

tions to include the following employes who shall not be members of the classified service: superintendents, assistant superintendents, principals, teachers and substitute teachers actually engaged in teaching, high school librarians who qualify as described in subsection (1m) of section 43.22 but not including assistant or clerk-librarians, and, in any department of any such school board devoted wholly or principally to the subjects of municipal recreation and adult education, all employes of such department whose duties are peculiar thereto but not including employes whose duties are clerical or custodial.

Approved May 28, 1941.

No. 288, S.]

[Published June 2, 1941.

CHAPTER 149.

AN ACT to amend 75.53 (1) of the statutes, relating to re-assessment of special assessments for opening, widening, or extending streets or alleys.

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

SECTION 1. Subsection (1) of section 75.53 of the statutes is amended to read:

(75.53) (1) If, in any action now pending or hereafter brought to set aside or vacate any special assessment made by the proper authorities of any city against property for opening, widening, or extending any street or alley or part thereof, or for grading, graveling, macadamizing, paving, or repaving any street or alley or part thereof, or making any other improvement thereof, or for constructing any sewer in any city, or to set aside or vacate any special assessment certificate, tax sale, or tax-sale certificate based upon such special assessment, or in any appeal now pending or hereafter made from any such special assessment, the court shall be of the opinion, after a hearing in that behalf had, that such assessment is invalid by reason of a defective or void assessment of benefits and damages, or that such assessment for opening, widening, or extending any street or alley or part thereof, or for completing the same, by any city under the provisions of any law, is invalid by reason of any failure to observe any provision of law prior to such assessment

*as to the taking or acquisition of any land for such purpose, or otherwise, and such land has been taken or acquired by the city, it shall stay all proceedings in such action until the cause of the invalidity is corrected and a new assessment * * * is had in the manner hereinafter mentioned. Thereupon the proper authorities shall proceed to correct the cause of the invalidity and to make a new assessment of benefits and damages against the property in the assessment district or to form a new district and make a new assessment therein, as the case may require, in like manner as required by law in the case of such original assessment, and such plaintiff shall have the same right to appeal from such new assessment as he or his grantors would have had to appeal from such original assessment.*

SECTION 2. This act shall take effect upon passage and publication.

Approved May 28, 1941.

No. 344, S.]

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CHAPTER 150.

AN ACT to repeal and recreate 29.575 (1) and 29.576 (1) of the statutes, relating to muskrat and beaver farms.

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

SECTION 1. Section 29.575 (1) of the statutes is repealed and recreated to read:

(29.575) (1) The owner or lessee of any lands or private waters within the state of Wisconsin suitable for the breeding and propagation of muskrats shall have the right upon complying with the provisions of this section to establish, operate, and maintain on said lands or private waters, a muskrat farm for the purpose of breeding, propagating, trapping, and dealing in muskrats. The term private waters as used herein shall mean all waters or streams whether meandered or not which are of a normally shallow, swampy, marshy, or boggy character, not navigable in fact throughout the year by ordinary boats and pleasure craft and which are not of any substantial beneficial use to the public, and where all of the lands immediately abutting upon, surrounding, or bordering said waters, together with all riparian rights incident thereto, are owned or held under written