

Proviso in the improvement of said road : Provided, Said commissioners shall receive no compensation from the State for such services.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 377 An Act to legalise School District No. 4, in the town of Ottawa, county of Waukesha.

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

Declared legal. SECTION 1. The acts of the Superintendent of the town of Ottawa, in forming and establishing school district No. 4, in said town of Ottawa, in the county of Waukesha, together with the acts of said school district for the year eighteen hundred and fifty, be and the same are hereby declared to be legal and valid for all purposes intended by such acts.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 378 [An Act in relation to streets, alleys and sewers in the city of Milwaukee.

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

Aldermen to be Street Commissioners. SECTION 1. The aldermen elected to the common council of the city of Milwaukee, shall be street commissioners in and for their respective wards, two of whom shall be a quorum for the transaction of business; one of their own number, or some person appointed by them, shall be clerk of the board, and shall keep a fair record of all the acts and doings of the board, draw, prepare, file and preserve the contracts, agreements, receipts, vouchers and papers of the board. The several boards shall make reports in detail of their acts and doings to the common council when required, and at the expiration of each year, and before their term of office shall expire, shall submit all their acts, doings, books, records, vouchers and papers to the said common council for final settlement and adjustment. It shall and may be competent for any person aggrieved by any act or acts, order or orders of said boards, at any time, to have the

Papers to be preserved.

Council may correct acts of Boards.

same reported fully to the common council, and for the said council to enquire into, examine and correct the act or order complained of, as may be just and right, and the further action of said board shall be regulated and controlled accordingly.

SEC. 2. It shall be the duty of said aldermen as street commissioner, to order and contract for the opening, making, grading, building, repairing and cleansing the streets, lanes, alleys, side walks, public wells, reservoirs, gutters and sewers within their wards, and to direct and control the street inspector, and persons employed or engaged in said works, in pursuance of such orders or contracts. In making contracts for any work, preference shall be given to tax payers of their own ward, if their proposals are equally advantageous with others.

Street Commissioners to direct persons employed.

SEC. 3. The cost and expenses of surveying the streets, lanes and alleys, and of estimating work thereon, and of opening, repairing and cleansing streets, lanes and alleys, and of making, building, repairing and cleansing public wells, reservoirs and sewers, shall be chargeable to and payable out of the general ward fund of the ward wherein the same are located, making, opening, grading, graveling, paving the streets and gutters, lanes, alleys and side walks, shall be chargeable to and payable by the owners of lots fronting or opposite to such streets, gutters, lanes, alleys and side walks; in alleys, sewers may be ordered by the said aldermen as street commissioners, and made at the expense and charge of the lots or pieces of land benefitted therein, which costs shall be apportioned among said lots or pieces of land by the street commissioners with the assistance of the ward surveyor, and the said aldermen as street commissioners shall issue their certificates to the contractors in the same manner and form, and the sum with the interest thereon shall be assessed upon said lots and pieces of land respectively, as is provided in this act, in cases of grading, graveling, opening and paving streets and alleys: And provided further, That in all cases where improvements or work of any kind is chargeable by this act to lots, all such improvements across streets and alleys and public squares shall be made and paid out of the general fund of the ward in proportion to the breadth of the street or alley or public square.

Certain expenses chargeable to general ward fund.

Expenses chargeable to lots benefitted.

Certificate to be issued in payment.

Proviso.

SEC. 4. The streets to the middle of centre thereof, and the side walks, lanes and alleys shall be graded, graveled and paved at the cost and expense of the lots and lands lying on or opposite to the same respectively, and the said aldermen or street commissioners shall give notice to the owners or occupants of all such lots and lands if to be found, but if not to be found, by advertisements for five days in one or more daily newspapers published in said city, requiring them to do the

Aldermen to give notice of work to be done.

work therein mentioned within reasonable time therein specified in the street, lane, alley or sidewalk opposite their said lots or lands, and if the said work should not be done within the time specified and in pursuance of such notice, the said aldermen as street commissioners may contract for the doing thereof, and when the said work shall be completed according to the terms of such contract, and the expense thereof ascertained, the said aldermen as street commissioners shall give to the contractor a certificate under their hands, stating therein the amount due such person for the work whatever it may be, and the lot or piece of land upon which the same is chargeable with interest at the rate of twelve per cent per annum until paid, which said certificate may be transferred by endorsement thereon, and if the amount of such certificate with the accrued interest thereon shall not be paid before the time of making the annual assessment of taxes for city purposes, the same shall be specially assessed upon the said lot or lots or lands respectively and collected as other taxes for the use and benefit of the holders of such certificates. And if such notice shall have been given to do the work as herein directed, no informality or error in any of the proceedings or assessments shall vitiate or make void such tax: Provided, Where the general interest of the city or ward requires deep cutting or extraordinary filling and the owners of lots or lands fronting on such deep cutting or filling shall feel themselves aggrieved thereby, the said aldermen as street commissioners on the petition in writing of such owners, shall require and order the city marshal to summon five disinterested freeholders not residents of their ward, who shall meet, and after being duly sworn by some person authorised to administer oaths, well and impartially to discharge their duty, shall examine and view the premises, and if in their opinion the lots or lands fronting on such deep cutting or filling will be injured thereby, or that such work will be too burdensome on such lots or lands, it shall be their duty to make report in writing to the said aldermen or street commissioners how much or what proportion of said work shall be chargeable to the said lot or lots or lands, and how much or what proportion thereof shall be payable out of the general ward fund of the ward; and the work shall be so done as in other cases, and the portion of the cost thereof, chargeable upon the said lot or lots or lands shall be assessed upon said lots or lands and collected as in other cases, and the said aldermen as street commissioners shall issue their order upon the treasury for the amount or proportion payable by the ward.

When Aldermen may contract to do work.

Certificate issued for work transferable.

Proviso.

When Aldermen may require marshal to summon jury to assess damages.

Jury to make report specifying amount chargeable to lots. &c.

When act to be submitted to vote of electors.

SEC. 5. In case the "Act to incorporate the city of Milwaukee," should not be adopted by electors of said city at the

election to be held on the first Tuesday of May next, the provisions contained in this act shall be submitted at the election to be held on the third Tuesday of May next to a vote of the electors of the several wards of said city. A separate box shall be provided by the judges of election of each ward for depositing the ballots upon the question of the adoption of said provisions, and upon the balance given for the adoption of said provisions shall be written or printed or partly written and partly printed the words: "For special street tax," and upon ballots given against the adoption of said provisions in like manner the words "against special street tax," and said ballots shall be so folded that the words "special street tax" shall appear on the outside. If at the said election in any of the wards of said city a majority of the votes cast on this question shall be "for special tax," said provisions shall thereafter be in full force in such ward, but if in any of the wards a majority of the votes cast on this question shall be "against special street tax" the laws and provisions now in force in such ward in relation to the grading, graveling, making and paving of the streets shall remain in full force.

Form of ballot.

Vote of the ward to determine applicability of act.

Acts repealed.

SEC. 6. All acts and parts of acts contravening the provisions of this act shall be and they are hereby repealed.

FREDERICK W. HORN,

Speaker of the Assembly.

DUNCAN C. REED,

President pro tempore of the Senate.

Approved March 15th, 1851.

NELSON DEWEY.

Chap. 379

An Act granting to Henry W. Kingsbury the right to keep and maintain a ferry across the Wisconsin river.

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

Who may maintain a ferry.

SECTION 1. Henry W. Kingsbury, his heirs, executors, administrators, and assigns, shall have the exclusive right and privilege, for the period of twenty-five years, of keeping and maintaining a ferry across the Wisconsin river, at or near Table Rock, in the county of Adams.

Ferry subject to general laws.

SEC. 2. The ferry shall be subject to such regulations as other ferries are or may be by law subject, and the proprietors thereof shall be entitled to receive for crossing, any vehicle drawn by two horses or one yoke of oxen, fifty cents; for one horse and wagon, thirty cents; for each additional horse or ox, fifteen cents; for man and horse, twenty-five cents; for cattle or horses in droves, five cents each: Provided, hogs and sheep shall not be charged more than three cents per head, and for foot passengers, ten cents each.

Tolls.