

within six months after the last of the logs of any mark shall have passed over the slides down or be driven by the aid thereof: *provided*, that said Johnstons shall at all times comply with the provisions of section two (2) of this act.

Authority of proprietors.

SECTION 5. The control of said dam, the slides and gates of the same, shall belong to the said Johnstons, their heirs and assigns, and be under their exclusive control, subject always to the provisions of section two (2) of this act.

SECTION 6. This act shall take effect from and after its passage.

Approved March 1, 1879.

[No. 138, S.]

[Published March 5, 1879.]

### CHAPTER 148.

AN ACT to amend chapter forty-seven of the general laws of 1876, entitled an act to codify, consolidate and amend the act to incorporate the city of Appleton, and the several acts amendatory thereof.

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

Publication of council proceedings.

SECTION 1. Section three of sub-chapter three of chapter forty-seven of the general laws of 1876, is hereby amended by adding at the end of said section three the words: "*provided, however*, the common council may, in its discretion, order the minutes and proceedings of said council printed and published in a German newspaper in addition to the publication of the same in the official paper of the city."

Amendment.

SECTION 2. Section nine of sub-chapter five of said chapter forty-seven, is hereby amended by adding after the word "assessor," in the first line of said section, the words, "together with three aldermen to be designated by the common council at its first regular meeting in June of each year."

Liability of city for damages from accidents.

SECTION 3. Section twenty-eight of sub-chapter five of said chapter forty-seven, is hereby amended by adding to the end of said section twenty-eight, the following: "The city shall not be liable for any damages arising or resulting from accidents occurring by reason of any of the sidewalks, streets, drains, sewers, gutters, ditches, bridges, or public grounds in the city being out of repair or in a defective or dangerous condition, unless it be shown that prior to the happening

of such accident, one of the aldermen of the ward in which the same occurred, had actual knowledge of the defect causing the accident, for three days prior to such accident. And no action shall be brought for any damages arising or resulting from such accidents unless within a reasonable time, not exceeding five days from the happening of such accident, one of the aldermen or the mayor or city clerk shall receive personal notice thereof; nor unless a physician or physicians, to be designated by the mayor or common council, be permitted to examine the injuries of the person injured by such accident, at such times and as often as the mayor or common council shall direct.

Limit of time  
for bringing  
action.

SECTION 4. Section one of sub-chapter seven of said chapter forty-seven is hereby amended so as to read as follows: Section 1. The common council shall adopt general regulations relative to the cleansing and repairing of streets, avenues, lanes, alleys, highways, bridges, sewers, sidewalks, crosswalks and public grounds, and requiring the owners and occupants of lots or parcels of lands bordering or abutting on any street, lane, avenue, alley or highway, to keep in repair or rebuild the sidewalks adjoining their premises, and in case the owner or occupant of any such lot or parcel of land, after due notice from any of the aldermen of the ward in which such work is required to be done, shall neglect or refuse to repair or rebuild any such sidewalk, said alderman of said ward shall, in pursuance of such notice or of the order of the common council, cause the same to be done at the expense of said lots or parcels of land adjoining thereto or abutting thereon; and the said alderman shall, prior to the second Monday in November in each year, make a report in detail to the city clerk, duly verified, of the amount of tax properly chargeable against each lot or parcel of land for all work done and unpaid for under the provisions of this section, and such amount shall be a lien on such lot or parcel of land, and with other or like special taxes authorized by this act, shall be levied thereon by the common council at the next succeeding annual levy of taxes in said city as a special tax, with all the legal consequences, both as to collection of taxes and sale of such lot or parcel of land for unpaid taxes, prescribed in the act or the general laws of this state for special taxes. The cleaning and repairing of streets, avenues, lanes, alleys, highways and public grounds shall be done under the superintendence of the street commissioner, at the expense of the

Cleaning and  
repairing  
streets, etc.

Expense of  
same.

Duty of street  
commissioner.

city; and the common council may provide for letting all such work by the month or year by contract. Whenever the street committee of the common council signifies in writing to the city clerk that certain repairs, as provided in this section, are needed, the city clerk shall forthwith notify in writing the street commissioner to cause the same to be done, and if the street commissioner shall fail or neglect to cause the same to be done within six days from the time of receiving such notification, said street committee may in writing to be filed in the clerk's office, designate a suitable person to act in his stead, which person shall proceed in all respects the same as the street commissioner, and shall immediately thereafter make full returns of his doings under oath to the city clerk, and the acts and doings of such person so appointed shall have the same force, effect and validity as the acts of the street commissioner.

**Power of street commissioner and surveyor limited.**

SECTION 5. Section four of sub-chapter seven of said chapter forty-seven is hereby amended so as to read as follows: Section 4. The street commissioner shall not have power to make, grade, gravel or pave any street, avenue, alley or public grounds, or to construct any well, gutter or side-walk; nor shall the city surveyor have power to construct or accept any reservoir or sewer unless the same shall have been first duly authorized by an order of the common council, to be entered in its proceedings: *provided*, that nothing herein shall be so construed as to prohibit the street commissioner from making or causing to be made all necessary repairs to any street, avenue, alley, public grounds, wells, reservoirs, sewers and gutters: *and provided, further*, that he shall be at liberty to construct public wells, whenever the common council shall order the same, but there shall not be more than one well to any four blocks upon any one street or avenue. Hereafter no special improvements shall be ordered by the common council exceeding in estimated cost the sum of two hundred dollars, unless more than one-half the owners of the lands or lots to be taxed for such improvements shall petition in writing for the same, or unless the same shall be ordered by a vote of two-thirds of all the aldermen elect. If the common council order any special improvements to be made, or pass any ordinance requiring any special improvement to be done, the vote thereon shall be taken by yeas and nays, and entered upon the journal of the proceedings of said common council; and no special improvement shall

**Public wells.**

**Cost of improvements limited.**

be valid or binding unless said vote be so taken and recorded.

SECTION 6. Section five of sub-chapter seven, of said chapter forty-seven, is hereby amended so as to read as follows: Section 5. Whenever the common council shall authorize the making of any public improvement, as provided by sections three and four of this chapter, the city clerk shall forthwith notify the city surveyor to make and file in his office all necessary plans and specifications therefor, and an estimate of the whole expense thereof, and the proportion, if any, to be assessed and charged to each lot or parcel of land; and in the case of grading streets, avenues, lanes, alleys, highways, or building sidewalks, of the number of cubic yards to be excavated or filled in front of each lot or tract of land, and such estimate and plans shall be the property of the city, and shall be open to the inspection of all parties interested. The city clerk shall give notice by advertisement in the official paper of the city to the owners or occupants of the lots or parcels of land bordering on any street, avenue, alley or highway ordered to be graded, graveled, planked or paved, requiring them to do the work mentioned in such notice within a reasonable time therein to be specified, according to the plans and specifications on file in his office, and if the said work shall not be done within such time, the city clerk shall at once proceed to advertise for proposals, and enter into contracts for the doing thereof. Whenever any contract shall have thus been made and concluded, the city clerk shall, without delay notify the city surveyor thereof, accompanying such notice with a copy of the terms and conditions of such contract; all contracts for work done by and pursuant to the provisions of this chapter, and for the construction of sewers and reservoirs, shall be subject to the acceptance of the city surveyor, except the repairing and rebuilding of sidewalks, which shall be subject to the acceptance of any alderman of the ward in which such work is done: *provided*, that any contractor may appeal from the decision of said city surveyor, or of said alderman, to the common council. The common council may, in its discretion, employ any competent man to superintend the construction of such public works as it thinks proper. In all cases where any improvement shall be ordered pursuant to the provisions of this act, one-half of the expense of which shall be chargeable to the lots bordering thereon, the owner or agent shall be entitled to do the work ac-

Duty of surveyor.

Public notice to be given.

Letting of contracts.

Superintendence of work.

ording to the plans and specifications on file, and on completion thereof to the acceptance of the proper officers, shall be entitled to receive from such officers a certificate showing that the city is indebted to him for an amount equal to one-half of the estimated expense (previously made and filed by the city surveyor), upon the presentation of which certificate, duly verified by the owner or holder thereof to the common council, the same shall be allowed to him out of the general fund of the city: *provided*, that any agent or owner shall, within ten days after said work is ordered by the common council, signify to the city clerk, in writing, that he will perform the same according to the plans, specifications and estimate made by the city surveyor, and shall execute a bond subject to the approval of the said clerk, conditioned for the faithful execution thereof, within the time designated by the street committee or the city clerk.

Paying expense  
of improve-  
ments.

SECTION 7. Section seven of sub-chapter seven of said chapter forty-seven is hereby amended so as to read as follows: Section 7. After the completion and performance of any contract entered into by the street commissioner or any alderman, for work chargeable to lots or lands by virtue of this chapter, he or they shall give to the contractor or contractors a certificate under his or their hand, stating therein the amount of work done by such contractor under his or their order respectively, the nature thereof and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by indorsement thereon; and if the amount thereof shall not be paid before the time for making out the annual assessment roll or tax list, the same shall be levied upon the said lots or parcels of land respectively, and collected for the use and benefit of the holder of such certificate as other taxes on real estate are collected by virtue of this act; and if the notice to do the work required shall have been given as herein provided, no informality or errors in the proceedings shall violate such assessment and levy: *provided*, that in no event not herein authorized, where work is ordered to be done at the expense of any lot or parcel of land, in whole or in part, shall the city be held responsible for payment thereof.

Chief engineer.

SECTION 8. Section four of sub-chapter eight of said chapter forty-seven, is hereby altered and amended so as to read as follows: Section 4. The common council, at its first meeting in each corporate year, shall elect a chief engineer of the fire department, and as

many assistant engineers and fire wardens as it may deem necessary, who shall each hold their office during the pleasure of the common council, or untill their successors shall be appointed by said council.

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

Approved March 1, 1879.

[No. 89, S.]

[Published March 5, 1879.]

### CHAPTER 149.

AN ACT to appropriate to Henry Baetz, late state treasurer, a sum of money therein named.

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

SECTION 1. There is hereby appropriated to Henry Baetz, late state treasurer, the sum of fourteen hundred and seventeen dollars and fifty-six cents (\$1,417.56), out of any moneys in the general fund not otherwise appropriated; said sum being in full reimbursement to him of the costs and expenses of a suit brought against him in the name of the state, upon his official bond. Appropriation,  
\$1,417.56.

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

Approved March 1, 1879.

[No. 163, S.]

[Published March 5, 1879.]

### CHAPTER 150.

AN ACT to impose certain penalties upon county officers for violating certain provisions of law.

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

SECTION 1. Every county treasurer who shall violate the provisions of section one thousand one hundred and thirty of the revised statutes, by publishing the delinquent tax list mentioned in said section, in any newspaper that has not been published the length of time mentioned in said section, shall forfeit a sum equal to the fees allowed by law for such publications, to be sued for and recovered in a civil action brought in the name of the state of Wisconsin, one-half of such penalty to be paid to the informer and the other half Penalty for  
treasurer violat-  
ing law.