

such debt or claim, and the owner or owners of such logs, if known, and if not known, then the person or persons whose recorded log marks are upon such logs, shall be made defendants."

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

Approved March 7, 1874.

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## CHAPTER 162.

AN ACT to appropriate to the Milwaukee Orphans Association of Milwaukee, one thousand dollars.

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

Appropriated.

SECTION 1. There is hereby appropriated to the Milwaukee Orphans Association in Milwaukee, for food and clothing for orphan children, the sum of one thousand dollars, out of any money in the [state] treasury not otherwise appropriated.

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

Approved March 7, 1874.

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## CHAPTER 163.

[Published March 21, 1874.]

AN ACT relating to the city of Portage, and amendatory of chapter 437 of the private and local laws of 1868.

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

Work on streets  
alleys and side-  
walks.

SECTION 1. Sections one, two and four of chapter six of said chapter 437 are hereby amended so as to read as follows: Section 1. The city council shall have power to order and contract for the making, grading, repairing, and cleansing of streets, alleys, public grounds, reservoirs, gutters, sewers, drains and side-walks in the manner hereinafter mentioned and direct and control the persons employed therein. Section 2. The cost and expense of surveying streets, alleys, side-

walks drains and sewers, and of estimating work thereon in the execution of any public improvement, shall be charge to and payable by the city. The cost and expense of opening, grading, graveling, planking paving or repairing streets and alleys, and constructing or repairing sidewalks shall be chargeable to, and payable by the lots fronting on such street or alley, so that each lot or parcel of land shall pay for the work done between the front of such lot or tract of land and the center of such street or alley. Sewers and drains may be ordered by the council, and built at the expense of the lots or parcels of lands benefited thereby, which shall be apportioned among said lots or parcels of land by the council: *provided, however*, that when sewers or drains are constructed through alleys no lots shall be assessed therefor, except those situated in the block or blocks through which such sewers or drains may be constructed; and when sewers or drains are constructed through a street, no lots shall be assessed therefor except those situated in the blocks fronting on such street; *and provided, further*, that in all cases where improvements or work of any kind are chargeable, by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city, in proportion to the width of the street, alley or public ground. Section 4. Whenever the general interest of the city requires deep cutting or extraordinary filling in any street, or any drain or sewer to be constructed, and the owners of the lots or lands fronting on such deep cutting or filling, or across which such drain or sewer shall be laid shall deem themselves aggrieved thereby, and shall represent to the council in writing that the expense of such excavation or filling or the construction of such drain or sewer will exceed the proportion that should be justly and equitably charged upon the property assessed therefor, the council shall require the marshal to summon five freeholders, not residents of the ward, nor owners of, nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises, and if in their opinion the cost of such work will exceed the amount that should be justly and equitably chargeable upon said said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and what lots and parts of land on the street so improved will be benefited by such deep cutting or filling, or the construction of such sewer or drain, and how much or what portion shall be

Sewers.

Cutting, or filling.

To whom  
chargeable.

Assessments a  
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chargeable to them, and to make a report thereof as soon as practicable, in writing, to the council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same, in the same manner as herein provided, in case such owners shall not do such work, and the remainder shall be assessed upon the lots benefited by such improvement, proportion to their respective benefit as determined by said jury. The sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment, in the same manner as other special assessments for city improvements are collected; provided, that should said jury find that said petitioners were not entitled to any division of the expense so assessed upon their lots or parcels of land, then the expense of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same on the filing of the petition; *provided, also*, that the petition of no owner feeling himself aggrieved shall be received unless the same shall be presented within twenty days after the publication of the notice requiring the same to be done; *and provided further*, that when it shall appear to the council that any such lands belong to non-residents, infants or persons laboring under legal disability, who shall not be represented by any agent or guardian, or not be benefited by the making of streets in front of such lots or lands or the construction of such sewer or drain to the amount of the costs and expenses thereof, it shall then be the duty of said council to cause to be summoned a jury as herein provided.

SECTION 2. Section nine of chapter ten of said charter is hereby amended by striking out the words "five thousand five hundred," and inserting in lieu thereof the words "three-fourths of one per cent. of the total assessed valuation."

Election of  
school commis-  
sioners.

SECTION 3. Section one of chapter ten of said chapter 437, of the private and local laws of 1868, is hereby amended by striking out the word "August," where it occurs in said section, and inserting in lieu thereof the word "July," so as to read as follows: There shall be elected by the common council of the city of Portage at its first meeting after the first day of July of each year, from each ward of said city, one school commissioner for said city, who shall be residents of the wards for which they are elected; the persons so elected shall hold their offices for the term of one year, and

until their successors are elected and qualified; and the common council may make appointments of school commissioners to fill vacancies which may occur from any cause.

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

Approved March 7, 1874.

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## CHAPTER 164.

[*Published March 21, 1874.*]

AN ACT to amend subdivision four and to repeal subdivision five of chapter 92 of the revised statutes, entitled of "real property by descent."

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

SECTION 1. Subdivision four of section one of chapter 92 of the revised statutes is hereby amended to read as follows: 4th. If he shall leave no issue, nor widow, nor father nor mother, his estate shall descend in equal shares to his brothers and sisters and to the children of any deceased brother or sister, by right of representation. Right of descent.

SECTION 2. Subdivision five of said section one is hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1874.

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## CHAPTER 165.

[*Published March 21, 1874.*]

AN ACT to secure the safe navigation of the Wisconsin river.

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

SECTION 1. Every person or persons, or corporations, municipal or private, who now control or maintain any dam or bridge across the Wisconsin river, shall, within nine months from and after the publication of this act, construct at one side of the slide over such Guide booms to be erected within nine months.