

CHAPTER 212.

[Published April 17, 1863.]

AN ACT to amend chapter 112 of the general laws of 1856, being an act entitled "an act to secure the enlargement and immediate completion of the improvement of the navigation of the Fox and Wisconsin rivers, and the payment of the scrip and other evidences of indebtedness issued by the state on account of the same, and for the protection of the settlers on the even sections, etc.," approved October 3, 1856, and the act amendatory thereof, approved March 23, 1860.

(See supplement to local laws)

CHAPTER 213.

[Published April 18, 1863.]

AN ACT to authorize the construction of a sewer in the fourth ward of the city of Milwaukee.

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

SECTION 1. The street commissioners of the fourth ward of the city of Milwaukee, in the state of Wisconsin, are hereby authorized to cause to be constructed, in said fourth ward, a sewer, from the west side of Twelfth street, at its intersection with Wells street, in said ward, through said Wells street to the Milwaukee river; and the cost and expense thereof is hereby made chargeable against the several blocks fronting upon said Wells street, between said Twelfth street and the Milwaukee river, and the several lots and parts of lots therein, except as provided in section four of this act.

Sewer from
Twelfth st. to
the river.How costs
chargeable.

SECTION 2. Whenever said street commissioners shall determine that said sewer shall be constructed, they shall cause plans and specifications therefor to be made by the city engineer of said city of Milwaukee, and said sewer shall be constructed in accordance therewith. Said street commissioners shall also cause an estimate to be made by said city engineer, of the whole expense of constructing said sewer, which plans, specifications and estimate shall be filed in the office of the

Plans, estimate
&c.

**Apportionment
of expense.**

city comptroller of said city. Upon the filing of said plans, specifications and estimate, said street commissioners and city engineer shall proceed to apportion the expense of constructing said sewer upon the several lots and parts of lots upon which, by this act, the expense of said sewer is made chargeable; and they shall determine the proportion of such expense which each of said lots and parts of lots ought to bear, reference being had to the amount of the benefit thereof to each of said lots and parts of lots, respectively. Such apportionment of such expense shall be in writing, shall be signed by said street commissioners and said city engineer, and shall also be filed in the office of the said city comptroller.

**Advertising for
proposals, award
of contract, &c.**

SECTION 3. Upon the filing of said plans, specifications, estimate and apportionment in the office of said city comptroller, said comptroller shall immediately advertise in the official paper or papers of said city, for sealed proposals for constructing said sewer, according to said plans and specifications, and shall specify in such notice the time and place when such proposals will be received and opened. Such advertisement shall be published for at least five days. At the time and place specified in such advertisement, said comptroller shall open all the proposals which may have been received for constructing said sewer, and the contract therefor shall thereupon be awarded by said street commissioners to the lowest responsible bidder or bidders, and the work may be let entire or in sections. Upon the awarding of the contract for said work, said street commissioners shall enter into a contract with such lowest responsible bidder or bidders, for the construction of the whole of said sewer, if the same is let entire, or for the construction of any section or sections thereof, if the same shall be let in sections; which contract or contracts shall, in form, conform as near as may be to the contracts usually made by said city for city improvements, and shall be countersigned by said city comptroller, and the same or a duplicate or duplicates thereof shall be filed in the office of said comptroller.

**Work to be paid
in street com-
missioners' cer-
tificates, &c.**

SECTION 4. The work under said contract or contracts shall be done under the direction of said street commissioners and said city engineer, and in accordance with said plans and specifications, and shall be paid for in street commissioners' certificates against the lots or

parts of lots against which the said expense is made chargeable by this act. The contract for doing such work shall specify that the same shall be paid for in such street commissioners' certificates, which may be issued from time to time, as the work progresses: *provided*, that no certificate issued against any lot or part of a lot shall be for a greater sum than shall be apportioned thereon by said street commissioner and said city engineer, as hereinbefore provided; and in case the expense of constructing said sewer shall exceed the estimate therefor, as made by said city engineer, such excess shall be borne by and paid out of the fund of said fourth ward.

SECTION 5. When the work in the construction of said sewer or of any part or section thereof, shall be fully completed to the satisfaction and acceptance of said street commissioners, and the certificate of said city engineer, specifying the amount of work so done, shall be filed in the office of said city comptroller, said street commissioners shall issue and sign street commissioners' certificates, in the form commonly used in said city, for the work so done, against the several lots or parts of lots against which the same is chargeable, as hereinbefore provided. Such certificates shall also be countersigned by said city comptroller, and when thus issued, signed and countersigned, shall, from the date of the countersigning thereof, constitute a lien upon the lots or parcels of lots against which they may issue, for the amount specified therein, respectively. Such certificates shall also, if not paid or redeemed prior to the time of the making out the annual assessment roll of said city, be specially levied and assessed upon the property described therein, and shall be collected for the benefit of the holder thereof, in the same manner that other taxes are assessed and collected in said city. They shall be transferable by endorsement thereon of the names of the person or persons to whom they may be issued, so as to vest in any assignee, indorser or holder and owner thereof, the same rights and remedies in relation thereto and for the collection thereof, that the person or persons to whom they are issued would have. They shall draw interest at the rate of twenty-five per centum per annum, from the time that the lots described therein shall be sold by the city treasurer for the non-payment thereof, and any holder and owner thereof shall have all the

When certificates to issue, how to be signed, &c.

Certificates transferable.

Interest.

A lien.

benefits and privileges in reference to such certificates, that are granted and secured to the owners and holders of other street commissioner' certificates in said city, by the charter of said city, approved February 20th, A. D. 1852, and especially by an act of the legislature of the state of Wisconsin, approved March 29th, A. D. 1856, entitled "an act to make street commissioners' certificates in the city of Milwaukee a lien upon lots or lands against which they may issue," as amended by the act of said legislature, approved June 16th, A. D. 1862.

Contract may be annulled

SECTION 6. Said street commissioners shall not be authorized to contract for the construction of such sewer, or to make the expense thereof chargeable, except as herein provided. In case of the neglect or failure of any contractor, under the provisions of this act, to perform the work within the time or as provided in his contract, said street commissioners may annul his said contract, and declare the same to be forfeited and void, and may proceed to relet the work mentioned therein to the next lowest responsible bidder therefor, without any re-advertisement for proposals for doing the same. A clause reserving such right so to annul and declare forfeited such contracts, may be inserted therein, and the same shall be valid and binding upon said contractor.

SECTION 7. This act shall be published immediately, and shall take effect from its passage and publication.

Approved April 2, 1863.

CHAPTER 214.

[Published April 18, 1863.]

AN ACT to amend chapter 327 of the private and local laws of 1856, entitled "an act to consolidate and amend the act to incorporate the city of Watertown, and the several acts amendatory thereof."

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

Vacation of plots.

SECTION 1. The common council of the city of Watertown shall have power to alter or vacate any plot or part thereof within said city, on application in writing of any owner or owners of such plot or part thereof.