

[No. 126, S.]

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CHAPTER 183.

AN ACT to amend chapter one hundred and thirty-five of the laws of 1876, entitled an act to revise, consolidate and amend the charter of the city of La Crosse, approved February 19, 1869, and the several acts amendatory thereof, and changing the boundaries of wards.

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

SECTION 1. All that portion of the territory of the city of La Crosse lying south of a line drawn from the Mississippi river through the center of Cass street to the eastern boundary of the city, and now constituting the third ward of said city, shall be divided into two wards, numbered and bounded as follows: All that portion of said territory south of the center line of Cass street and west of the center line of Seventh street, and Seventh street extended to the south boundary of the corporate limits of said city, shall constitute and be known as the third ward of said city; and all that part of said territory lying south of the center line of Cass street and east of the center line of Seventh street and Seventh street extended as aforesaid, shall constitute and be known as the sixth ward of said city. The persons now serving as aldermen, school commissioner and justice of the peace, respectively, of the third ward, whose terms of office do not expire on the second Tuesday of April, 1881, and whose places of residence are within the boundaries of the sixth ward as herein constituted, shall continue in office as such officers respectively in and for the said sixth ward, until the expiration of the several terms for which they were elected, unless they shall sooner cease to be residents of said ward.

Division of third ward.

Boundaries of third ward.

Sixth ward.

SECTION 2. At the charter election in said city, to be held on the first Tuesday of April, 1881, the following officers shall be elected, namely: In and for the third ward as constituted by this act, one supervisor, one justice of the peace for one year to fill the vacancy caused by the alteration of the boundaries of said ward, one constable, one alderman for one year, and one alderman for three years; and in and for the sixth ward as constituted by this act, one supervisor, one constable, one alderman for two years and one alderman for three years, who shall hold their respective offices for the terms prescribed by this act to which this act is amendatory, and the laws of this state,

Elective officers

and all of said terms shall begin on the second Tuesday of April, 1881.

School commis-
sioner.

SECTION 3. At the first meeting of the common council of said city, to be held in the afternoon of the second Tuesday of April, 1881, or within ten days thereafter, the common council shall elect one school commissioner for the third ward of said city as constituted by this act, whose term of office shall expire on the first Monday of January, 1882, and at the regular meeting of said common council in December, 1881, there shall be elected one school commissioner for the first ward, one for the third ward, and one for the fifth ward, to hold their offices for two years, and one commissioner for the sixth ward, to hold his office for one year from the first Monday of January, 1882, and until their successors are elected and qualified.

Inspectors and
clerks of elec-
tions.

SECTION 4. The mayor of said city shall at the first meeting of the common council held after the passage of this act nominate to said common council the number of persons possessing the qualifications required by general law, to act as inspectors and clerks of election for the third and sixth wards respectively as constituted by this act, and who shall hold their offices until the second Tuesday of April, 1881. The common council shall, at the same meeting, take such measures as may be necessary to provide for, and give proper notice of the places of holding the election in the third and sixth wards of said city.

Superintendent
of water works.

SECTION 5. All the duties of the office of superintendent of water works, established by ordinance of said city, as now prescribed, or as the same may hereafter be prescribed by the common council, shall after the second Tuesday of April, 1881, be performed by the same person, who shall thereafter hold the office of street commissioner, it being the intent hereof that the said two offices shall be consolidated, and that all the duties thereof shall be performed by one officer, who shall be annually elected by the common council at the time and in the manner now prescribed by the charter for the election of street commissioner. In all matters relating to the care and management of streets and public grounds he shall be called street commissioner; and in all matters relating to the care and management of water works he shall be called superintendent of water works. As compensation for performing the duties of said two offices such officer shall receive an aggregate salary to be fixed by the common council.

SECTION 6. Subdivision eleven of section three of subchapter four of chapter one hundred and thirty-five of the laws of 1876, is hereby amended so as to read as follows: 11th. To make and establish public pounds, pumps, cisterns and reservoirs; to provide for the erection of water works for the supply of water to the inhabitants of the city; to lay down water pipes; to establish water rates to be paid by persons using the water therefrom and to prevent unnecessary waste of water by any person or persons; to pass from time to time such ordinances as may be deemed necessary or expedient for the construction, regulation or protection of such water works and pipes and to enforce the same by suitable penalties; to regulate and license hacks, cabs, drays, carts and the charges of hackmen, draymen, cabmen and cartmen in the city; to erect lamps, and provide for the lighting of streets, public grounds and public buildings with gas or otherwise.

Powers of common council.

SECTION 7. The common council of the said city of La Crosse shall have power, anything in the act to which this act is amendatory to the contrary notwithstanding, to cause any street or regularly established roadway in that part of the fifth ward outside of the settled portion thereof and that part of the city south of the La Crosse river, and east of Twelfth street or West avenue, to be graded, graveled or macadamized, to such width as said council may see fit, at the cost of the general fund of said city. After any such street or roadway shall have been improved as herein authorized, all the materials used or placed therein shall remain the property of said city and subject to be removed or otherwise disposed of as the common council may, by resolution, direct; and at any time after the making of any such improvements as herein authorized, the common council shall have power to proceed to order any such street or roadway to be improved in the manner provided by subchapter six of the act to which this act is amendatory, and the expense thereof shall be chargeable to and payable by the lots or other parcels of land fronting or abutting on the same as is provided in said subchapter for the first improvement of a street.

Improving streets in fifth ward.

SECTION 8. Section two of sub-chapter thirteen of the act to which this act is amendatory, is hereby amended so as to read as follows: Section 2. Whenever any injury shall happen to any person or property in the said city of La Crosse, by reason of any defect or incumbrance of any street, sidewalk, alley or public

City not liable for damages in certain cases.

ground, or from any other cause for which the said city would be liable, and such defect, incumbrance or other cause of such injury shall arise from or be produced by the wrong, default or negligence of any person or corporation, such person or corporation so guilty of such wrong, default or negligence, shall be primarily liable for all damage for such injury; and the said city shall not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such person or corporation.

In case of injury caused by neglect of contractor in repairing streets.

SECTION 9. Section three of subchapter thirteen of the act to which this act is amendatory, is hereby amended so as to read as follows: Section 3. Whenever any injury shall happen to any person or property at any place in the said city of La Crosse, where work of any kind or nature is being done in or on any street, sidewalk, alley or public ground, by any contractor or contractors under contract with said city, or any department or officer thereof, in consequence of the condition of any such street, alley, sidewalk, or public ground, arising from the doing of such work, or in consequence of the failure of any such contractor or contractors to keep up sufficient fences or protection guards to prevent damage or injury to persons or property, or in consequence of any other wrong, default or negligence in doing such work, such contractor or contractors, so guilty of causing or permitting such condition of such street, alley or sidewalk, or of such wrong, default or negligence, shall be primarily liable for all damages for such injury, and the said city shall not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such contractor or contractors.

Superintendent of schools.

SECTION 10. Section four of subchapter ten of the act to which this act is amendatory, is hereby amended so as to read as follows: Section 4. The board of education shall at its regular meeting, held on the first Monday of July, 1882, or within fifteen days thereafter, elect some suitable person, having the necessary qualifications, as city superintendent of schools, who shall hold his office until the first Monday in July, 1883, and until his successor shall be elected and qualified; and thereafter, the board of education shall annually, at its regular meeting, on the first Monday of July of each year, or within fifteen days thereafter, elect a city superintendent of schools, whose term of office shall commence on the first Monday of July, and said superintendent shall continue in office one year,

and until his successor is elected and qualified, unless removed by a two-thirds vote of the common council, for misconduct or other sufficient cause. And it shall be the duty of the school board to supply by election any vacancy which may occur from time to time in said office of school superintendent, by resignation death or otherwise.

SECTION 11. Section five of subchapter ten of the act to which this act is amendatory, is hereby amended so as to read as follows: Section 5. The present term of the school superintendent shall continue under this act until the first Monday of July, 1882.

Term of office
of school super-
intendent.

SECTION 12. Section eight of said subchapter ten of the act to which this act is amendatory, is hereby amended so as to read as follows: Section 8. The duties of the board of education shall be as follows: 1st. To elect at its regular meetings in July, or within fifteen days thereafter, a city superintendent of schools; if such election shall not take place at or within the time aforesaid, the said superintendent shall be elected by the common council at some regular meeting thereafter. 2d. To decide on the number of teachers to be employed, the grade of schools to be kept by each, and the salary to be paid to each, and to arrange and determine the terms and vacations in the public schools of the city; to establish uniformity in the school system, and to require and secure uniformity of text books and to adopt and change text-books: provided, that when a text-book or series of text-books have been adopted, the same shall not be changed for a period of three years from the date of their adoption. 3d. To establish rules and regulations for the schools, not in conflict with the constitution and laws of this state, and from time to time to alter, modify or repeal the same as it may deem expedient. 4th. In the name of the city of La Crosse to employ and contract with all teachers, and all such contracts shall be made in duplicate and shall be signed by the teacher and by the board of education in behalf of the city, or by some member of said board designated for that purpose by resolution of said board, and one copy shall be filed with the clerk and the other copy delivered to the teacher signing the same. 5th. To audit each and every indebtedness of said city created for school purposes. 6th. To superintend and manage the schools in said city, and to have the custody and supervision of all property of the city used for school purposes.

Duties of the
board of educa-
tion.

Salary of school superintendent

SECTION 13. Section seventeen of said subchapter ten of the act to which this is amendatory, is hereby amended so as to read as follows: Section 17. The city superintendent of schools shall receive an annual salary which shall be determined from year to year by the board of education and which shall be paid monthly out of the school fund of said city.

Council may issue bonds to pay certain indebtedness.

SECTION 14. The common council of said city shall, in addition to the powers conferred upon all municipal corporations by sections nine hundred and sixty *a* to nine hundred and sixty *e*, inclusive, of the revised statutes, have power to issue bonds or certificates of indebtedness of said city, to raise a sufficient amount of money to pay any indebtedness of said city heretofore lawfully incurred, of whatever kind or nature, and whether the same be evidenced by bonds or by certificates of indebtedness issued to the commissioners of public lands, subject, however, to all restrictions contained in the sections of revised statutes above mentioned in reference to the amount, time, rate of interest and mode of sale of the bonds therein authorized; and the proceeds thereof may be applied to the payment of any indebtedness of said city lawfully incurred which may be designated by the common council in ordering such new issue of bonds.

Restricting powers of council.

SECTION 15. Neither the mayor nor clerk shall sign or issue any city orders or other evidences of debt in excess of the amount which the city is authorized to appropriate under the provisions of the act of which this act is amendatory. Nor shall the common council or any officer or agent of said city make any appropriation or contract, or create or incur any indebtedness against the city of La Crosse in excess of the amount authorized by the city charter, and every mayor, clerk, alderman or other officer of the city violating any of the provisions of this section shall forfeit not less than twenty-five dollars nor more than one hundred dollars for each offense, provided that the penalty herein shall not apply to any indebtedness existing at the time of the passage of this act, nor to appropriations or temporary loans for the necessary expenses of maintaining the police and fire departments of the city.

Repealed.

SECTION 16. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 17. This act shall take effect and be in force from and after its passage.

Approved March 24, 1881.