

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.

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## 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.

SECTION 2. Before the common council shall hear any application to alter or vacate any plot or part thereof, the applicant shall cause notice thereof to be published in some newspaper printed in said city, for six successive weeks, once in each week; and in case any person be living upon any portion of said plot proposed to be altered or vacated, a copy of such notice, at least ten days before such application is made, shall be served personally on such person, or left at his or her dwelling house. Such notice shall state when such application will be made, and what portion of such plot it is proposed to have altered or vacated.

Notice of vacation—how given.

SECTION 3. The order of the common council altering or vacating any plot or part thereof, shall be recorded in the office of the register of deeds of the proper county, before the same shall take effect.

Vacating ordinance to be recorded.

SECTION 4. The title to any street or part of street that may be vacated, shall vest in the owner or owners of the lot or lots abutting thereon, to each, from the line of his lot to the center of the street.

Title to streets vacated.

SECTION 5. Upon the application of six freeholders of said city, the common council shall have power and are hereby authorized to alter or vacate such highways, streets and alleys within the corporate limits of said city, as in their opinion are of no public utility. At least ten days before such application shall be heard, a notice thereof shall be posted up in three public places in the ward where such highway, street or alley proposed to be altered or vacated is located, and a copy of such notice shall be personally served on the occupants of the land through or adjoining which such highway, street or alley runs, or a copy of such notice shall be left at the usual abode [abodes] of such occupants. Such notice shall state when such application will be made, and give a brief description of the highway, street or alley proposed to be altered or vacated.

Vacation of streets, &c.

How notice to be given.

SECTION 6. Any person deeming himself aggrieved by any order of the common council made under the provisions of this act, may, within thirty days after the making of such order, appeal therefrom, and apply to a justice of the peace of said city for the appointment of commissioners, to whom an appeal from such order of the common council may be taken.

Appeal.

SECTION 7. Every application for such appeal shall be made in writing to such justice, and shall briefly

Notice of appeal, bond, commissioners, &c.

state the grounds of the appeal; and upon the filing of such application, and a bond executed to the city, with sufficient sureties, to be approved by the justice, conditioned to pay all costs arising from such appeal, provided the order of the common council shall not be reversed, such justice shall issue a notice specifying therein a time and place for the appointment of commissioners, which notice shall be served on the mayor at least six days before such time; and at the time and place appointed, the justice shall make a list of eighteen disinterested freeholders of said city. Each party may object to six on such list, and in case either party shall be absent, the justice shall strike off the names for the absent party, and out of the number not struck off, he shall, by lot, select three for such commissioners.

Decision of commissioners, &c.

SECTION 8. The justice shall then annex to the application, a warrant, under his hand, appointing a time and place for the meeting of such commissioners, and issue the same to the persons so appointed, directing them to view and examine the premises described in the application, and the order of the common council, and to make return of their decision thereon to him, within ten days after the date of the warrant; and before proceeding to make such view and examination, they shall be duly sworn justly and impartially to discharge their duties as such commissioners.

Decision to be filed,

When city liable for expenses.

SECTION 9. The decision of such commissioners shall be reduced to writing, and signed by them, and filed with the city clerk; and if the order of the common council shall be affirmed by the commissioners, the party appealing shall pay the expenses of the proceedings had in the matter; but if such order shall be reversed, then the expense shall be a charge and be audited and collected as any other claim against said city. Each commissioner shall be entitled to one dollar a day for his services, and the justice shall be entitled to one dollar for his fees.

Fees of commissioners.

Laying out of streets, &c.

SECTION 10. The common council shall have power to lay out a highway, street or alley, by ordinance, without a jury being called, on notice given: *provided*, all the owners of the land taken for such highway, street or alley shall, by petition in writing, ask for the same and consent thereto.

Street improvements.

SECTION 11. No improvement or work shall be done or made upon any street chargeable to the adjoining

lots, unless upon application, in writing, of a majority of resident owners of such lots.

SECTION 12. Section nine of chapter one of the act Amendment. entitled "an act to consolidate and amend the act to incorporate the city of Watertown, and the several acts amendatory thereof," approved March 29th, 1856, is hereby amended, by striking therefrom the word "supervisor," and inserting the words, "some elector to be selected by them."

SECTION 13. Sections six and seven of chapter 332, Repeal. and sections seven and eight of chapter 409, of the private and local laws of 1857, are hereby repealed.

SECTION 14. This act shall take effect and be in force from and after its passage.

Approved April 2, 1863.

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## CHAPTER 215.

[Published April 10, 1863.]

AN ACT to authorize the governor to purchase flags.

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

SECTION 1. Whenever the state flags of the regiments in the service of the United States, from this state, shall have become so far worn and damaged by service, that it is deemed necessary to replace them, and the officers commanding any of the said regiments shall inform the governor of such fact, and make requisition for new flags, the governor is hereby authorized to cause to be furnished to such regiment, new flags; the state flag to be of the design, plan and material as adopted by this legislature, by joint resolution No. 44, senate, and one of said flags shall be inscribed with the names of the battles in which such regiments shall have taken an honorable part. Old flags may be replaced by new ones.

SECTION 2. Whenever such new colors are furnished to any regiment in the service, it shall be on the express condition that the old colors so replaced are to be returned to the state, to be deposited in some safe State flag.

Old flags to be returned to the state.