

No. 34, A.]

[Published June 6, 1905.]

## CHAPTER 293.

AN ACT to authorize the construction of breakwaters and protection piers by counties, towns, villages and cities, adjacent to lakes and rivers and to create new sections in chapter 41 of the statutes of 1898 to be known as sections 959—71 to sections 959—78.

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

**Construction of breakwaters authorized.** SECTION 1. Section 959—71. The county board of any county, the supervisors of any town, the trustees of any village or the common council of any city of the second, third or fourth class, however incorporated, may by ordinance or resolution adopted for that purpose, construct, maintain and repair such suitable breakwaters and protection piers along the shore of any lake or river adjoining the limits of such municipality or within or without the limits of the county, town, village or city.

**Plans and specifications to be submitted.** SECTION 2. Section 959—72. When it shall be deemed necessary to construct or repair any such breakwater or protection piers, a plan of such work with specifications and estimates of the costs of the work shall be prepared and presented to the county board of the county or the supervisors of the town, or trustees of the village or common council of the city, and when adopted shall, where required, be submitted to the proper authority of the United States for consent to construct such protection.

**Purchase or condemnation of lands.** SECTION 3. Section 959—73. For the purpose of this act, the several counties, towns, villages and cities shall have the power to purchase or condemn lands within the limits of the city and without its limits when deemed necessary in order to protect any property situated within such county, town, village or city, under the provision of sections 895 to 904 inclusive, and in the manner therein provided, and section 959—39, statutes of 1898, and acts amendatory thereof.

**Special assessment district to be created.** SECTION 4. Section 959—74. Before letting the contract for such improvement, the county, town or village board and the common council of any city shall, by ordinance or resolution, create a special assessment district containing all such parts or parcels of land as shall, in their judgment, be benefited by the proposed improvement.

**Assessment of benefits and damages.** SECTION 5. Section 959—75. After the adoption of the plans for such work and the adoption of an assessment district, the board of public works in cities having such board, and where no such board exists, the officers performing the duties of such board, the county board of the county, supervisors of the town or village trustees, shall in the same manner and with like effect proceed to assess benefits and damages upon property in the assessment district as provided in section 925—178 to 925—183 inclusive of the statutes of 1898, so far as the same is applicable, and the owner shall have the remedy provided for in section 925—184 and 925—185 of said statutes.

**Payment of costs in excess of benefits; cost of protecting ends of streets, etc.** SECTION 6. Section 959—76. If the balance between the benefits accruing to property within such assessment district shall not be sufficient to pay the costs of the improvement, the balance shall be paid by the county, town, village or city out of any general fund or special fund created for that purpose, and any county, town, village or city shall have the power and authority to issue its negotiable bonds to pay for such improvement in the same manner as the issue of bonds is provided for by section 942—944 inclusive of the statutes of 1898. The cost of protecting the ends of streets, roads and public highways or other public ground or places shall be paid wholly out of the general or special fund of such municipality.

**Municipalities may act separately or jointly.** SECTION 7. Section 959—77. Whenever the erection of such breakwater or protection piers shall be deemed necessary the same may be done by any county, town, village or city, separately, or by two or more acting together. When two or more municipalities propose the work together in making such improvement they shall first meet and adopt a method of procedure which shall be adopted by resolution of the county, town or village board and common council of any city.

**Conflicting laws repealed.** SECTION 8. Section 959—78. Any and all acts or parts of acts in any manner conflicting with the provisions of this act are hereby repealed.

SECTION-9. This act shall take effect and be in force from and after its passage and publication.

Approved June 3, 1905.

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No. 224, A.]

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## CHAPTER 294.

AN ACT to amend section 1210e of the statutes of 1898, as amended by chapter 354 of the laws of 1903, and to create a new section to be known as 1210ee, relating to special assessments.

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

**Stay of proceedings; new assessment; judgment; costs.**

SECTION 1. Section 1210e of the statutes of 1898, as amended by chapter 354 of the laws of 1903, is hereby amended so as to read as follows: Section 1210e. If in any action at law for the recovery of damages arising from a failure to make a proper assessment of benefits and damages, as provided by law, or failure to observe any provisions of law, or because of any act or defect in any proceeding in which benefits and damages are assessed, and in any action to set aside any special assessment against property for any of the purposes mentioned in section 1210d, or to set aside any special assessment certificate, special improvement bond, tax sale or tax sale certificate based upon such special assessment, the court determines that such assessment is invalid by reason of a defective assessment of benefits and damages, or for any cause, it shall stay all proceedings in such action until a new assessment thereof be had in the manner herein after mentioned: thereupon the proper city authorities shall proceed *forthwith* to make a new assessment of benefits and damages against the property of the plaintiff as required by law in the case of such original