and forty-four, of the laws of 1875, is hereby amended by striking out all after the words "section twenty-two" in the third line of said section to and including the word "street" in the fourteenth line thereof, and inserting in lieu of the same the following: "The common council shall have power, by resolution, to order the sprinkling of any street in the city of Milwaukee; *provided, however,* that every such resolution shall be approved by a majority of the aldermen of the ward or wards, in which such street or part of such street to be sprinkled shall be located, and such resolution shall receive the affirmative votes of three-fourths of the aldermen elected; and *provided further,* that every such resolution

Amended.

Sprinkling of streets.

shall lay over at least two weeks after its introduction, and if, within that time, a remonstrance against the passage of such resolution shall be presented to the common council, signed by a majority of the owners of lots or parcels of land fronting or abutting on the street or part of the street proposed to be sprinkled, actually occupying such lot or lots, parcel or parcels of land, then such resolution shall be indefinitely postponed; *provided further*, that whenever a majority of the aldermen of any ward shall so request in writing, the board of public works shall advertise for sealed proposals, and let by contract to the lowest bidder for the term of three years the sprinkling of all streets, or parts of streets, in said ward that may be ordered to be sprinkled during said term of three years, by resolution of the common council, and upon the passage of any resolution by the common council ordering the sprinkling of any street or part of street in any ward where a general sprinkling contract has been made as aforesaid, the said street or part of street so ordered shall be endorsed on said contract by the board of public works, and the said street or part of street sprinkled according to the terms of such general contract, and upon the passage of any resolution by the common council ordering the sprinkling of a street in any ward where no general contract has been made, the board of public works shall advertise for sealed proposals for sprinkling such street or part of street.

Contracts exceeding \$200 to be let to lowest bidder.

SECTION 13. All work and the purchase of supplies or material chargeable to any ward fund, or to any city fund, including the water fund, where the cost thereof shall exceed the sum of two hundred dollars, except street cleaning, shall be let by contract to the lowest bidder in the manner provided by the city charter, and the common council shall have no power to authorize the board of public works to incur any indebtedness in excess of the amount herein limited, without a formal contract, let to the lowest bidder, being made for the same; and any indebtedness incurred contrary to the provisions of this section, shall be illegal, and the parties incurring the same shall be personally responsible therefor.

Recording of ordinances.

SECTION 14. It shall be necessary for the city clerk to record in the book provided for the recording of ordinances, the general ordinances passed by the common council of the city of Milwaukee, on the 20th day of April, 1875; but he shall file and preserve in

his office a copy of the printed book containing such general ordinances, which copy shall be considered a part of the records of his office; and said ordinances shall have the same legal force and effect as if the same had been recorded in said ordinance book.

SECTION 15. The common council of the city of Milwaukee is hereby authorized to cause to be credited to the contingent fund of said city, the following sums of money, and to cause the same to be charged as follows, viz: To the sewerage fund of the west sewerage district of said city, the sum of eight thousand dollars, being the amount advanced under a resolution passed by said common council on the 21st day of June, 1875, from said contingent fund to said sewerage fund, for the purpose of furnishing funds for constructing sewers in said sewerage district. To the ward fund of the tenth ward of said city, the sum of one hundred and fifty dollars; being the amount paid out of said contingent fund to Jacob Koperski, on account of said ward fund, under a resolution passed by said common council, on the 12th day of April, 1875.

Credits to contingent fund.

SECTION 16. The common council of the city of Milwaukee, is hereby authorized and empowered at the time of levying other city taxes for the year 1876, in addition to the amount now authorized to be raised by law, for ward purposes in the sixth ward of said city, to levy a tax of not exceeding three mills on the dollar, upon all taxable property real and personal, in said ward; said tax shall be collected at the same time and in the same manner as other city taxes are collected, and shall be used for ward purposes in said ward.

Additional tax to be levied in sixth ward.

SECTION 17. The common council of the city of Milwaukee is hereby authorized and empowered, at the time of levying other city taxes for the years 1876, 1877 and 1878, in addition to the amount authorized to be raised by law for ward purposes, in the ninth ward of said city, in each of said years, to levy a tax of not exceeding three (3) mills on the dollar, upon all taxable property, real and personal, in said ward, for each of said years 1876, 1877 and 1878; said tax shall be collected at the same time and in the same manner as other city taxes for said years are collected, and shall be used for ward purposes in said ward.

Additional tax to be levied in ninth ward.

SECTION 18. The common council of the city of Milwaukee is hereby authorized and empowered, at the time of levying other city taxes, for the years

Additional tax to be levied in west sewerage district.

1876, 1877, and 1878, in addition to the amount authorized by law to be raised for general sewerage purposes in the west sewerage district, in each of said years, to levy a tax not exceeding one and one-half mills on the dollar, upon all taxable property, real and personal, in said sewerage district for each of said years. Such tax is to be collected at the same time and in the same manner as other city taxes for the same years are collected, and is to be used for the purpose of constructing sewers and for the necessary expenditures in the said sewerage district in the manner provided by law.

Money to be refunded to Milwaukee Iron Company.

SECTION 19. The common council of the city of Milwaukee is hereby authorized to refund out of the general city fund of said city, to the Milwaukee Iron Company, the sum of twenty-two hundred dollars, being two-thirds of the amount expended by them in dredging the middle ground of the Milwaukee river, from the straight cut south as far as the mouth of the Kinnickinnick river, during the year 1872.

Amount of assessment of 1873 against certain property to be refunded.

SECTION 20. The common council of the city of Milwaukee is hereby authorized to refund the whole or any portion of the amount of the assessment made by the board of public works in the year 1873 against lots six and seven, in block one hundred and sixty-eight, and lots one and twelve, in block one hundred and sixty-nine, in the eighth ward of the city of Milwaukee for a brick sewer on fourth avenue in said ward, to the present owner or owners of said lots: *provided, however*, that no amount shall be refunded to such owners, which was not assessed prior to 1873, for a brick sewer on said fourth avenue, and which has not been paid. Any sum so refunded shall be charged to the sewerage fund of the south sewerage district of said city.

Various assessments to be refunded by common council.

SECTION 21. The common council of the city of Milwaukee is hereby authorized to refund of the amount of the assessment made for the construction of a sewer on Wells street, in the fourth ward of said city, under chapter two hundred and thirteen, of the general laws of 1863, to the present owners of the lots and parcels of land fronting or abutting on said sewer the excess over eighty cents per lineal foot of the frontage of such lot or parcel of land on the line of said sewer; and to the present owners of all other lots or parcels of land assessed for on account of said sewer, one-half of the amount of the assessment against such lots or parcels of land, and the other

half to the person or persons who have paid or may hereafter pay such assessment; *provided, however,* that no money shall be refunded on account of any assessment for said sewer, until the amount so assessed, for the construction of said sewer, shall have been paid. For the purpose of refunding the amount above authorized, the common council of said city is hereby empowered to levy and raise by taxation, upon all the taxable property, real and personal, within the west sewerage district of said city, in such year or years, in whole or in part, or in such installments as said common council may, by resolution, determine, in addition to the amount authorized to be raised, for a sewerage fund, in said district, an amount sufficient to cover the amount to be refunded, under the provisions of this section. Said special tax shall be levied and collected at the same time and in the same manner as other city taxes are levied and collected for such year or years.

SECTION 22. The common council of the city of Milwaukee is hereby authorized to pay out of the ward fund of the eleventh ward of said city, by and with the consent of all the aldermen of said ward, the special tax of two hundred and forty-one dollars, assessed in the year 1875, against a triangular piece of land, described on the tax roll as being in the southwest quarter of section five, in said eleventh ward of said city, and bounded south by the eighth section line, northeast by land owned by Milwaukee county, and northwest by the Howell road, as excess of benefits for opening and extending Becher street from Eighth avenue to Kinnickinnick avenue in the eleventh and twelfth wards of said city.

Amount assessed against certain lot to be paid out of the eleventh ward fund.

SECTION 23. For the purpose of paying the corporate bonds of the city of Milwaukee, issued to aid in the construction of the Milwaukee and Beloit and Milwaukee and Superior railroads, the common council of the city of Milwaukee shall have power by ordinance to authorize the issue of other corporate bonds of the said city, to an amount not exceeding two hundred thousand dollars, payable in twenty years, with interest at the rate of seven per cent. per annum, payable semi-annually. Said bonds shall be signed by the mayor and clerk of the said city, and sealed with the corporate seal of the said city, countersigned by the comptroller of the said city, and attested by the commissioners of the public debt of the said city, and shall in terms be made payable at the

City may issue bonds for payment of railroad debt.

Manner of issuing bonds, demonstrations, etc.

agency of the said city, in the city of New York, and shall each be for the principal sum of one thousand dollars, or five thousand dollars, or ten thousand [dollars], and may have coupons or interest warrants attached thereto for the semi-annual payment of the interest thereon, or they may be registered bonds or part coupon bonds and part registered bonds, as the common council may determine. Said bonds shall be delivered to the said commissioners of the public debt of said city, and shall be sold and disposed of by said commissioners at not less than par, and the proceeds thereof used solely for the purpose of paying the bonds of the said city, issued to aid in the construction of the Milwaukee and Beloit and Milwaukee and Superior railroads, or by said commissioners exchanged for said railroad bonds at not less than par.

Construction of section four of this act.

SECTION 24. Section four of this act shall not be construed as repealing any of the provisions of chapter 159, of the laws of 1876, entitled, "An act to authorize the improvement of streets in the second ward of the city of Milwaukee, and to authorize the levy of a special tax therefor in said ward."

SECTION 25. All provisions of law contravening the provisions of this act are hereby repealed.

When act to take effect.

SECTION 26. Section 1 of this act shall take effect on the first day of January, 1877. All other provisions and parts of this act shall take effect and be in force from and after the passage and publication of this act.

Approved March 11, 1876.

CHAPTER 312.

[Published March 17, 1876.]

AN ACT to revise the charter of the city of Chippewa Falls.

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

CHAPTER I.

General corporate powers.

SECTION 1. All that district of country in the county of Chippewa, hereinafter described, shall be