

CHAPTER 128.

[Published March 14, 1873.]

AN ACT to repeal chapter two hundred and ninety-one of private and local laws of 1871, entitled an act to prohibit poisoning dogs in the city of Milwaukee.

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

SECTION 1. Chapter two hundred and ninety-one of private and local laws of 1871, entitled "an act to prohibit poisoning dogs in the city of Milwaukee," is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 129.

[Published March 15, 1873.]

AN ACT to amend act entitled "an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20, 1852.

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

SECTION 1. Whenever the board of public works of the city of Milwaukee shall be ordered by the common council of the said city to make any assessment of damages and benefits, as now required by law, it shall be the duty of the said board of public works, after such assessment shall be made, and before the same shall be reported by the said board to the said common council, to give public notice of not less than six days in the official papers of the said city, that such assessment has been made, and that the same will be open for review and correction by the said board of public works, at the office of the said board, for not less than ten days after the first publication of such notice, during certain hours, and not less than two hours of each lay day, and that all persons interested will be heard by the said

Shall give notice of assessment of damages and benefits

board of public works in objections to such assessment, and generally in the matter of such review and correction. It shall be sufficient to state in such notice, in brief, what such assessment has been made for, and in what locality.

Shall hear all objections, may correct assessment and shall make report.

SECTION 2. During the time specified in the notice mentioned in the last preceding section, it shall be the duty of the said board of public works to hear all persons interested in the property assessed, or otherwise personally interested in such assessment, in making objections to any part of such assessment, and all evidence which may be produced in support of such objections, and the said board of public works shall thereupon have power to review, modify and correct such assessment, in such manner as they shall deem just, at any time during such review and for three days thereafter, and thereupon it shall be the duty of the said board of public works to make a report of such assessments to the said common council, as now provided by law.

City clerk shall give notice of report of assessment.

SECTION 3. After the said board of public works shall have so reported any such assessment, it shall be the duty of the city clerk of the said city to give a public notice of not less than six days, in the official papers of the said city, that such assessment has been so reported. It shall be sufficient to state in such notice, in brief, what such assessment has been made for, and in what locality. The said common council shall not have power, finally, to act upon such report for ten days after the first publication of the notice mentioned in this section. After the expiration of such ten days last mentioned, the said common council shall have power to confirm such assessment as so reported by the said board of public works, or to correct the same, or to refer the same back to the said board of public works. If so referred back to the said board of public works, the said board shall give the like notice and proceed in the same manner as provided in this act upon their first making such assessment; and in such case, when the said board of public works shall have again reported such assessment to the said common council, the like proceedings shall be had thereupon as when the same was first reported to the said common council.

After ten days, council may confirm report.

Property holders shall have right to appeal.

SECTION 4. All persons owning or having any interest in any property affected by such assessment, shall, within ten days after the first publication of notice by the city clerk of the said city that such assessment has been reported to the common council,

have a right to appeal therefrom to the said common council, and have the same right of appeal now provided by law from the said common council to the circuit court of Milwaukee county. But no such appeal to the said common council shall be taken after the expiration of ten days, as provided in this section. And in all cases of assessment hereafter to be made, such right of appeal to the said common council, and from the said common council to the said circuit court, shall be the only remedy for damages sustained by the proceedings or acts of the said city or its officers in the matter to which such assessment relates; and no action at law shall be maintained for injuries sustained by the proceeding or action of the said city or its officers in the matter to which any such assessment hereafter made relates, whether such action be founded on section eighteen of chapter ten of the act mentioned in the title mentioned in this act and hereby amended, or otherwise.

Appeal the only remedy for damages.

SECTION 5. In all cases in which the grade of a street has been ordered to be changed, and has been actually changed, since the 20th day of February, 1852, being the day of the passage of the act hereby amended, and the said common council shall hereafter order the grade of such street to be again actually changed, an assessment of benefits and damages shall be thereupon made as in other cases of grading streets, and all the several provisions of law relating to assessments for grading streets, in other cases shall apply to the assessment for grading such street as first mentioned in this section, and to the benefits and damages of such grading; and the damages, costs and charges mentioned in section eighteen of chapter ten of the act hereby amended, shall be included in such assessment.

Proceedings for change of grade same as for new grade.

SECTION 6. Whenever the said common council, with the concurrence of three-fourths of the members elected to each board thereof, shall declare by their resolution that it is necessary for the public interest to open a public street or alley, or to take land for any public purpose authorized by the charter of the said city, or to grade or otherwise improve any street, the said common council shall have power to open such public street, and to take land for such public purpose; and to grade and otherwise to improve such street, as the case may be, without any petition therefor, proceeding thereafter in that behalf as in cases of petition therefor duly made. The resolution provided for in this section shall declare why it is necessary for the public interest so to proceed, and no such resolution

Power to open public street by resolution of council.

What resolution shall declare and how passed.

shall be passed by either board of the said common council at the same meeting in which it is first considered, but shall lie over to a future meeting of such board. And the yeas and nays on the passage of such resolution shall be taken and duly entered in the journal of each board.

Provisions to apply to school house sites.

SECTION 7. All provisions of law authorizing proceedings to be taken by the said city for the taking of land for public purposes, shall apply to land for the sites of school buildings and for the premises to be attached to such buildings.

If court is not in session on the day fixed in the notice, said notice may stand over.

SECTION 8. Whenever notice shall be given of application to the circuit or county court of Milwaukee county as provided in section three of chapter one hundred and two of the private and local acts of 1872, for the appointment of a jury, and the court to which such application is to be made shall not be in session, or there shall be no panel of jurors in attendance on such court, on the day named in such notice for such application, then such application shall stand over until the next day in the same or other term of such court, when such court shall be in session, and a panel of jurors shall be in attendance therein when such application may be made and such jury appointed, with the same effect as if the same were done on the day mentioned in such notice.

Petitioners shall give brief description of property, and swear to ownership.

SECTION 9. Whenever a petition shall be presented to the common council for work chargeable to property fronting or abutting thereon, each person signing such petition as the owner of the property shall be required to write after his signature thereto a brief description of the property so owned by him, and annex thereto an affidavit that he owns the same, and thereupon he shall be taken to be the owner thereof and such petition shall be as valid and have the same effect as if such person were the owner thereof although in fact it should thereafter appear that he was not such owner.

May re-assess to pay royalty for use of any patent or patented article.

SECTION 10. Whenever the said board of public works shall have let, or shall hereafter let, any contract, or do any work chargeable to lots or lands in said city, to be done with the use of any patent or patented article, in pursuance of section ten of chapter three hundred and sixty of the private and local laws of the year 1871, and have omitted, or shall omit, at the time of making the assessment for such work against property chargeable therewith, to make an assessment and issue a separate certificate against such property for the sum or royalty chargeable for the use of such patent or patented article, in pursuance of the provisions of

the section last mentioned, the said board of public works shall have power, and it shall be their duty, to make such assessment for the sum or royalty chargeable for the use of such patent or patented article as soon as may be thereafter, and include the same in a separate certificate of such special assessment for the use of the said city, and such assessment and certificate shall be as binding and have the same effect, when so subsequently made, as if the same had been made at the same time as the assessment for the contract price of doing such work.

SECTION 11. All assessments hereafter to be made for the construction of sewers shall be made against all lots, parts of lots and parcels of land fronting or abutting on the sewer, on each side of the same, which have not been before so assessed for sewerage purposes, at the rate of eighty cents per lineal foot of the whole frontage of each lot, part of lots or parcel of land fronting or abutting on either side of such sewer, except corner lots, which shall be assessed therefor as follows: Corner lots not subdivided in ownership or use, and subdivisions of corner lots constituting the actual corner of corner lots subdivided in ownership or use, shall be entitled to a deduction in making such assessment, of one-third from the aggregate of the double street line of such corner lots or corner subdivisions thereof, to be made in the assessment of the longest street line of such corner lots or corner subdivisions thereof; or in case of equal street lines thereof, in the assessment for the second sewer to which they are liable: *provided, however,* that when the actual cost of any sewer shall be less than eighty cents per lineal foot of the lots, parts of lots and parcels of land, on both sides thereof, then and in that case the assessment shall be for the actual cost of such sewer per lineal foot, one-half thereof to be chargeable against the property fronting or abutting thereon, on each side thereof.

How assessments for sewers may be made.

SECTION 12. Power is hereby given to the said common council to declare the weed commonly called the Canada thistle, and other noxious plants and weeds, on lots, parts of lots and lands in the said city, a public nuisance and to proceed to abate the same as the said city is authorized by law to abate other nuisances; and the board of public works of the said city, under the direction of the common council, shall have power to make contracts for the removal of Canada thistles and other noxious plants and weeds from streets and alleys in any ward of the said city, the cost thereof to be chargeable to the ward fund of the proper ward.

Noxious weeds to be declared a public nuisance

Police force.

SECTION 13. The police force of the said city shall hereafter consist of one chief, two lieutenants, not less than four nor more than six detectives, and not less than fifty-one nor more than fifty-three patrolmen, so that the whole police force shall not exceed sixty men.

May provide for licensing dogs, and for their destruction.

SECTION 14. The common council of the said city shall have power, by ordinance, to provide for the licensing and keeping of dogs in the said city, at a sum of not less than one dollar, nor more than ten dollars a year for each dog, and to provide for a badge or token to be carried by each licensed dog, and for the secure muzzling of licensed dogs, and for the killing and destruction, in a summary manner, of all dogs not licensed, by any means, except by shooting, wherever the same may be found within the said city, and of licensed dogs running at large in the streets, alleys or public grounds in the said city, and to punish persons keeping unlicensed dogs.

May construct draw bridge and levy tax to pay for the same.

SECTION 15. The common council of the city of Milwaukee are hereby authorized and empowered to construct and maintain a draw or swing bridge over and across the Kinnickinnic river at the foot of Clinton street, in the twelfth ward of the city of Milwaukee, and when constructed said bridge shall be under the control and management of said city in the same manner as other bridges in said city. The common council of said city of Milwaukee shall levy and raise by taxation upon all the taxable real and personal property within said city for the year 1873, a sum of money not to exceed the sum of sixteen thousand dollars, for the purpose of paying for the construction of said bridge, and the approaches and other incidental expenditures relating thereto, such tax to be levied and collected in the same manner and at the same time as other taxes are levied and collected by law in said city.

How damages to be paid for lands taken for water mains.

SECTION 16. If the land or any part thereof, taken or to be taken by the board of water commissioners of the said city, in the name of the said city, for the purpose of laying their water main between Fifth avenue and the Milwaukee river in the first ward of the said city and between the Milwaukee river and Fourth street, in the sixth ward of the said city, shall be thereafter taken for a public street or streets, the damages for taking the same shall be assessed in the same manner and against the same lots and lands, and paid as if the lands so taken belonged to a private person, and shall be paid, when collected by the said city, to the water fund of the said city. And when the street or streets for which the same shall be so taken shall be graded, the

How assessment for grading to be made.

work which shall have been done by the said board of water commissioners in grading the same, and in building culverts thereon, shall be taken as a part of the grading of such street or streets, so far as the same shall be applicable thereto, and the expense thereof shall be taken as part of the cost of grading such street or streets, and shall be assessed in the same manner and against the same lots and lands, and paid as if the work thereof were done under contract in the usual way, and shall be paid, when collected by the said city, to the water fund of said city. And when any of the said work so done or to be done by the said board of water commissioners between the points, and for the purpose in this section before mentioned, shall have been done upon any of the present public streets of the said city, and such streets, or any of them, shall thereafter be ordered to be graded by the said common council, such work shall be taken as a part of the grading of such street or streets, so far as the same shall be applicable thereto, and the expense thereof shall be taken as a part of the cost of grading such street or streets, and shall be assessed in the same manner and against the same lots and lands, and paid as if the work thereof were done under contract in the usual way, and shall be paid, when collected, by the said city, to the water fund of the said city.

SECTION 17. Registered water bonds for sums of five thousand dollars, and one thousand dollars, and five hundred dollars respectively, may be authorized by the common council of the said city, in pursuance of the power granted to issue bonds by section one of chapter four hundred and six of the private and local laws of 1871, and the acts amendatory thereof. Water bonds may be issued.

SECTION 18. The common council of the said city shall have power to construct and maintain a swing bridge across the Milwaukee river at the western end of either Buffalo or Chicago streets, in the third ward in the said city, as the said common council shall elect and determine: *provided, however,* that no contract shall be made, and no tax shall be levied in the year 1873, for the construction of such bridge except for the center pier thereof. May construct swing bridge.

SECTION 19. The common council of the said city shall have power, at an expense not exceeding one thousand dollars, to build a stationary bridge across the canal in the Menomonee valley, built by Edward D. Holton, and commonly called Holton's canal, as and for the continuation of Canal street across the said May build stationary bridge.

canal, or to fill and dock Canal street across the said canal, as the said common council shall elect.

Shall make survey and fix dock lines on the Kinnickinnic.

SECTION 20. The channel of the Kinnickinnic river, from its entrance into the Milwaukee river to the south line of the said city, is hereby fixed and determined not to exceed two hundred feet in width. It shall be the duty of the board of public works of the said city, as soon as practicable after the passage of this act, to cause to be made a survey and plat of the said Kinnickinnic river, establishing and re-establishing the dock lines thereof so as not to exceed two hundred feet in width, from its mouth to the south line of the said city. Such survey shall describe the channel and dock lines of the said river, the depth of water therein, and the length and location of docks already built on the dock lines so established and re-established, and shall contain all other things necessary fully to describe and determine the water channel of the said river and the dock lines thereof. Thereupon it shall be the duty of the said board of public works to report such survey and plat of the said river to the common council of the said city for consideration. Thereupon the said common council shall have power to approve of such survey and plat, or to modify and change the same, and to adopt and establish such survey and plat, so reported or so modified and changed by ordinance. And if the said common council shall so adopt and establish such survey and plat, it shall be the duty of the city clerk to cause the same to be recorded in the office of the register of deeds of Milwaukee county, and to file the original in the office of the comptroller of the said city. And the said survey and plat, when so made, established, recorded and filed, shall have the same force and effect to vest in the said city all lands covered by the said water channel of the said river so established, as if the same had been made, acknowledged and recorded by the owners of such lands: *provided, however*, that no land belonging to private persons, and not dedicated or conveyed in that behalf by the owners thereof, shall be taken for the purpose of the said water channel until the compensation therefor shall be ascertained and paid, or tendered, as hereinafter provided. And the said water channel, when so adopted and established by the common council, is hereby declared to be a public river, subject to all laws and regulations applicable to it as such.

Survey and plat to be recorded.

How property to be taken for public use.

SECTION 21. In case it shall be necessary to take any property for the purposes specified in the next

preceding section of this act, the said board of public works shall apply to the common council of the said city, stating such necessity, and describing the property necessary to be taken, and shall thereupon, when so ordered by the said common council, proceed to cause such property to be taken as may be necessary, and in so doing, shall proceed in the same manner as provided by the charter of the city for laying out and widening streets in the said city, except that the application of said board of public works shall be in place of the petition of ten freeholders of the ward. And the benefits and damages of taking such property shall be assessed in the same manner and with the same right of appeal as provided by law in the case of laying out and widening streets in the said city.

SECTION 22. The common council of the said city shall have power from time to time, without petition in that behalf, to order the docking and dredging of the said Kinnickinnic river so surveyed and platted. And thereupon it shall be the duty of the said board of public works to proceed as in case of grading and graveling streets, with the same power of assessing benefits and damages to adjoining property, and the same right of appeal, and with the same proceedings generally as in case of grading and graveling streets. And the cost of docking and dredging the said river opposite to public streets abutting thereon, and of dredging the middle ground thereof, hereby fixed at one-third of the whole width thereof, shall be payable out of the proper dredging fund of the said city. And all excess of damages over benefits for taking land for the said water channel, and all expense of docking and dredging the same, opposite street crossings and in front of city property, shall be paid out of the ward fund of the proper ward.

May order docking and dredging.

Cost fixed.

SECTION 23. The common council of the said city shall not be authorized to dredge any part of the said Kinnickinnic river above the bridge over the same on Kinnickinnic avenue, until the same shall have been continuously docked and dredged on both sides of the said river by the owners of abutting property thereon.

Not to dredge above bridge.

SECTION 24. The warrant of the city treasurer of the said city to the chief of police of the said city for the collection of taxes on personal property shall hereafter include, in addition to the unpaid taxes on personal property for the current municipal year, all unpaid taxes on personal property for the next preceding three years. And the chief of police of the said city shall have power, and it shall be his duty, to collect

What city tax warrant to contain.

the same as is now provided by law for the collection of taxes on personal property.

May erect stable for fire department.

SECTION 25. The common council of the said city shall have power to erect a stable on the premises occupied by the steam fire engine number one of the fire department of the said city for the use of that engine, at a cost not exceeding three thousand dollars.

May erect new school building—the cost.

SECTION 26. The common council of the said city shall have power to erect a new school building for the Juneau school, in the first ward of the said city, at an expense not exceeding eighteen thousand dollars, over and above and in addition to all moneys collected for insurance for loss by fire on the old building and furniture, and over and above and in addition to the fund heretofore set aside by the said common council for insurance, and over and above and in addition to the value of all material of the old building used in the erection of the new building or sold.

May purchase additional school lots.

SECTION 27. The common council of the said city shall have power, at an expense not exceeding in the whole, the sum of twenty-five thousand dollars, to purchase additional lots for school purposes in the tenth ward, and to erect a school building for the said ward, and to furnish the same, and to fence the lots appurtenant thereto.

May remodel school buildings.

SECTION 28. The common council of the said city shall have power to remodel and erect additions to the Douglas school building in the eighth ward, and to the Jefferson school building in the second ward, at an expense of not exceeding ten thousand dollars for each of the said buildings.

May build addition.

SECTION 29. The common council of the said city shall have power to build an addition to the Union school in the sixth ward, at an expense not exceeding three thousand dollars.

May purchase lots in twelfth ward.

SECTION 30. The common council of the said city shall have power to purchase lots for a school building near the Kinnickinnic river in the twelfth ward, at an expense of not more than five thousand dollars.

Number of hook and ladder men increased.

SECTION 31. The number of hook and ladder men of the fire department of the said city is hereby increased to six, at a salary of eight hundred dollars per year each, as now provided by law.

Salaries of certain officers.

SECTION 32. The annual salaries of the following officers shall hereafter be as follows: Of the assistant engineer of the fire department, one thousand five hundred dollars; of the engineers of the steamers of the fire department, twelve hundred dollars each; of the foremen of the fire department, one thousand dollars

each; of the deputy comptroller of the said city, one thousand two hundred dollars; of the members of the board of public works, two thousand dollars each; of the city clerk, two thousand dollars; of the deputy city clerk, one thousand two hundred dollars. The common council shall also have power to appropriate a sum not exceeding five hundred dollars, to provide suitable conveyances for use of members of the board of public works in the discharge of their official duty.

SECTION 33. The amount of taxes which the common council of the said city shall be authorized to levy annually for the general city fund, to pay the general expenses of the city, including the current expenses of the police and fire departments, bridge tending and the repairs of bridges and of school buildings, and excluding the support of schools and special funds and expenses authorized or to be authorized by law, is hereby increased to two hundred thousand dollars. And the amount for ward purposes, exclusive of taxes for special purposes, authorized or to be authorized by law, is hereby increased to one hundred thousand dollars.

Limit of amount of taxation extended.

SECTION 34. The common council of the said city shall have power to create and appropriate for the municipal year commencing on the third Tuesday of April, 1873, from taxes to be levied for that purpose in that year, a sewerage fund for the east sewerage district of the said city, not exceeding thirty thousand dollars; a sewerage fund for the west sewerage district of the said city, not exceeding thirty thousand dollars, and a sewerage fund for the south sewerage district of the said city, not exceeding fifteen thousand dollars.

May create and appropriate a sewerage fund.

SECTION 35. The common council of the said city shall have power to create and appropriate for the municipal year commencing on the third Tuesday of April, 1873, from taxes to be levied for that purpose in that year, a general dredging fund not exceeding twenty-five thousand dollars, for general dredging expenses, of which the common council shall have power to expend a sum not exceeding six thousand dollars, in dredging the middle ground of the Kinnickinnic river, from its mouth to the Kinnickinnic avenue bridge, to a depth of fourteen feet.

A general dredging fund.

SECTION 36. The common council of the said city shall have power, in addition to the general ward tax in the sixth ward of the said city, to be levied by tax in the municipal year commencing on the third Tuesday of April, 1873, to collect a special ward tax in the said sixth ward for said year, of three mills on the dol-

A special ward tax for sixth ward.

lar on the assessment roll of the said ward, to be used and expended in the improvement of Walnut street in the said sixth ward.

May pay out of general fund for certain purposes.

SECTION 37. The common council of the said city shall have power, in their discretion, to pay the following sums out of the general city fund for the municipal year, commencing on the third Tuesday of April, 1873: to Christopher H. Starke, two hundred dollars, for dredging done west of Sixth street bridge in the year 1870; to Richard Davis, one hundred and fifty-four dollars and eighty-nine cents, for extra work done on the Point street bridge; to Squires and White for building the approaches to Point street bridge, so much as the common council shall find to be justly due them therefor, and to Edward Keogh, the sum of sixty-six dollars and seventy-five cents for printing tickets for voting on the proposition for aid to the railway extension from Monroe to Dubuque, in 1872; to George Burnham, John Rugee, John Hiles, Trueman H. Judd, John H. Tesch, Ammi R. R. Butler and Guido Pfister, three thousand and eight hundred and fifty dollars for that amount expended by them for the construction of the Sixth avenue bridge, across the South Menomonee canal, in the year 1872. And the common council are hereby authorized and required to cancel and return to the obligors therein named the bond now held by the city, signed by Joseph Phillips, C. M. Sanger, Harry H. West and others, and held by the city treasurer as an indemnity for the same, of two thousand dollars paid out of the treasury for the expense of entertaining the citizens of Michigan on the occasion of their visit to the city of Milwaukee, in 1870.

Shall cancel bond.

May pay certain sums from the ward funds.

SECTION 38. The common council of the said city shall have power, in their discretion, to pay the following sums out of the following ward funds for the municipal year commencing on the third Tuesday of April, 1873, with the consent of the local committee of the ward or wards to be charged in each case, or a majority of them and each of them: out of the ward funds of the sixth, ninth and tenth wards of the said city, in equal parts, the sum of three hundred and ninety-seven dollars and sixty cents to Henry Jante & Co., for covering the main sewer in Galena street, between First and Second streets, in the year 1872; out of the sixth ward fund, the sum of one hundred and fifty dollars to William Pilger, for damages sustained by him by the filling of Walnut street in front of lot five in block two, in the year 1871; out of the eighth ward fund, the sum of one hundred dollars and sixty

cents to Edward D. Holton, for work done on the street crossing at Canal street, in the eighth ward, in the year 1870; out of the fourth ward fund, the sum of ninety-three dollars to George J. Rodgers, being the amount advanced by him in 1872, in consequence of a clerical error in an assessment for opening a canal on property of Edward Roddis.

SECTION 39. The common council of said city are hereby authorized to cause Marshall street to be extended and opened from Wisconsin street to Lake street in the third ward of said city, in the manner provided for in the charter of said city, and the acts amendatory thereof. The cost of extending and opening said Marshall street, between Wisconsin street and Lake street, shall be charged as follows: One-half of such cost shall be charged to the ward fund of the said third ward, and one-half thereof to the adjoining real estate, as now provided by law for making and opening streets in said city. The common council of said city are hereby authorized in addition to other ward taxes to be levied in the year 1873, to levy on the taxable property of the said third ward an amount sufficient to pay one-half of the cost of opening and extending the said Marshall street, from Wisconsin street to Lake street, as herein authorized.

May open and extend Marshall street.

How cost to be charged.

SECTION 40. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 130.

[Published March 25, 1873.]

AN ACT to amend section one hundred and twenty-one of chapter twenty-eight of the revised statutes, and section one of chapter three hundred and seventeen of the general laws of 1864, relating to the duties of the commissioners of school and university lands.

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

SECTION 1. Amend section one hundred and twenty-one of chapter twenty-eight of the revised statutes, by adding after the word, "school," the word, "swamp," and after the word, "certificate," at the end of the section, the words, "together with the interest thereon

Amended—when sale of lands to be void.