

avenue in any city of the first, second, or third class shall be exempt from any assessment of benefits on account of the paving \* \* \* of said street or avenue with a permanent pavement, having a concrete foundation or the curbing or resurfacing of such street or avenue, until such property \* \* \* shall have paid in the aggregate in assessments for street pavements in front thereof the sum of \* \* \* three dollars per square yard; \* \* \* such assessments in each case to include all that part of the roadway lying directly in front of or abutting the property, and lying between the curb line and the center of such roadway. In cities of the first and second class exemption shall extend only to and include one-half of the cost of such pavement, curbing, or re-surfacing in excess of three dollars per square yard and only one-half the cost of any subsequent pavement, re-pavement, or re-surfacing of such street or avenue. Whenever any property has paid less than the amount in this section required, it shall be held liable for any difference up to the full amount herein required.

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

Approved May 25, 1911.

No. 199, S.]

[Published May 27, 1911.

## CHAPTER 186.

AN ACT to amend sections 925—98, 925—100, and 925—106 of the statutes, relating to waterworks, lighting works, and heating plants.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section 925—98 of the statutes is amended to read: Section 925—98. When cities own the water works, \* \* \* lighting works, or heating plant or plants, the water rates or charges for lighting or heating shall be collected by the treasurer and be first devoted to the expense of maintaining and operating the works, paying the principal and interest of any indebtedness created in the construction or purchase thereof, and the balance, if any, shall be paid into the general fund. The common council of every city which shall construct or own and operate lighting works, \* \* \* water works, or a heating plant or plants to supply the city and its inhabitants with light, \* \* \* water, or heat, may, by ordinance, fix the initial rates to be charged for lights, \* \* \* water, or heat furnished the inhabitants thereof, and provide for the collection of the same either quarterly or semi-annually

in advance or otherwise, provided such rates shall be uniform for like services in all parts of the city. The provisions of the next following section shall apply to the listing and collection of unpaid rates or charges for light, \* \* \* water, or heat so furnished, so far as they are applicable.

SECTION 2. Section 925—100 of the statutes is amended to read: Section 925—100. 1. The board of public works, before laying any water pipe or heating pipe along any 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 heating pipe, or which may be contiguous to and used in connection with any such lot or parcel of land, such sum as such lot or parcel of land will be, in the judgment of said board, specially benefited by reason of laying such water pipe or heating pipe, not to exceed, however, the amount prescribed in the next section.

2. No lot, parcel of land, or part thereof shall be subjected to the payment of more than one assessment for water pipe and more than one assessment for heating pipe laid in the same street or alley.

3. Before making such assessment they shall give notice by publication in the official city paper to the owners of such lots or parcels of the time when and place where they will meet to hear objections to the proposed assessment, and they shall make no assessment of benefits upon such lots, nor any apportionment of any part of the cost of laying such water pipe or heating pipe between different lots, until after such hearing. The owner of any such lot may appear at such time and place and be heard upon the question of assessment and apportionment.

4. In cities of the fourth class wherein a water system or heating system was constructed and water pipes or heating pipes laid along the public streets previous to the adoption of chapter 40a, statutes of 1898, by said city for its government, entirely at the public expense, the common council may, by a majority vote of all the members thereof, cause water mains or heating mains to be extended from such system along the public streets and alleys as they may direct at the expense of such city, the same to be constructed as other public works, as provided by such statutes.

(Am. 1911, c. 664, s. 19.)

SECTION 3. Section 925—106 of the statutes is amended to read: Section 927—106. The preceding provisions relating to the construction of water mains or heating mains in whole or in part at the expense of abutting property owners shall not apply

except in cases where the city owns the works *or plant or plants*; and in cases where the water works *or heating plant or plants* are now owned or may hereafter be purchased by the city, the extension of mains after such purchase shall be made at the expense of the city at large, or at the expense of abutting property, as the council shall determine.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1911.

No. 245, S.]

[Published May 27, 1911.

## CHAPTER 187.

AN ACT to amend section 4724a of the statutes, and to create a new section of the statutes to be number 4645a, relating to practice in criminal cases.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section 4724a of the statutes is hereby amended to read: Section 4724a. \* \* \* *A writ of error may be taken by and on behalf of the state in criminal cases:*

1. *From an order or judgment quashing, setting aside, or sustaining a demurrer to any indictment or information, or any count thereof.*

2. *From an order or judgment sustaining a plea in abatement or a special plea in bar made or rendered, before jeopardy has attached.*

3. *From any final order or judgment, adverse to the state, made or rendered before jeopardy has attached.*

4. *From an order granting a new trial.*

5. *From an order in arrest of judgment.*

6. *From an order or judgment of conviction upon a record containing rulings adverse to the state, in every case where the defendant prosecutes a writ of error. In every such case the whole record shall be carried before the supreme court and the case treated and presented as in cases of cross appeals in civil actions, and all questions of law thus presented shall be decided by the supreme court.*

SECTION 2. There is added to the statutes a new section to read: Section 4645a. Any objection to a prosecution or the sufficiency of an indictment or information that may be raised by motion to quash, demurrer, plea in abatement, or special plea in bar, shall be so raised before a jury is impanelled or testimony taken, and unless so raised, shall be deemed waived; and objection to the validity or constitutionality of the statute