

tract aforesaid, the quartermaster-general shall deduct from the amount so found to be due, any and all sums which may be due to the state from the said Robbins, for freight charges advanced on goods received on his contracts by the quartermaster-general, in 1861.

Appropriation. SECTION 2. There is hereby appropriated out of any money in the state treasury belonging to the war fund, not otherwise appropriated, a sum sufficient for the payment of the amount found to be due by the settlement provided for in section one of this act.

Release, &c. SECTION 3. It shall be the duty of the quartermaster-general, upon effecting the settlement provided for by section one of this act, to require such releases, receipts and vouchers as will forever bar all claims of all parties or persons having an interest in the said contract, from making any further claim upon the state thereupon, and as will enable the quartermaster-general to properly certify the same for adjudication by the general government.

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

Approved April 2, 1863.

CHAPTER 285.

[Published April 25, 1863.]

AN ACT to authorize the construction, widening and improving of a highway or street in the city of Milwaukee.

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

Board of commissioners.

SECTION 1. Edward H. Broadhead, John Plankinton and W. P. Merrill, of the city of Milwaukee, are hereby appointed and constituted a board of commissioners, under the direction of whom, or a majority of whom, shall be done the widening, gravelling [graveling] and otherwise improving the highway designated on Lapham's map of the city of Milwaukee, as the continuation of the "Muskego road," and extending from the south line of the north-east quarter of section number thirty-one, (31,) of township seven, (7,) of range num-

ber twenty-two (22) east, to Clybourn street, in the fourth ward of said city of Milwaukee.

SECTION 2. Said commissioners hereby appointed are authorized to order the widening, gravelling [gravelling] and otherwise improving the said highway between the points aforesaid; and if they deem the same advisable, to order in connection with the improving the said highway, the construction of a bridge in said highway, across the track of the Milwaukee and Prairie du Chien railway, where the same is crossed by said railway.

Authority to board.

SECTION 3. Said commissioners before entering upon the discharge of their duties under this act, shall take and subscribe, in writing, an oath faithfully and honestly to discharge the same, which said oath so taken and subscribed, shall be filed in the office of the city comptroller [comptroller] of the city of Milwaukee. In case any or all of said commissioners shall for any reason neglect or refuse to serve and act as such, the judge of the circuit court of Milwaukee county shall, on application to him for that purpose by any person interested in the improving of such highway, or by any one of such commissioners being willing to serve as such, appoint another commissioner or commissioners to serve in his or their stead; and said circuit judge shall, in like manner, fill any vacancies that may occur at any time, by resignation [resignation] or otherwise, in said board of commissioners.

To take oath.

Vacancies—how filled.

SECTION 4. Whenever said board of commissioners shall determine to order the widening, gravelling [gravelling] or otherwise improving the said highway, or the building of said bridge, they shall cause to be made by the city engineer of the said city of Milwaukee, who shall also make the necessary specifications of the work which said board of commissioners shall determine to have done, an estimate of the whole expense thereof, which expense shall be borne by the property benefited [benefited] thereby, and said board of commissioners shall determine the proportion which each tract or lot benefitted [benefited] thereby shall bear of the said expense. Such specifications and estimates of said city engineer, and such determination by the said board of commissioners of the proportion of such expense which each tract or lot benefitted [benefited] by said improvement shall bear, shall be in writing, shall be

Specifications, and estimate and apportionment of expense.

certified to by said engineer and said board, respectively, and shall be filed within five days after the same shall be made, in the office of the city comptroller of said city. Upon the filing of such specifications and estimate of such city engineer, and said determination of said board of commissioners as aforesaid, the said city comptroller shall give notice by publication for five days in the official paper or papers of said city, that such specifications, estimate and determinations have been made and filed. Any person [person] feeling aggrieved at such determination of said board of commissioners in respect to the proportion of the expense of such improvement which they shall determine that any lot or tract owned by him shall bear as aforesaid, may appeal from such determination of said board of commissioners to the common council of said city. Such appeal shall be taken within ten days after the first publication of said notice by said city comptroller as aforesaid, and not thereafter, and may be had by serving a written notice thereof upon any one of said board of commissioners, and upon the city clerk of said city. All appeals taken hereunder shall be heard and determined at the same time by said common council, in joint convention; and upon the hearing of such appeals, said common council may alter or change the amount fixed by said board of commissioners as the amount that any lot or tract benefitted [benefited] by said improvement shall bear, in reference to which any appeal may be taken; and said common council on such appeals shall finally determine the proportion of the expense of such improvement that each lot or tract shall bear, in reference to which any such appeal may be taken.

Notice by publication.

Appeal to common council.

When to be taken.

How heard, &c.

Determination of council to be final.

Publication of determination of council to make the improvement.

Improvement may be made by owners of property benefited.

SECTION 5. Upon the determination of such appeals by said common council, if any shall be taken, and if no such appeals shall be taken, then at the expiration of ten days from the time of the first publication of the notice provided in the preceding section, said board of commissioners shall give notice by publication in the official paper or papers of said city, that they have determined upon and ordered the making of such improvement, and shall, in any such notice, require the owners, agents and occupants of the property benefitted [benefited] by said improvement, as determined by said board of commissioners, to make the same in ac-

cordance with the estimate and specifications of the city engineer within a reasonable time therein to be fixed, and that in case of default thereof, (*that*) the said board of commissioners will cause the same to be done at the expense of said property so benefitted, [benefitted,] as herein provided.

SECTION 6. At the expiration of the time limited in the notice prescribed in the next preceding section, in case said owners, agents or occupants shall neglect to make said improvements, or any part thereof, as thus ordered by said board of commissioners, said city comptroller shall advertise proposals for doing the same. Such advertisement shall be published and the contract therefor shall be let in the same way provided by the charter of said city for making improvements upon the streets, alleys and sidewalks thereof; but such contract shall be let by said commissioners to the lowest responsible bidder thereof, and said board of commissioners may require from such bidders security for the faithful performance of said contract within a reasonable time; and in case such bidder shall not perform said contract, and finish the work to be done thereunder within the time therein limited, said commissioners may relet said contract to the next lowest responsible bidder thereof, without any further advertisement for proposals therefor. Such contract shall be countersigned by said city comptroller, and shall be the same in form, and shall conform, as near as may be, to the contracts entered into by the street commissioners of said city for the performance of work upon streets, alleys and sidewalks therein. Said work, in making said improvements, may be let entire or in sections, as said commissioners shall deem most advisable, [advisable;] and the contract or contracts therefor shall specify that the price to be paid for said work shall be payable in certificates to be issued by said commissioners against the property benefitted [benefitted] by such improvement, which certificates shall be the same in form, and shall conform, as near as may be, to the certificates issued by street commissioners in said city for city improvement. Such certificates may be issued from time to time as the said work shall progress and be completed, and shall be countersigned by said comptroller; and when so issued by said commissioners and countersigned by said comptroller, shall be and remain a lien upon

Advertising for proposals, award of contract, &c.

Contract may be relet.

Work may be let entire or in sections, and shall be paid for in street commissioners' certificates.

Certificates a lien, how collectible, interest, &c.

the property against which the same shall issue for the amount thereof and interest thereon, as herein provided, from the time they shall be so countersigned by said comptroller; and in case the same are not paid or redeemed before the time of making out of the annual assessment roll of said city, the same and the amount thereof shall be specially assessed upon the property against which they may be issued, and collected in the same manner that street commissioners' certificates in said city are assessed upon and collected against the property against which they may issue. They shall also draw interest at the rate of twenty-five per centum per annum from the time the lot or tracts described therein shall be sold by the city treasurer for and on account of the non-payment thereof, and shall be transferrable [transferable] by endorsement thereon of the name or names of the person or persons to whom they may be issued. The person or persons to whom such certificates may be issued, or any endorsee or owner or holder thereof shall have the same remedies to foreclose and collect the same which are now given by law to foreclose and collect street commissioners' certificates in said city; and the act entitled "an act to make street commissioners' certificates in the city of Milwaukee a lien upon the lots or lands against which they may issue," approved March 29, A. D., 1856, as amended by an act approved June 16th, A. D. 1862, shall apply to all certificates issued by said commissioners under this act. But no certificate issued under this act shall be for any greater amount against any lot or tract benefited [benefited] by such improvement, than the amount of the expense of said improvement which said board of commissioners shall determine that such lot or tract ought to bear; and in case the contract or contracts for making such improvements shall exceed the amount of said estimate of said city engineer, such excess shall be paid and borne in equal parts by the ward funds of the fourth and eighth wards of said city.

Application of statutes.

Certificates not to exceed amount of expense.

Filing of contracts, &c.

Sales of lots under certificates.

SECTION 7. All contracts, specifications and estimates made or entered into under the provisions [provisions] of this act, shall be filed in the office of the city comptroller within five days after the making of the same, and shall be kept by him, with the other records and papers filed and kept in his office.

SECTION 8. In case of the sale of any lot or tract by the city treasurer of said city, for the non-payment

of any certificate against the same, issued under this act, the same shall be made separately, and a separate certificate shall be issued therefor on such sale, and no illegality or irregularity in the assessment of any other tax against such lot or tract, or in any sale therefor, shall affect or in any way invalidate any such sale for the non-payment of such certificate.

SECTION 9. In case it shall be necessary to take any property for the purposes of this act, not now a part of said highway hereby authorized to be improved, said commissioners may apply to the common council of said city, who shall thereupon proceed to cause such property to be taken as may be necessary; and said common council, in so doing, shall proceed in the same manner as is now provided by the charter of said city for the laying out and widening of streets in said city.

Taking of property for said improvement.

SECTION 10. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Repeal.

SECTION 11. This act is hereby declared to be a public act, and shall be so taken and construed in all courts and places whatsoever. It shall be published immediately, and shall take effect and be in force from and after its passage and publication.

Public act, &c.

Approved April 2, 1863.

CHAPTER 286.

[Published April 13, 1863.]

AN ACT relating to judgments and executions.

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

SECTION 1. It was the true intent and meaning of chapter 140 of the general laws of 1861, relating to judgments and executions, that the party in whose favor judgment had heretofore been given, or should hereafter be rendered in any court in this state, whether a court of record or a court held by any justice of the peace, might proceed to enforce the same, by execution, at any time within five years from the entry of judgment, in the manner prescribed by law.

Intent and meaning of chap. 140, G. L. 1861.