

[No. 297, A.]

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CHAPTER 324.

AN ACT to amend chapter 184 of the laws of 1874, entitled "an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," approved March 10, 1874, and the acts amendatory thereof.

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

Amended.

SECTION 1. Section 7, of sub chapter 2, of chapter 184, of the laws of 1874, entitled "an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," approved March 10, 1874, is hereby amended so as to read as follows: Section 7. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council, or by the mayor, or in such manner as the common council may direct, except when otherwise directed in this act. The city clerk, the commissioners of public works, city engineer, superintendent of schools, secretary of the school board, tax commissioner, commissioner of health, chief of police, and chief engineer of the fire department, shall respectively hold their offices for the terms for which they are respectively elected or appointed.

Mayor shall see ordinances are enforced.

SECTION 2. Section 2, of sub chapter 3, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 2. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced; and that all officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer, and the head of the fire department and of the police of the city, and in case of a riot or other disturbance, or whenever he and the chief of police shall deem it necessary for the prevention of threatened disorder or for the preservation of the public peace and the good order of the city, they may appoint as many special or temporary policemen as they may deem necessary. Such special or temporary policemen shall serve for such length of time as the mayor and chief of police shall deem necessary, and shall receive such compensation for their services as the common council shall provide or direct, but the term of said special policemen shall in no case exceed the time of two weeks.

SECTION 3. Section 13, of sub-chapter 3, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 13. He shall examine all estimates of work to be done by the board of public works of the city, and countersign all contracts entered into by said board of public works, and all certificates of work given by them; and also all contracts made in behalf of the city; and no contract entered into or certificate issued against property, shall be of any validity unless countersigned by the comptroller, except as otherwise expressly provided in this act.

Shall examine estimates.

SECTION 4. Section 15, of sub-chapter 3, of said chapter 184, of the laws of 1874, which was repealed by section 10 of chapter 144 of the laws of 1875, is hereby revived and re enacted in part, in the following words and figures, to wit: Section 15. He shall report monthly to the common council the amount of work done, or for which contracts have been entered into, chargeable to the several and respective ward funds and to the general city fund, and to any other fund.

Shall examine reports, books, etc.

SECTION 5. Section 16, of sub-chapter 3, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 16. He shall examine the reports, books, papers, vouchers and accounts of of the treasurer, the collector of the water rates, the clerk of the Municipal court, and of any other officer authorized to collect or receive, or charged with the duty of collecting or receiving moneys for the city, and shall perform such other duties as are prescribed in this act, and as the common council may from time to time direct."

SECTION 6. Section 2, of sub-chapter 4, of said chapter 184, of the laws of 1874, as amended by section 11 of chapter 144 of the laws of 1875, is hereby amended by adding thereto, at the end of said section so that the entire section shall read as follows: "Section 2. The common council shall hold stated meetings at such times and places as they shall appoint, and the mayor or president of the board of aldermen may call special meetings thereof, by notice of at least twenty-four hours to each of the members, to be served personally or left at his usual place of abode. Special meetings shall also be called by the president, at the written request of five aldermen. The common council shall determine the rules for their own government and proceedings; provided such rules are consistent with the provisions of this act. A majority of the members

Council shall hold stated meetings and other requirements.

elected shall be required to constitute a quorum for the transaction of business, but a smaller number may adjourn; their sessions shall be open and public; their proceeding shall be recorded, and all their papers and records, and all election returns shall be deposited with the clerk of the common council, and the same may be examined at any time in the presence of the clerk; and each member of the common council shall have one vote, and no more, on any one question. The ayes and noes may be required by any member; and on all questions, ordinances or resolutions for assessing and levying taxes, or for the appropriation or disbursement of money, or creating any liability or charge against said city or any fund thereof the vote shall be taken by ayes and noes; and every vote by ayes and noes shall be entered at length upon the journal. The common council shall be the judge of the election and qualification of its own members, and may punish its members or other persons present, by fine, for disorderly behavior, may compel the attendance of its members upon its sessions, and employ the police of said city for that purpose; and may fine or expel any member for neglecting his duty as such member, or for unnecessary absence from the sessions of the board. At all elections or confirmations by the common council, the vote shall be given viva voce, and shall be duly recorded by the clerk in the journal; and the concurrence of a majority of all the members elect shall be necessary to an election or confirmation." The common council is a continuing body, and unfinished business pending before it shall not lapse or go down with the council year but all pending business before the common council or any committee thereof, at the termination of any council year shall be considered as pending before the common council of the next succeeding council year, or the corresponding committee thereof, and may be acted upon and disposed of by the council of such succeeding year in the same manner and with the same effect as if no change in such common council had taken place, by the expiration of a council year.

Amended.

SECTION 7. Sub-section 2, of section 3, of sub-chapter 4, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: "2. To license, tax, regulate, suppress or prohibit billiard tables, pool tables, pigeon-hole tables, shooting galleries, nine or ten pin alleys, bowling saloons and ball alleys."

Direct location
of breweries,
tanneries, etc.

SECTION 8. Sub-section 7, of section 3, of sub-chapter 4, of chapter 184, of the laws of 1874, is hereby

amended so as to read as follows: "7. To direct the location and management of, and regulate breweries, tanneries, packing houses, livery stables and sale stables; and to direct the location, management and construction of, and regulate, license, restrain abate or prohibit, within the city and the distance of four miles therefrom, distilleries, slaughtering establishments, establishments for steaming and rendering lard, tallow, offal, and such other substances as can or may be rendered, soap factories, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on; provided, that for the purpose of this section, the Milwaukee, Menomonee and Kinnickinnick rivers, with their branches, to the outer limits of the county of Milwaukee, and all canals connected with said rivers, together with the lands adjacent to said rivers and canals, or within one hundred rods thereof, shall be deemed to be within the jurisdiction of the city."

SECTION 9. Sub-section 9, of section 3, of sub-chapter 4, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: "9. To regulate ^{Regulate} butchers, etc. butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit, eggs, milk and other provisions in the city; to restrain and punish the forestalling of poultry, fruit, milk and eggs; and to cause the seizure and destruction, or other disposition, of tainted or unwholesome meat, butter, vegetables, fruit or provisions."

SECTION 10. Sub-section 40, of section 3, of sub-chapter 4, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: "40. To tax, license and regulate road vehicles of any and every kind and description, and the use or letting for use of telephone instruments; to tax and license doctors, lawyers, fire and life insurance solicitors, brokers, agents, commission men and grain brokers; to tax, license and regulate auctioneers, distillers, brewers, and pawnbrokers, and all keepers or proprietors of junk shops and places for the sale and purchase of second-hand goods, wares and merchandise; and to tax, license, regulate and restrain hawkers and peddlers, and runners or solicitors for steamboats, vessels, cars, railroads, stages, public houses and other establishments; and other runners, including runners or solicitors for mercantile houses from other cities and towns for the sale of goods, wares and merchandise by sample, order or otherwise; and keepers or proprietors of gift book

stores, gift concerts and other gift enterprises; and to fix and regulate the amount for licenses under this subdivision, and to prescribe the time for which such licenses shall be granted, and to provide and enforce penalties for carrying on either of said trades, kinds of business or employments, or using such vehicles without license; and to regulate the manner in which they shall be carried on or used; provided, that no such license shall be granted for a less term than three months nor for a longer term than one year, and that the amount to be paid for any such license shall not be less than at the rate of twenty dollars per year, nor greater than at the rate of two hundred and fifty dollars per year, for the carrying on of either of said trades, kinds of business or employments.

regulate
height of pub-
lic buildings,
etc.

SECTION 11. Sub-section 63, of section 3, of sub-chapter 4, of chapter 184, of the laws of 1874 is hereby amended so as to read as follows: "63. To declare that it shall be unlawful for any hall, theater, opera house, church, school house or building of any kind whatsoever to be used for the assemblage of people, or for any building exceeding three stories in height, to be used as a manufactory, hotel or boarding house, or for any other purpose, unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled, in case of alarm, and may require and regulate the erection of ladders, fire escapes or other appliances for the escape of persons from such buildings, and prescribe penalties for the failure to provide or maintain such means and appliances for the egress and escape of persons from such buildings."

Appropriation
resolutions
shall be re-
ferred.

SECTION 12. Section 5, of sub-chapter 4, of said chapter 184, of the laws of 1874, as amended by section 1, of chapter 274, of the laws of 1881, approved April 1, 1881, is hereby further amended so as to read as follows, to-wit: Section 5. All resolutions appropriating money, or creating any charge against any of the funds of said city or wards, and all accounts and ordinances, shall be referred to appropriate committees and shall only be acted on by the common council at a subsequent meeting not held on the same day, on the report of the committee to which the same were referred; provided, however, that when a committee shall report by resolution upon a matter referred to them by the common council, action upon such resolution may, in the discretion of the council, be taken without a further reference; and, in either case, if the report is made upon an ordinance or resolution appropriating money

out of, or creating any charge against any of the funds aforesaid, said report shall be countersigned by the city comptroller, and said comptroller shall not countersign any such report, unless there is a sufficient portion of the proper city or ward fund unappropriated to meet said appropriation or charge. Action upon any report of a committee made to the common council, shall be deferred to the next regular meeting of the same by request of one-fifth of the aldermen present. And no portion of any city or ward fund shall be transferred to, or borrowed from, or by any other of said funds at any time, or for any purpose whatsoever, so as to increase any fund to an amount in excess of the estimate for such fund as fixed by the common council.

SECTION 13. Section 7, of sub chapter 5, of said chapter 184, of the laws of 1874, is hereby declared to be in full force and effect, in the following words, to-wit: "Section 7. All repairs and alterations in the school buildings of said city, and in the premises attached thereto, shall be made by the board of public works in the same manner as the said board is authorized to do similar work. And whenever any such repairs or alterations are deemed necessary by the school board, it shall be their duty to report the same to the common council of the said city for their order and direction in the premises."

Repairs shall be made by board of public works.

SECTION 14. Section 9, of sub-chapter 5, of said chapter 184, of the laws of 1874, as amended by section 21, of chapter 144, of the laws of 1875, and by chapter 294, of the laws of 1881, is hereby further amended so as to read as follows, to-wit: Section 9. Whenever any public work or improvement shall be ordered by the common council, the said board shall advertise for proposals for doing the same—a plan or profile of the work to be done, accompanied with specifications for doing the same, or other appropriate and sufficient description of the work required to be done, and of the kinds and quality of materials to be furnished, being first placed on file in the office of said board for the information of bidders and others. Such advertisement shall be published at least six days in the official city papers, and shall state the work to be done and the time for doing the same, which shall in all cases be such reasonable time as may be necessary to enable a contractor with proper diligence to perform and complete such work. All proposals shall be sealed and directed to said board, and shall be ac-

Shall advertise for proposals and matters relating thereto.

accompanied with a bond to the city of Milwaukee in such penal sum, not less than thirty per cent. of the amount of the engineer's estimate of the cost of such work, as the board in such advertisement may direct; which bond shall be signed by the bidder and by two or more responsible sureties who shall each make affidavit that he is the owner of real estate in the county of Milwaukee, free from incumbrance and subject to execution, of a cash value equal to the penalty of said bond, that he is worth the penal sum of such bond over and above all his debts and liabilities, in property in said county, subject to execution; such bond and sureties to be approved by the board previous to the opening of the accompanying bids or proposals, and shall be conditioned that such bidder will execute and perform the work for the price mentioned in his proposal and according to the plans and specifications on file, in case the contract shall be awarded to him; and in case of default on his part to execute a contract with satisfactory sureties and to perform the work specified, said bond shall be prosecuted in the name of said city, and judgment recovered thereon for the full amount of the penalty thereof, as liquidated damages, in any court having jurisdiction of the action, unless the common council shall, by resolution, direct that no action shall be commenced; provided, that no bond shall be required of any bidder who, at the time he offers his bid or proposal as aforesaid, shall deposit with the board of public works a sum of money equal to 50 per cent. of the penalty required for such bond, under an agreement that the same shall be returned to such bidder in case the contract for the work bid for is not awarded to such bidder, or in case he makes no default in the execution of the contract with satisfactory sureties, in case it is awarded to such bidder, and that in case the contract is so awarded and he shall fail to execute a contract with satisfactory sureties to perform the work specified, for the price named in his bid, within a reasonable time after such contract is prepared and ready for execution, then said sum of money shall become the property of said city, as fixed and liquidated damages for such default, and shall be paid by said board to the city treasurer.

Contracts to be awarded to lowest bidder.

SECTION 15. Section 10, of sub-chapter 5, of said chapter 184, of the laws of 1874, as amended by section 22, of chapter 144, of the laws of 1875, is hereby further amended so as to read as follows, to wit: Section 10. All contracts shall be awarded to the lowest bidder,

who shall have complied with the foregoing requisitions; provided, that no contract shall be entered into by the board of public works, unless the same shall be executed by two or more sureties for the contractor guaranteeing to the satisfaction of said board the performance of such contract by the contractor, under the superintendence, and to the satisfaction of said board, each of which sureties shall make an affidavit indorsed on or attached to such contract, that he is the owner of real estate in the county of Milwaukee, free from incumbrance and subject to execution, of a cash value equal to the penal sum of such bond, and that he is worth the estimated amount of money to be paid on such contract, over and above all his debts and liabilities, in property in said county subject to execution; and provided further, that whenever the lowest bid for any work to be let by said board, shall appear to said board to be unreasonably high, the said board is authorized to reject all bids therefor, and to re-let the work anew; and whenever any bidder shall be, in the judgment of said board, incompetent, or otherwise unreliable for the performance of the work for which he bids, the said board shall report to the common council of the said city a schedule of all the bids for such work with a recommendation to accept the bid of the lowest competent and reliable bidder for such work, with their reasons for such recommendation, and thereupon it shall be lawful for the said common council to direct the said board either to let the work to such lowest competent and reliable bidder, or to re-let the same anew; and provided further, that the said board shall reject the bid of any person who shall previously have wilfully or negligently failed to complete any work or contract entered into by him with the city, or any officer or department thereof, or who shall have wilfully or negligently failed to enter into a contract with satisfactory sureties, for any work or improvement that shall have been previously awarded to him by said board, and the failure to let such contract to the lowest bidder, in compliance with any provision of this section, shall not invalidate such contract, or any special assessment thereunder, or for the work done in virtue thereof.

Section 16. Sections 16, 18 and 19 of sub-chapter 5 of said chapter 184 of the laws of 1874, are hereby revised, re enacted and amended, so that said sections shall read as follows, to-wit: Section 16. All work, except as otherwise provided in this act, chargeable to the sev-

All work shall be let by contract.

eral ward funds, or to the city funds, including incidental printing, shall be let by contract to the lowest bidder, in the manner provided by sections 10, 11 and 13 of this chapter; and all supplies of materials, exceeding in amount one hundred dollars, shall, when practicable, be purchased by said board by contract, which shall be let after due notice inviting proposals, in the manner provided for the letting of contracts for the doing of public work; all accounts for such work, or for the furnishing of such materials, shall, before being allowed by the common council, be audited by the comptroller, and all such accounts for work done or materials furnished under the supervision of the board of public works, shall be certified by them before being audited. Section 18. Whenever the board of public works shall deem it for the interest of the city, or whenever, in the prosecution of any public work, said board shall be of the opinion that the proposed work can be better and more cheaply done without the intervention of a formal contract, they shall report the same to the common council, with their reasons therefor, and the common council may, by resolution, authorize the said board to procure the necessary materials therefor, and to employ workmen to do such work; provided, that such authority shall not be given, unless approved by the votes of at least three-fourths of all the members elect of the common council; and in case of ward work, of two aldermen of the ward; and further provided, that such authority shall not be exercised unless the comptroller shall, as provided in section 19 of this chapter, advise the board that there are sufficient funds available for the proposed work. Section 19. It shall be the duty of the said board of public works, before causing such work to be done, to deliver to the comptroller a statement in writing of the work authorized and proposed to be done as provided in the next preceding section, showing the nature and estimated cost thereof, and the fund to which the same is chargeable; and it shall be the duty of the comptroller to enter such statement in the record mentioned in section 15, of this chapter; and in case the comptroller shall be satisfied that the cost of such proposed work will exceed the amount available for the purpose of the fund out of which the same is to be paid, it shall be his duty to so advise the board of public works, and the resolution of the common council, passed as in the last preceding section, shall be inoperative.

Board of public works may employ workmen, etc.

Shall deliver comptroller a statement.

SECTION 17. Section 20, of sub-chapter 5, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows, to-wit: Section 20. The said board shall reserve in every contract the right to determine finally all performance of such contract, or doing of the work specified therein; and the right, in case of the improper or imperfect performance thereof, to suspend such work at any time, or to order the entire reconstruction of the same if improperly done, or to re-let the same to some other competent party; and also the right, in case such work shall not be prosecuted with such diligence, and with such number of men as to ensure its completion within the time limited by the contract, to suspend such work and re-let the same to some other competent party or employ men and secure material for the completion of the same, and charge the cost thereof to the contractor. And power is hereby given to the said board to adjust and determine all questions as to the amount earned under any contract by the contractor or contractors, according to the true intent and meaning of the contract; and such adjustment and determination by said board shall be final between the parties and binding upon them. If the amount of damages to be paid to the city shall exceed the amount due from the city to such contractor or contractors, according to such determination and adjustment, then the difference or balance in favor of the city, according to such determination and adjustment, shall be recoverable at law in an action in the name of the city against such contractor or contractors and their sureties in any court having jurisdiction. Every contract with the city shall be made expressly subject to the powers given to said board by this section, and shall also contain a covenant or agreement on the part of the contractor and his sureties, that in case such contractor shall fail to fully and completely perform his contract within the time therein limited for the performance thereof, such contractor shall pay to the city of Milwaukee, as liquidated damages for such default, a certain and definite sum for each day's delay in completing the contract, after the time therein limited for its completion, which daily sum shall be determined and fixed by the board of public works before the contract for the work shall be let, and shall be stated in the advertisement for proposals for the work, and shall be inserted in the contract, and shall in no case be less than one-half of one per cent. of the aggregate cost of the work embraced in such contract.

Shall determine performance of contract.

Relating to
damages
awarded.

SECTION 18. Section 16, of sub-chapter 6, of chapter 184, of the laws of 1874, as amended by section 1, of chapter 206, of the laws of 1881, is hereby further amended so that the said section 16, shall read as follows, to-wit: "Section 16. Whenever the damages awarded to the owner by the report of the board of public works, as confirmed by the common council, for any property condemned by said city for public use, shall have been paid or tendered to such owner or his agent; or when sufficient money for that purpose shall be provided in the hands of the city treasurer, and ready to be paid over to such owner, and ten days' notice thereof shall have been given by the board of public works, in the official papers, the city may enter upon and appropriate such property to the use for which the same was condemned; and the same shall thereafter be subject to all the laws and ordinances of the city, to the same extent as streets, alleys and public grounds heretofore opened or laid out. The claimant of such damages shall in all cases furnish an abstract of title, showing himself entitled to the same, before they shall be paid to him. If in any case there shall be any doubt as to who is entitled to the damages for land taken the city may require of the claimant a bond with good and sufficient sureties, to hold said city harmless from all loss, costs and expenses in case any other person should claim said damages. The damages assessed by the board of public works, or awarded by the verdict of the jury and judgment rendered thereon in case of appeal, shall be paid or tendered, or provided in the hands of the city treasurer and ready to be paid over to the person or persons entitled thereto, and notice thereof given in the official papers as herein provided, within twelve months after the rendering of such judgment, or after the confirmation of such assessment by the common council, in case no appeal shall have been taken; and if not so paid, or tendered, or provided in the hands of the city treasurer, all the proceedings in any such case shall be void; provided that such period of twelve months shall be exclusive of the time any such judgment may be pending in the supreme court on appeal; and, provided also, that if the common council of said city shall, at any time before the city has actually entered upon and appropriated the property to the use for which it is proposed to be taken, by resolution, determine and declare that the cost of the property proposed to be taken,

whether ascertained by the board of public works or by the court, on appeal in any case from the decision of said board, is unreasonably great or so large as to be burdensome and injurious to the owners of property assessed for benefits thereby, or that for any reason the taking of any property so proposed to be taken for public use is expedient, it shall be lawful for the common council to direct that the proceedings for taking any or all of such property be abandoned, and thereupon and thereafter such property, or the part thereof for the taking of which the proceedings are so abandoned, shall be and remain private property the same as if no such proceedings had been instituted for the purpose of taking the same for public use, and the expenses of such proceeding, so abandoned, shall be paid by the said city, out of the fund of the ward or of the wards in which such property is situated; and, provided further, that no such abandonment of any proceedings shall in any way hinder or prevent other and subsequent proceedings to take the same property, or any part of it, for the same or any other public use for which it may be taken by law. The benefits assessed and reported by the board of public works, from the confirmation of such report by the common council, shall be and remain a lien upon the premises so determined by the board of public works to be benefited by the taking and appropriation of lands to the public use as proposed.

SECTION 19. Section 26, of sub-chapter 6, of said chapter 184, of the laws of 1874, as amended by section 28, of chapter 144, of the laws of 1875, is hereby further amended, so as to read as follows, to-wit: Section 26. Whenever the said common council, with the concurrence of three-fourths of the members elected thereto, 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 this act, the said common council shall have power to open such public street or alley, or to take land for such public purpose, as the case may be, without any petition therefor, and to proceed thereafter in that behalf, as in cases of petition therefor, duly made; and in such case no bond shall be required; provided, that in cases of streets and alleys, such resolution shall also be approved by a majority of the aldermen of the ward in which the land proposed to be taken may be situated. The resolution provided for in this section, shall declare why it is necessary for the public interest so to pro-

Opening public streets.

ceed; and no such resolution shall be passed by the common council at the same meeting in which it is first considered, but the same shall lie over to a future meeting thereof. And the yeas and nays on the passage of such resolution shall be taken and duly entered in the journal of proceedings of the council.

Relating to
grading or im-
proving
streets.

SECTION 20. Section 6, of sub-chapter 7, of said chapter 184, of the laws of 1874, as amended by section 2, of chapter 274, of the laws of 1881, is hereby further amended so as to read as follows, to-wit: "Section 6. Whenever the board of public works shall deem it necessary to grade or otherwise improve any street, alley, sidewalk or public ground, or to erect and construct a bridge or viaduct over any ravine in said city of Milwaukee, or to dredge or dock any of the rivers or of the public canals after their first construction, or to abate any nuisance caused by stagnant water in said city, it shall cause to be made an estimate of the cost of such work, and shall put the same on file in its office, and such estimate shall be open to the inspection of any party interested. Thereupon the said board of public works shall make to the common council such recommendation in relation to the proposed work as it may deem proper; and upon the same being adopted by the common council, in whole or in part, the said board may order so much of the work to be done as shall have been adopted; provided that no change of any previously established grade, and no such work, chargeable to lots or parcels of land fronting on or abutting on the same, except the grading, graveling and paving of streets, the paving of gutters and making of sidewalks, and except repairs, and docking and dredging, shall be ordered by resolution, ordinance or otherwise, unless a petition therefor shall first be presented to the common council, signed by residents of said city owning a majority of the feet in front of all the lots fronting on such proposed improvements, owned by residents of such city, and for that purpose, every person in the actual possession of any lot or parcel of land fronting on such improvements, under a contract in force for the purchase thereof from the owner, shall be held to be a freeholder within the meaning of this act, and to be the owner of such real estate for the purpose of petitioning as owner thereof. Each person signing such petition as a resident or as the owner of property, shall be required to write after his signature thereto a brief description of the property so owned by him, and of the

place of his residence in said city, and to annex thereto an affidavit that he is such resident and owner, and thereupon he shall be taken to be such resident and owner, and such petition shall be as valid and have the same effect as if such person were the owner of such property, and a resident of the city or ward, as stated in his affidavit, although in fact it should thereafter appear that he was not such owner or resident. The common council may order the grading, graveling and paving of streets and alleys, the paving of gutters and the making of sidewalks, without such petition; provided, however, that in the absence of such petition, the resolution of the common council ordering the work shall have been referred by the council to a special committee of five members, no one of whom shall be a resident of the ward or any ward in which the grading, graveling or paving of streets, alleys or gutters, or the making of sidewalks, mentioned in the resolution is proposed to be done, and shall have been reported by such committee to the common council with their recommendation that it be adopted, before a vote shall be taken upon its adoption; and provided such resolution shall declare why it is necessary for the public interest to proceed without such petition, and shall also upon its passage be supported by the votes of three fourths of all the aldermen elected, and of a majority of the aldermen of the ward or of each ward in which such grading, graveling or paving or making of sidewalks, is to be done; and provided further, that no such resolution ordering the grading, graveling or paving of a street or streets or alley, the paving of gutters or the making of sidewalks, without a petition therefor shall be voted upon or passed at any meeting of the common council held within four weeks from the time of its presentation to the council, and the vote on its passage shall be taken by yeas and nays, and duly entered in the journal of proceedings.

SECTION 21. Section 16, of sub chapter 7, of said chapter 184, of the laws of 1874, as amended by section 32, of chapter 144, of the laws of 1875, is hereby further amended so as to read as follows, to-wit: Section 16. It is hereby made the duty of the board of public works with the consent of the aldermen of the proper ward, unless otherwise provided by ordinance of the common council, to cause the streets, alleys and sidewalks in the city to be kept in proper repair, and in a cleanly and wholesome condition at all times, and for this purpose they are empowered with the consent of the aldermen

Relating to repair of sidewalks.

of the ward in which such street, alley or sidewalk is located, to employ the necessary labor, or to contract pursuant to law, for such cleaning and repairing as they may deem necessary for the safety and health of the people; the expense of such cleaning and repairing, except of sidewalks, shall be chargeable to and paid out of the fund of the ward in which such work is done; and said board is also hereby empowered to cause sidewalks to be repaired, or to be taken up and relaid, with new materials or with part new and part old materials, and to be restored to grade and to assess the expense thereof against the lot or piece of land in front of which such work may be done, in the manner hereinafter provided: Provided, however, that before causing such work of repairing, or relaying sidewalks as aforesaid, including the restoration of them to grade, said board shall make an order particularly describing the work to be done, and shall give public notice for at least six days, in the official papers to all persons interested, that such repairs or relaying are necessary, and that specifications of the same are on file in their office where they can be examined, and that such person so interested can make such repairs or relay such sidewalks at any time within twenty days from the first publication of such notice, after which time all such repairs or relaying remaining undone will be done under the direction of the board of public works, and the expense thereof assessed against the lots or parts of lots or parcels of land respectively in front of which such repairs and relaying shall be so done by said board; and said board is hereby empowered to cause such unfinished work to be done by contract or by men in their employ; and no petition for any such repairing or relaying, and no further notice for doing such work shall be necessary; provided, that in all cases in which notice is required under this section, if the lots, parts of lots or parcels of lands affected, have any building or buildings thereon, actually occupied, the board of public works shall cause written or printed notice, stating the repairs necessary, and requiring such repairs to be made within ten days after the service thereof, to be given to the occupants of such buildings by leaving the same at each of such occupied buildings; and only in case such repairs shall not be made within the said time, shall the said board of public works have power in such cases, to procure the same to be made as provided in this section, and no other or further notice or publica-

tion shall be required in such cases; and provided further, that said board of public works shall have authority to cause necessary and urgent repairs of sidewalks which can be made at a cost not exceeding \$3 for any fifty lineal feet of such walk to be made, without giving any such previous notice by publication or otherwise, and without any previous order or resolution in that behalf, and may charge and assess the expense thereof upon the lots, parts of lots and parcels of land in front of which such work may be done, in the manner provided by section 19, of said sub-chapter 7, of said chapter 184, of the laws of 1874.

SECTION 22. Section 18, of sub-chapter 7, of said chapter 184, of the laws of 1874, amended by section 1, of chapter 80, of the laws of 1877, is hereby further amended so as to read as follows, to-wit: Section 18. Whenever any nuisance, source of filth, or cause of sickness shall be found on private property, or in the alley in front or rear of such property, the common council may order the owner or occupant thereof, at his own expense, to remove or abate the same within twenty-four hours from the date of the order, or within such time as may be named in said order; and if the owner or occupant shall refuse or neglect so to do, within the time named in said order, then the board of public works shall forthwith cause said nuisance, source of filth, or cause of sickness to be abated or removed at the expense of the lot or tract of land in the front or rear of which, or upon which such nuisance, source of filth or cause of sickness may be found.

SECTION 23. Section 19, of sub-chapter 7, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows, to-wit: Section 19. In all cases mentioned in section 15, 16, 17 and 18 of this chapter, or in either of said sections, wherein the board of public works are authorized to do any work or cause the same to be done, and to charge or assess the expense thereof upon the lots, parts of lots or parcels of land upon or in front or rear of which such work may be done, the expense of such work shall, in the first place, be defrayed out of the ward fund of the proper ward. It shall be the duty of said board to keep a strict account of the labor expended upon such work in front or rear of each such lot, part of lot or parcel of land, and of the cost thereof, and to make a report to the comptroller monthly, on the first of each month for each ward in said city, stating and certifying the description of the lots, parts of lots or parcels of land, in front or

Relating to
nuisances.

Relating to
work done by
board of public
works.

rear of, or upon which work chargeable thereto under either of said sections, shall have been done by said board, under authority thereof, during the preceding month, the nature of the work so chargeable to each lot or parcel, and the amount actually expended therefor, and the comptroller shall, at the time of making his annual report to the common council of the lots or parcels of land subject to special tax or assessment, required by section 14 of chapter 3 of this act, include therein the said lots or parcels of land so reported to him by said board of public works, with the aggregate amount chargeable thereto, according to such reports, for work done during the preceding year, under said sections 15, 16, 17 and 18, of this chapter; and such amounts shall be levied on the lots or parcels of land respectively, to which they are so chargeable, in like manner as other special taxes are levied in said city; and when collected, the same shall be credited to the account of the ward fund of the ward in which such property is situated.

Relating to
purchase of
tanks, etc.

SECTION 24. Sub-chapter 7, of said chapter 184, of the laws of 1874, as amended by section 33, of chapter 144, of the laws of 1875, is hereby further amended by adding to said sub-chapter, at the end thereof, the following section, to-wit: Section 26. The common council are hereby authorized, in their discretion, to provide for the purchase of tanks, suitable for the sprinkling of streets, to be kept and owned by the city, and may cause the work of sprinkling the streets to be done by men and teams employed for that purpose by the board of public works, and under their direction, using the said sprinkling tanks of the city; and in such case it shall be the duty of the board of public works to keep a strict account of the cost of such sprinkling done in front of each lot or parcel of land, and to make report thereof to the comptroller on or before the 15th day of November in each year, and such cost shall be charged and assessed upon the property in front of which it is done, in like manner as provided in and by section 24 of the sub-chapter hereby amended, as amended by chapter 254 of the laws of 1881.

Sewers neces-
sary to be built.

SECTION 25. Section 7, of sub-chapter 184, of the laws of 1874, as amended by section 3, of chapter 274, of the laws of 1881, is hereby further amended so as to read as follows, to-wit: Section 7. On or before the first day of March in each year, the board of public works shall report to the common council the sewers

necessary, in their judgment, to be built in each district during the current year, in accordance with the plan, stating the precise location and extent of the same, and the kind of material of which they should be composed. The common council shall take such report into consideration, and may approve the same, and make such additions to it, or alterations in it in any respect as to them may seem best, and return the same to the board; and it shall be the duty of the board to carry out the work as directed in the report thus returned from the common council. The board may also, from time to time, during the year, as may be necessary, recommend to the common council the construction of other sewers than those contained in the general report, which recommendation the common council shall take into consideration and return to the board approved, negatived or altered, as may to them seem best, and the board shall carry out the work, as prescribed in the action of the common council; provided, that such board of public works shall, at least five days before the presentation of such recommendation to the common council, give notice by publication in the official paper or papers of the city, stating the day when such recommendation will be presented to the common council, and giving a general description of the proposed improvement and extension. Upon the presentation of such recommendation to said common council with proper proof of publication of the notice above described, the same shall be referred to the appropriate committee, and considered and disposed of in the same manner and under the same rules, as are provided in the case of ordinances or resolutions creating a charge or liability against any city or ward fund; and provided further, that no sewer shall be built or contracted for by the board until the same has been authorized or ordered by the common council.

SECTION 26. Section 13, of sub-chapter 8, of said chapter 184, of the laws of 1874, as amended by section 34, of chapter 144, of the laws of 1875, is hereby further amended so as to read as follows: Section 13. The board of public works shall report to the common council, on or before the 15th day of December in each year, as accurately as may be, the amount of money required for sewerage purposes for the ensuing year, in each district in addition to the special assessments made; and the common council are hereby authorized to direct the levy and collection of a tax for sewerage purposes in each district, for such amount as may be

Amount of
money re-
quired for sew-
erage purposes.

necessary, not however to exceed in any one year the sum of one and one-half mills on the dollar, on all the property, real and personal, subject to taxation within any such sewerage district; which tax, so levied, shall, when collected, be paid into the city treasury, and be placed in the fund of the sewerage district in which the same has been collected; and the city comptroller is hereby directed and required to keep a separate and distinct account with each sewerage district. The tax to be levied under the provisions of this section may be added on the tax roll to the general city tax assessed against such property.

Amended.

SECTION 27. Section 6, of sub-chapter 9, of said chapter 184, of the laws of 1874, is hereby amended so that, that part of said section which is in the following words, to wit: "From West Water street in the Fourth ward, to Reed street in the Fifth ward," shall hereafter read "from West Water street in the Fourth ward to Reed street in the Fourth ward."

SECTION 28. Section 7, of sub-chapter 9, of said chapter 184, of the laws of 1874, is hereby so amended that the sentence in said section in the following words, to-wit: "In the valley of the Menomonee river on the Muskego river in the Eighth ward," shall hereafter read "in the valley of the Menomonee river on the Muskego road, in the Eighth ward."

In regard to water rates.

SECTION 29. Section 12, of sub-chapter 10, of said chapter 184, of the laws of 1874, as amended by chapter 261, of the laws of 1881, is hereby amended so as to read as follows, to wit: "Section 12. Regular water rates shall be due and payable on the first days of May and November in each year, semi annually in advance. To all regular water rates remaining unpaid on the twenty-first day of the month in which they become due, the said collector shall add a penalty of 5 per cent. of the amount of such rates, and if such rates still remain unpaid for ten days thereafter, he shall cause the water to be shut off from the premises, subject to the payment of such delinquent rates, and in all cases where the supply of water shall be shut off as above prescribed, the said collector shall not cause the water to be again turned on to said premises until all delinquent rates and penalties, and the sum of two dollars as expenses for turning off and on the water shall have been paid. Whenever two or more dwellings or tenements or buildings are connected with a street main by one pipe only, the owner or owners of such premises shall provide a separate cut-off for each of

said dwellings, tenements or buildings in such locality as the collector of water rates shall deem most efficient and expedient, and all such cut off shall be conveniently accessible to and shall be controlled exclusively by the proper officer of the water department. Said collector before each day when such rates become due and payable as aforesaid shall cause a written or printed notice to be mailed or personally delivered to the owner or occupant of all premises subject to the payment of regular water rates, directed to the place where such water is consumed, stating the amount due on the next rate day, the time when and the place where such rates can be paid, and the penalty for neglect of payment. All water rates for water furnished to any building or premises shall be a lien on the lot, part of lot or parcel of land on which such building or premises shall be situated. If any water rates or fractional parts thereof remain unpaid on the first day of October in any year, the same shall be certified by said collector to the city comptroller on or before the first day of November next following, and shall be placed on the tax roll and collected in the same manner as other taxes on real estate are collected in said city.

SECTION 30. Section 15, of sub-chapter 10, of the said chapter 184, of the laws of 1874, as amended by section 1, of chapter 268, of the laws of 1880, is hereby amended so as to read as follows: Section 15. The board of public works for the city of Milwaukee, before laying water pipe along a street, alley, or other line in said city, shall assess against the several lots, parts of lots or parcels of land which may front or abut on the proposed line of water pipe, or which may be contiguous to and used in connection with any lot or parcel of land so fronting and abutting, the amounts which the said several lots, parts of lots or parcels of land may, in the judgment of the said board, be specially benefited by reason of laying such water-pipe, not to exceed, however, the amount prescribed in the next section; provided that no lot, parcel of land or part thereof, shall be subjected to the payment of more than one assessment for water pipe laid in the same street or alley.

SECTION 31. Section 16, of sub-chapter 10, of said chapter 184, of the laws of 1874, as amended by section 2, of chapter 268, of the laws of 1880, is hereby amended so as to read as follows: Section 16. A regular lot (not corner) which may front or abut on the line of water pipe, shall be assessed an amount equal

to one half of the cost, as estimated by the said board of public works, of furnishing and laying a regular minor water pipe of approved materials and manufacture, with the required openings for connections with private service water pipe along the front of such lot; such minor pipe to be not less than four nor more than six inches in diameter, as the said board may determine. Every irregular lot, part of lot, or other parcel of land fronting or abutting on such line of water pipe, and likewise any parcel of land, or lot, which shall be contiguous to any parcel of land, or lot, or part of lot so fronting or abutting, and which in the judgment of the said board is or may be most advantageously used in connection therewith, shall be assessed for such water pipe the amount which, in the judgment of said board, shall be as nearly as may be in just proportion to the amount assessed for regular lots as compared with the special benefits derived by each from the laying of the said water pipes.

Relating to
water pipes.

SECTION 32. Section 17, of sub-chapter 10, of said chapter 184, of the laws of 1874, as amended by section 3, of chapter 268, of the laws of 1880, is hereby amended so as to read as follows, to-wit: Section 17. Every corner lot, and every lot, part of lot or parcel of land, which may front or abut on more than one street on which a line of water pipe shall be proposed to be laid, shall be assessed for every such line of water pipe; but the aggregate of the assessment therefor on any such lot or parcel of land, shall be as nearly as may be in just proportion to the amount assessed for regular lots, as compared to the special benefits derived by them respectively, from the laying of such water pipe; and in making such assessment the said board shall take into consideration the situation of such lot or parcel of land, with respect to its different fronts, and all subdivisions thereof by sale, contract, use or occupation in severalty and may assess sub-divisions separately; and may also assess any sub-division of such lot or parcel of land in connection with any other part of such lot or land contiguous thereto and most advantageously used in connection therewith.

Collector of
water rates.

SECTION 33. Sub-chapter 10, of said chapter 184, of the laws of 1874, is hereby further amended by adding at the end of said sub chapter 10, the following new section, to-wit: "Section 21. On the third Tuesday of April, 1882, and biennially thereafter, the mayor shall appoint, subject to the confirmation of the common council, a proper person as collector of water

rates, who shall hold his office for two years, and until his successor is appointed and qualified, unless sooner removed for cause. Said collector shall receive a salary at the rate of two thousand dollars per annum from the time he enters upon his duties. He shall have authority to collect and receive all water rates, and give receipts therefor under the direction of the city engineer; he shall have charge of all books and papers relating to the water department, and shall cause the water rates to be duly assessed and listed, and shall also keep proper books of account, and shall account to and pay over to the city treasurer, daily, all moneys which may come into his hands by virtue of his said office. He shall appoint, subject to confirmation by the common council, all subordinate officers connected with the assessment and collection of the water rates in said city, and may require them to give reasonable bonds for the faithful discharge of their official duties. He shall, before entering upon his official duties, as prescribed in this act, take the usual oath of office, and execute a bond to the city of Milwaukee with sufficient sureties, to be approved by the mayor, in the penal sum of ten thousand dollars, conditioned that he will faithfully discharge the duties of his office and account to and pay over to the city treasurer, as required by law, all moneys which may come into his hands by virtue of his said office. The present collector of water rates shall remain in office and discharge the duties of the office of collector until the third Tuesday of April, 1852, and until a collector shall be appointed, under this section, and shall qualify as such, and the present collector shall receive the salary prescribed in this section."

SECTION 34. Section 7, of sub-chapter 11, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows, to wit: Section 7. A tax upon all of the taxable property, real and personal, in the said city, shall be annually levied and collected, at the same time, and in the same manner as other taxes are levied and collected in said city, sufficient in amount for the following purposes, to wit: to pay the interest and provide for the sinking fund upon the bonds and scrip authorized by and issued under sections 1 and 3 of the act entitled "an act to enable the city of Milwaukee to readjust its corporate debts," approved March 19, 1851, as stipulated and provided in and by section 4 of the same act. Also to pay the annual interest, and to provide the sinking fund upon all bonds of the

Relating to tax-
es.

said city, issued or to be issued to provide means for the construction of water works for said city, or for other purposes, under and in accordance with the provisions of chapter 406 of the private and local laws of 1871, entitled "an act authorizing the city of Milwaukee to issue bonds," approved March 23, 1871, and the several acts amendatory thereof, as specially stipulated and provided in and by section 11 of said chapter 406. Also to pay the interest on all other bonds of said city, issued, or that may be issued under legal authority, and outstanding according to the terms thereof, and to provide a sinking fund equal to not less than five per centum each year of the principal of such bonds actually issued for the payment of such principal; provided, that this section shall not include or apply to any bonds heretofore issued by said city to any railroad company or companies. The common council shall, on or before the first day of October in each year, determine by resolution the amount of the net revenue or income of the said water works, over and above the expenses, thereof, which shall be appropriated and applied to the payment of interest on the said water bonds or to the sinking fund for the payment of the principal thereof, and the amount of such net revenue or income, so appropriated in and for any year to the fund for the payment of such interest, or to such sinking fund, may be deducted from the amount of tax to be levied in that year for the payment of the principal or interest of such water bonds.

Secretary of
board.

SECTION 35. Section 8, of sub-chapter 12, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 8. The board shall also appoint, biennially, some suitable person to act as secretary of the board, who shall receive a salary not exceeding \$1,400 per annum, to be fixed by such board. It shall be his duty to attend the meetings of the board, to keep a record of its proceedings, and a full and fair account of all receipts and expenditures of the board, and to do and perform all such other duties as shall be required of him by said board. The secretary of the board shall also take the annual enumeration of the children of school age in the city of Milwaukee required by law, and shall at the same time collect such further statistics and information relating to schools and to the population entitled to school privileges in said city, as may be directed and required by the school board, and he shall receive for such services a compensation or fee of two cents per capita upon

Duties and sal-
ary.

the entire enumeration of persons between the ages of 4 and 20, residing in said city, to be audited by the school board, and paid out of the funds provided for the support of the schools.

SECTION 36. Section 10, of sub-chapter 12, of chapter 184, of the laws of 1874, is hereby amended by adding to said section at the end thereof the following words, to-wit: And said secretary shall also make and file with the said comptroller quarterly statements of the condition of the fund for the support of schools, and of the financial transactions of the school board during the three months next preceding such statements.

Duties of secretary.

SECTION 37. Section 12, of sub-chapter 12, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: "Section 12. The said high school shall be one of the public schools of Milwaukee, and as such shall be under the same supervision and control, except as herein provided, as the other public schools of said city. The said board shall have power, and it shall be their duty to employ a principal for said high school, and such other teachers as may be necessary.

High school shall be one of the public schools.

SECTION 38. Section 15, of sub-chapter 12, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: "Section 15. The school board of the city of Milwaukee are hereby authorized, and it shall be their duty to maintain a normal class and course of study, under competent instructors, for the special training of teachers for the public schools of the city, until the state normal schools proposed to be established in said city shall be fully established and organized, and shall be in actual and practical operation as a school for the training of teachers in said city."

Normal class.

SECTION 39. Section 17, of sub-chapter 12, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 17. The school board shall report to the common council of the said city at or before the first meeting of the council in January in each year, the amount of money required for the support of all the public schools of said city, including the high school and normal class, for the next fiscal year; and it shall be the duty of the said common council to levy and collect a tax, in addition to the tax to be levied for general city purposes, upon all the taxable property of the said city, at the same time and in the same manner as other city taxes are levied and collected

Amount of money required for schools.

by law, which, with the other funds provided for the same purpose, shall be equal to the amount of money required by said school board for the support of said schools; provided, that the said common council may, by the votes of two-thirds of all the members elect, levy a tax for a greater or less amount for such purposes. The said tax and the entire school fund of the city shall not be used or appropriated, directly or indirectly, for any other purpose than the payment of the salaries of the superintendent of schools, the secretary of the board and the teachers, and of the necessary and current expenses of the schools, including the purchase of school supplies, apparatus and fuel.

Moneys to be paid over to treasurer.

SECTION 40. Section 18, of sub-chapter 12, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 18. All moneys received by or raised in the city of Milwaukee for school purposes shall be paid over to the city treasurer to be disbursed by him on the orders of the president and secretary of the school board, countersigned by the city comptroller. Such orders shall be made payable to the order of the person in whose favor they have been issued, and shall be the only vouchers of the city treasurer for payments from the school fund; and the school board shall provide for the purchase and delivery of necessary fuel, apparatus and supplies for the schools of the city in like manner as such purchases are made for other city uses; provided, that the amount expended by the school board shall not exceed the funds provided for these purposes respectively; and the comptroller shall not countersign any orders of the president and secretary of said school board, unless there is a balance in the treasury of the city to the credit of the fund subject to the disposition and control of said board.

In regard to appointment of subordinates.

SECTION 41. Section 4, of chapter 36, of the laws of 1878, entitled "an act relating to the health department of the city of Milwaukee," is hereby amended so as to read as follows: Section 4. The commissioner of health shall have power to appoint, subject to confirmation by said common council, such assistants, clerks, agents and workmen as may be necessary for the proper discharge of his duties, and they shall receive such salary or compensation for their services as said common council may fix. The said commissioner of health shall also have power to appoint from time to time, as they may be needed, temporary special assistants for the purpose of maintaining quarantine under

his direction, over houses and premises in the city in which are persons affected with the small pox or any other pestilential, contagious or infectious disease, subject to quarantine under the ordinances of the city. He shall also have power to cause all children attending private schools in the city, who shall not have been previously vaccinated for the prevention of small pox, to be so vaccinated, and to cause such children, upon refusal to be vaccinated, to be excluded from such private schools.

SECTION 42. Section 7, of sub-chapter 14, of said chapter 184 of the laws of 1874 is hereby amended so as to read as follows: Section 7. No person shall, in said city of Milwaukee, as the agent or otherwise for any individual, individuals, association or corporation, agree to effect, or effect any insurance upon which the duty mentioned in the next preceding section is required to be paid, or as an agent or otherwise procure such insurance to be effected, unless he shall have first executed to said city of Milwaukee and delivered to the comptroller of said city a bond to be approved by such comptroller in the penal sum of five thousand dollars, with sureties to be approved by said comptroller, conditioned that he will render to said comptroller, on or before the first day of February of each succeeding year, a just and true account, verified by his oath that the same is just and true, of all premiums which, during the year ending on the first day of January preceding such report, shall have been received by him, or by any other person for him, or agreed to be paid, for any insurance against loss or injury by fire in said city which shall have been effected, or promised by him, or agreed or promised by him to be effected, from any individual, individuals, association or corporation, and that he will, on such first day of February in each year, pay to the treasurer of said city, for the use of said city, two dollars upon every hundred dollars, and at that rate upon the amount of such premiums.

In regard to insurance.

SECTION 43. Section 8, of sub-chapter 14, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 8. Every person who shall in said city effect, agree to effect, promise or procure any insurance contrary to the provisions of the preceding section of this chapter, shall forfeit and pay to the city of Milwaukee, for each offense, and for each insurance so effected, or agreed, or promised to be effected, the sum of one hundred and fifty dollars; such sums may be recovered by said city in a civil action, and said city may maintain an action on such

Penalty for effecting insurance.

bond, or against such agent, to recover all moneys required by section six of this chapter, to be paid into the city treasury.

Dates of former
as mentioned
office, &c.

SECTION 44. Section 4, of sub-chapter 15, of said chapter 148, of the laws of 1874, is hereby amended so as to read as follows: "Section 4. The mayor and aldermen, and the harbor master and bridge tenders of the city, and the commissioner of health and his assistants, the meat inspector, and the special assistants appointed by said commissioner of health for quarantine service, while engaged in such service, shall severally and respectively have and exercise, within said city, all the powers of policemen of said city, without any compensation or claim to compensation therefor."

SECTION 45. Section 1, of sub chapter 16, of said chapter 184, of the laws of 1874, is hereby amended by striking out of said section the words "not exceeding \$3000 per annum for clerk hire," and inserting in lieu thereof the following words: "such sum each year, for clerk hire, as the common council shall deem to be reasonable," and shall fix or determine by resolution.

Relating to
city expenses.

SECTION 46. Section 3, of sub chapter 17, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 3. It shall be the duty of the common council, before the first day of February in each year, to estimate, and by resolution determine what sums, in their judgment, will be required to meet the expenses and disbursements of said city for the current fiscal year, specifying in such resolution the sum required for each of the several funds authorized or created by law; and it shall not be lawful for said city to expend or contract a liability for any sum in excess of the amount so determined, on account of either or any of the funds of said city, except on the written recommendation of some department of the city government, specifying the reasons for such increased expenditure, which must be approved by a vote of three-fourths of the members elect of the common council. No debt or liability on the part of said city shall be contracted or created by any officer, board or department of said city, or by any subordinate or employe in the service of the city, in excess of the amount so determined and approved by the common council, on account of either or any of the funds of the said city, and every officer and employe of the city who shall participate in a violation of this section

shall be personally liable to the city for all loss and damages resulting from such violation.

SECTION 47. Section 11, of sub chapter 17, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 11. The common council may from time to time borrow upon the notes of the city, signed by the mayor and city comptroller, such sums of money, in anticipation of the incoming taxes of the year, as they shall deem necessary to pay accruing interest on the funded debt, and to meet the current expenses of the city. All such notes shall be paid out of the taxes of the current year, at such time as may be agreed on, not later than the first day of February next following their date. And the said common council may provide by resolution at any time for receiving moneys into the city treasury in advance payment of the taxes of the current year, and for the payment of interest thereon, at a rate not exceeding seven per cent. per annum from the time of the receipt of such taxes until the 15th day of January next ensuing, and no longer. The receipts given by the treasurer of the city for such advance payments shall be countersigned by the city comptroller, and the excess of such advances, if any, over the amount of taxes of the year, payable by the party making the same shall be returned to such party with the interest thereon, between the 15th and 31st days of January next, after the making of the same.

Common council may borrow on notes of city.

SECTION 48. Section 16, of sub-chapter 18, of said chapter 184, of the laws of 1874, is hereby so amended as to read as follows, to-wit: Section 16. Such tax roll, before being delivered to the treasurer, shall be compared by the clerk with the assessment rolls on file in his office, as corrected; and said clerk shall cause the several columns of valuations of property, and of taxes and assessments thereon, in said roll, to be footed up and the sum of each column to be set down at the foot thereof, and the sum totals of each ward to be set down at the foot of the last columns of the roll for each ward and a summary of the totals for the several wards and for the whole city to be set down at the end of said tax roll, showing separately the totals of valuations and of taxes and assessments upon real estate and personal property respectively for the whole city and for each ward thereof, and to said tax roll he shall append his certificate that the same has been so compared by him and that the said assessment rolls and the whole thereof have been copied into such tax roll; and the said tax

Relating to tax roll.

roll, when so certified, shall be *prima facie* evidence in any court that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Relating to tax roll.

SECTION 49. Section 14, of sub chapter 18, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: "Section 14. The city clerk upon receiving such assessment rolls, shall examine and perfect the same, and make out therefrom a complete tax roll, in manner and form as provided by law. Such tax roll may be bound in one or more volumes, but shall be consecutively paged, and such volumes, if more than one, shall be consecutively numbered, and shall be referred to by their numbers in the warrant attached to such tax roll as provided in the next section. The common council shall thereupon, by resolution, levy such sum or sums of money, or taxes, as may be sufficient for the several purposes for which taxes are by law authorized to be levied in said city, not exceeding, however, the amounts authorized by law, particularly specifying in such resolution the purposes for which the same are levied, and if not for general city purposes, the ward or district of the city in or upon which the same are levied."

Amended.

SECTION 50. Section 17, of sub-chapter 18, of said chapter 184, of the laws of 1874, as amended by section 41, of chapter 144, of the laws of 1875, is hereby further amended by adding to said section as so amended the following sub-division: "6. When the tax is levied for, upon, or on account of specific tangible personal property or buildings, not in fact in existence, on the first day of May, in the year of such levy."

In regard to collection of taxes.

SECTION 51. Section 21, of sub-chapter 18, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 21. On the expiration of the twenty days mentioned in the preceding section, the treasurer shall proceed to enforce the collection of the personal taxes in the manner provided by law for the collection of personal taxes by town treasurers, and if any such personal taxes shall not be paid or collected in consequence of the neglect or delay of the treasurer, the common council may sue for and recover the amount thereof from the said treasurer and his sureties. In case the taxes on personal property shall not be paid by the third Monday of January next following the expiration of said twenty days, the treasurer shall, on or before the first day of March

next following, issue a warrant directed to the chief of police of said city, requiring and commanding him, within a certain time in such warrant to be specified, to proceed and collect such taxes on personal property as shall then remain unpaid, and the additional sum of one per cent. thereof per month, from the first day of February, to be added to such taxes as then remain delinquent, on the first day of each month, commencing with the first day of March, and continuing until the day of payment. And the chief of police receiving such warrant for the purpose of collecting such unpaid taxes and interest, shall have all the powers of levying, distraining and selling property, and all other remedies and powers that are given by law to town treasurers for the collection of taxes on personal property, and shall be subject to all the liabilities of such town treasurers, and shall be entitled to demand and collect a commission or percentage of five per cent. on all sums collected by him, which percentage shall be added by him to said taxes and monthly additions of one per cent., and collected with the same and in addition thereto, as compensation for his services, and in case of levy, distress or sale of property by said chief of police in virtue of such warrant, he shall be entitled, in addition to such commission of five per cent., to collect the same costs and fees allowed by law to constables on execution, and all such fees and commissions or percentages shall be paid into the city treasury.

SECTION 52. Section 26, of sub-chapter 18, of said chapter 184, of the laws of 1874, is hereby so amended as to read as follows: Section 26. Any lot or tract of land so sold, or any undivided interest therein, may be redeemed by the owner thereof, or by any person interested therein, within three years from the day of sale, and at any time prior to the recording of a deed thereof by the treasurer to the purchaser, by the payment to the treasurer of the amount for which the same was sold, together with the interest thereon, at the rate of 25 per cent. per annum, and the legal charges thereon; and the city treasurer shall receive such redemption money on the same being tendered to him, at any time prior to the recording of the tax deed. If the estate of an infant or lunatic be sold, the same may be redeemed upon the like terms at any time within one year after such disability shall be removed.

SECTION 53. Section 27, of sub chapter 18, of said chapter 184, of the laws of 1874, is hereby so amended as to read as follows: Section 27. Any tract or lot

Redemption of
land.

Redemption
land.

of land sold in pursuance of this act, or any part thereof, which shall not be redeemed within three years from the day of sale, shall be conveyed by the treasurer to the purchaser, or his assigns, as herein provided; and the assignee of any tax certificate by endorsement thereon, on any premises sold for taxes by virtue of this act, shall be entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser; provided, that it shall not be lawful for the treasurer of the city of Milwaukee to issue tax deeds for taxes unpaid on any lot, or part of lot or parcel of land in said city of Milwaukee, unless three months previous notice, in writing, of the application for such deed, shall have been served by the sheriff of Milwaukee county, upon the occupant or occupants thereof, if the same be occupied, and upon the owner or owners thereof, if known, and the proof of such service, by affidavit, shall be first furnished to, and filed in the office of the city treasurer. Such service may be made personally, or by mailing such notice with the postage prepaid, to each person required to be served therewith, directed to such person, at his place of residence, unless it appears that such resident is not known to the party applying for such tax deed, and cannot, with reasonable diligence, be ascertained by him. Like affidavit of service in either case, shall be made and filed, as is now required by law of the service of summons in civil actions, in this state, and the said sheriff shall be entitled to the same fees for making such service, that are allowed by law for the service of summons in civil actions. No other notice of application for a tax deed shall be necessary in any case than that required in this section, and if the treasurer shall issue any deed for taxes without the foregoing provisions of this section having been complied with, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine of not less than five hundred nor more than one thousand dollars, and by imprisonment in the county jail for a term of not less than six months nor more than one year, and his office shall be deemed vacated.

Report of city
treasurer.

SECTION 54. Section 30, of sub-chapter 18, of said chapter 184, of the laws of 1874, is hereby amended by adding to said section, at the end thereof, the following words, to-wit: "The city treasurer shall report to the comptroller on the first day of each month a detailed statement of all his sales and transfers of tax

certificates and of all moneys received by him upon redemption from tax sales during the preceding month, in cases where the certificates of sale were held by him as such treasurer, giving in all cases the dates of such sales and transfers, and of such redemptions respectively, and the amounts received by him therefor in every case."

SECTION 55. Section 31, of sub-chapter 18, of said chapter 184, of the laws of 1874 is hereby amended by striking out the word "relieved," where it occurs in said section, and inserting in place thereof the word "re-lieved." Amended.

SECTION 56. Section 2, of sub chapter 20, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 2. Whenever any injury shall happen to person or property in said city of Milwaukee, at any place in said city where work of any kind or nature is being done in or on any street or sidewalk by any person or party under contract with said city, or with the board of public works, in the name of the city, in consequence of any neglect or default of such person or party in doing such work or improperly fencing or otherwise guarding such street or sidewalk to prevent accident while such work is going on, such person or party doing such work and guilty of such neglect or default 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 person or party so primarily liable. Injuries re-
ceived.

SECTION 57. Section 13, of sub-chapter 20, of the said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: "Section 13. The justices of the peace elected in the said city shall not have jurisdiction to hear complaints or conduct examinations or trials in criminal cases within the city; but they may issue warrants in criminal cases, returnable before the municipal court, but no fees shall be received therefor by them." Jurisdiction of
Justices.

SECTION 58. Sections 9 and 13 of chapter 311 of the laws of 1876; sections 1 and 2 of chapter 80 of the laws of 1877; chapter 268 of the laws of 1880; and chapter 206, chapter 208, chapter 261, and sections 1, 2 and 3, of chapter 65, of the laws of 1881, are hereby repealed. Repealed.

SECTION 59. The alley between lots five (5) and six (6), in block forty (40), in the second ward, and Point street west of Reed street in the fourth ward of Vacated.

said city of Milwaukee, are hereby vacated; provided, that said alley and street at all times be kept accessible to the city for the purposes of water distribution and sewerage.

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

Approved March 31, 1882.

[No. 246, A.]

[Published April 10, 1882.]

CHAPTER 325.

AN ACT to authorize corporations organized under the laws of this state for the construction of public water works.

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

Construction
of public water
works.

SECTION 1. Corporations organized under the laws of this state for the construction of public water works for the supply of villages, cities and the inhabitants thereof with water for protection against fire and for domestic uses are hereby authorized to acquire under the provisions of this act, the title in fee simple to, or easements in or servitudes upon all such real estate, as may be necessary for the construction, maintenance and operation of its water works, and to hold and use the same for the purpose aforesaid.

How easements
may be ac-
quired.

SECTION 2. Such real estate or easements therein or servitudes thereon may be acquired and the compensation therefor ascertained and made in the manner prescribed by the sub-division entitled "acquiring lands by the right of eminent domain," of chapter 87 of the revised statutes of this state, entitled "of railroads," and the statutes amendatory thereof.

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

Approved March 31, 1882.

[No. 476, A.]

[Published April 13, 1882.]

CHAPTER 326.

AN ACT to amend sub-division 2 of section 3358 of the revised statutes relating to forcible entry and unlawful detainer.

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

Forcible entry
or unlawful de-
tainer.

SECTION 1. Sub-division 2, of section 3358, of the revised statutes is hereby amended to read as follows:
2. When such person holds over without such per-