

newspaper shall be established in any such county, after the passage of this act, then the provisions of this act shall apply to a second newspaper in any such new county; *and provided further*, that all newspapers now in existence shall only be required to be published one year.

Penalty for violation.

SECTION 2. Any treasurer, or clerk, who shall violate the provisions of this act, shall be liable to any such publisher, on his official bond, for double the amount of damages that may be sustained by any such publisher, by reason of such violation, to be recovered by such publisher in an action at law.

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

Approved February 24, 1876.

CHAPTER 56.

[Published March 1, 1876.]

AN ACT relating to the charter of the city of Sheboygan, and to enable the city of Sheboygan to construct works for the supply of water from an artesian well, to manage and regulate the same, to dispose of water from said well, to appropriate the proceeds of such sales, and to improve the public parks.

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

Board of water and park commissioners.

SECTION 1. There is hereby established in and for the city of Sheboygan, a board of water and park commissioners, consisting of five members. The mayor of said city shall be *ex-officio* one of the members of said board. The other four members shall be appointed in the manner hereinafter provided, and shall be residents and freeholders of said city. The term of office of one of the said four appointive members of said board shall expire on the first day of May of each year, after the year 1876. The four members of said board first appointed shall hold their offices respectively for one, two, three and four years, and thereafter the term of office of said four appointive members shall be four years.

First board.

SECTION 2. Conrad Krez, John O. Thayer, George C. Cole and Francis Geele are hereby appointed the first members, with the mayor of said city, to constitute the said board, and the said four members so ap-

pointed shall, within thirty days after this act goes into effect, qualify by taking the oath of office, and shall then forthwith determine by lot, their respective terms of office, and file with the city clerk their certificate or statement of their terms of office, as so determined. At the expiration of the term of office of any of said four appointive members of said board, or whenever there shall be a vacancy, the common council of said city shall elect and appoint a member or members of said board, and fill all vacancies therein occurring by death, resignation or otherwise. Vacancies in board. Members appointed to fill vacancies shall hold for the unexpired term of the members whose vacancy is filled. Appointment upon said board shall not be deemed incompatible with the holding of any other office in said city.

SECTION 3. No members of said board shall be, directly or indirectly, interested in any contract or agreement to or with said board, or with the said city, made under the authority of this act, by which money or any other valuable thing shall be or become payable or proceed from or to said city, with intent to gain thereby, directly or indirectly, any benefit, profit or advantage. And any member of said board who shall be so interested in any such contract, shall be held to have violated section three (3), of chapter twenty (20), of the charter of said city of Sheboygan, viz: Chapter 254, of the local laws of 1868, hereinafter mentioned, and to be subject to all the provisions and penalties thereof. No member of board to be interested in contract.

SECTION 4. The mayor, ex-officio member of said board, shall be the presiding officer thereof, and in his absence a president pro tempore may be appointed, possessed, for the time being, with all the authority of the president. The said board shall have power to regulate the times and modes of their meetings, to prescribe the duties of officers and of members thereof, to appoint a secretary and treasurer, from the members of said board, or otherwise, as they may determine, and to fix their compensation, subject to approval by the common council, and to remove them at pleasure, and generally to make such regulations as shall be consistent with and in furtherance of the purposes of this act. Three members shall constitute a quorum for business in said board, but no question shall be determined at any meeting by the votes of less than three members of the board in favor thereof. General powers of board.

Duties of
board.

SECTION 5. It shall be the duty of the said board of water and park commissioners to examine, consider, and determine the best modes, plans, or system of supplying or providing for a supply of water from the artesian well, now flowing in the city park, in the fourth ward of said city, and of utilizing the water of said well for the best advantage of said city. And for this purpose they shall further consider and determine the regulations under which said water shall be supplied to the public cisterns, and to private persons and places within said city, the extent and mode of such supply, and the rates therefor, and also the plan, system, and regulations for selling or disposing of water flowing from said well, for mercantile or medicinal purposes.

Board to re-
port to city
council.

SECTION 6. When said board shall have determined on such modes, plans, or systems for supplying water from said well, or of utilizing the said water as aforesaid, or of selling or disposing of water flowing from said well, or upon either or all of such modes, plans, systems, or regulations, they shall make a report thereof, with proper specifications, diagrams, and other information, including estimates of the costs of any work or structures contemplated thereby, to the common council of said city for approval. And the said common council may propose amendments or modifications to or in such plans, modes, or systems so reported to them by said board, and refer the same back to the board. And the said board may likewise propose amendments or modifications therein, and again submit them to the common council. Whenever any such modes, plans, or systems, as hereinbefore contemplated, shall be agreed upon between the said board and the said common council, the same shall be adopted for the city; *provided*, that the same may be altered or modified at any time, by the joint consent and action of the said board and said common council.

Council to ap-
propriate
money.

SECTION 7. Upon the determination of the plan, mode, or system, of providing for the supply of water from said artesian well as hereinbefore provided, the common council of said city are authorized and shall appropriate and levy such sum, not exceeding in any one year the sum of five thousand dollars (\$5,000), as shall be required upon the said estimate for the doing and construction of work and structures, and the expenditures so determined upon. And the said board are hereby authorized and directed thereupon,

in the name and behalf of said city, to proceed with the construction of such structures and the doing of such work so determined upon, by contract, or otherwise, as they shall decide.

SECTION 8. Whenever any such modes, plans, and regulations for utilizing the said water, or of selling or disposing of water from said artesian well, shall have been so determined upon, the said board are hereby authorized and empowered to carry out and execute the same, in behalf of said city, and to make and execute any contract or agreement therefor or in relation thereto, which shall be so determined and agreed upon; to make and enforce such regulations as they shall find and deem necessary for all the said purposes, and generally to do all acts which shall be necessary and proper for the purposes of this act.

Board to enforce regulations.

SECTION 9. The said board shall, from time to time, as it shall be found necessary, report to the common council such rules and regulations, and water rates as they so conclude upon, and the said common council, if they approve the same, shall make and enact such ordinances or resolutions as shall embody and enforce the same.

Board to report rules and regulations.

SECTION 10. Said board shall further consider and determine the best modes, plans, and systems, for arranging and beautifying the public parks and grounds of said city, and report the same with estimates of the cost of work contemplated thereby, and other useful information to that purpose, to the common council, for approval. And when such plans and systems are agreed upon, and approved by the common council, the said board shall proceed with, and carry the same out as funds shall be received or provided for the purpose as hereinafter contemplated and provided.

Board to determine plans and estimate costs of improvements.

SECTION 11. All moneys appropriated and levied by the common council of said city under the provisions of this act, shall be levied and collected in the same manner and at the same time that other taxes are levied and collected in said city, and shall constitute a separate fund, to be called the water and park fund. The moneys in said fund shall be paid out by the city treasurer, upon orders drawn thereupon by the president and secretary of said board of water and park commissioners, specifying the purpose for which given, and countersigned by the comptroller of said city. And the said comptroller shall countersign all such orders so drawn, if the purpose specified in the order is within the purposes of the appropriation, and there

How fund collected and paid out.

are sufficient funds in the treasury out of which to pay them, and shall thereupon make a record of such order as a credit to said water and park fund.

Receipts for
sale of water.

SECTION 12. All moneys received by said board of water and park commissioners, for the sale, or other disposition of water from said artesian well, or for water rates, or in any other manner, except by appropriations of the common council, shall be paid into the hands of the treasurer of said board, and shall be paid out only upon the direction of said board, by orders drawn upon such treasurer in such manner as the board shall prescribe, or upon the order of the common council of said city as hereinafter provided. And for that purpose the treasurer of said board shall, before receiving any such moneys, execute to said city of Sheboygan, a bond, with sufficient sureties, and in such sum as shall be approved and prescribed by said common council. All such moneys so received by said board and the treasurer thereof, shall be exclusively applied to the expenditures made by and under the direction of said board, and determined upon, as hereinbefore provided for, until such expenditures shall be fully met and paid, or provided for. Whenever there shall be a surplus in the hands of said board over and above the expenditures made and required by them as aforesaid, the common council of said city shall, by proper resolution prescribing the manner thereof, appropriate such surplus as a sinking fund for the payment of the funded debt of said city, and of interest upon such debt. Upon receiving a copy of said resolution, certified by the city clerk, the treasurer of said board shall pay over to the city treasurer the amount so appropriated from said surplus moneys, taking his receipt therefor.

Board to make
quarterly re-
port.

SECTION 13. The said board of water and park commissioners shall render a report to the common council quarterly, or as often as they shall be required thereto, in which they shall fully and fairly show all work done and expenditures made, out of moneys appropriated to them by the common council, or out of moneys by them received and collected, all collections and receipts by them or their treasurer, all moneys on hand, all work or plans contemplated, and generally all information which they may deem of public interest, or of interest to the common council, or which may be required by the common council.

Property under
control of
board.

SECTION 14. The said artesian well, all the works constructed, all pipes, reservoirs, fountains, hydrants,

all parks, and generally all the property thereof, shall be under the immediate control and supervision of the said board.

SECTION 15. All water-rates imposed for the supplying of water to hotels, bath-houses or other premises within said city, shall be and remain a lien upon such premises until fully paid and discharged, and whenever there shall be a proper charge for such water-rates remaining unpaid for the space of thirty days, the president and secretary of said board shall furnish a certificate of such unpaid water-rates and of the lot or parcel of land to which the same is chargeable, to the comptroller, and the same shall thereupon have all the effect prescribed for street commissioners' certificates for the improvement of streets and alleys, in section nine (9), of chapter thirteen (13), of the said charter of said city, and be put upon the tax roll and collected in the same manner therein prescribed.

Water-rates to be lien on property.

SECTION 16. All the provisions of chapter two hundred and fifty-four (254), of the local laws of 1868, entitled "An act to revise, consolidate and amend the act to incorporate the city of Sheboygan, and the several acts amendatory thereof, and to repeal chapter ninety-four (94), of the private and local laws of 1856, entitled 'An act to establish a code of procedure for the police court of the city of Sheboygan, approved March 1, 1856,'" so far as they shall contravene the provisions of this act, are hereby modified and amended to conform thereto.

Chap. 254, local laws of 1868, repealed.

SECTION 17. This act shall take effect from and after its passage and publication.

Approved February 24, 1876.

CHAPTER 57.

[Published March 1, 1876.]

AN ACT to amend chapter two hundred and seventy-three (273), of the laws of 1874, entitled, "An act relating to railroads, express, and telegraph companies in the State of Wisconsin," and to repeal other sections and acts named therein.

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

SECTION 1. Within ten days after the passage and Railroad com-