

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 526.

[Published April 20, 1865.]

AN ACT to authorize the city of Madison to improve the streets of said city.

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

Grading and repairing streets, &c.

SECTION 1. The common council of the city of Madison shall have power, by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading, paving, repairing and cleansing of streets and parts of streets, alleys, public grounds, reservoirs, gutters and sewers, in the manner hereinafter mentioned, and direct and control the persons employed therein: *provided*, that no street shall be ordered to be graded, paved or graveled, unless the same shall be petitioned for in writing by the owners of two-thirds of the front on the street or part of street proposed to be so improved, except as hereinafter provided, and each petitioner shall state in such petition the lot or lots or parcel of ground owned by him.

To be petitioned for.

Improvements chargeable to city.

SECTION 2. The cost and expense of surveying streets, alleys, sewers and gutters, and of estimating work thereon in the execution of any public improvement, shall be chargeable to and payable by the city. The cost and expense of opening, grading, graveling, planking, paving or repairing streets and alleys, 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 between the front of each lot or parcel of land and the center of such street or alley, except such portions of Main, Pinckney, Mifflin and Carroll streets as are fronted upon one side by the capitol square, and on such portions of said streets the expense of grading, graveling, planking, paving or repairing for the whole width of said streets or said portions of them,

Improvements chargeable to lots.

shall be chargeable to and payable by the lots or parcels of lands fronting upon such portions of said streets opposite to the said capitol square. Sewers and gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which said sewer or gutter shall be constructed: *provided, however,* that when sewers or gutters are constructed through alleys, no lots shall be assessed therefor, except those situated in the block or blocks through which such sewers may be constructed; *and provided, further,* that in all cases when 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.

In case of sewers through alleys.

Improvements across streets, &c

SECTION 3. Whenever the common council shall determine to make any public improvement, as authorized by sections one and two of this act, they shall cause to be made an estimate of the whole expenses thereof, and of the amount thereof to be assessed and charged to each lot or parcel of land, and in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground, as aforesaid; and such estimate shall be filed in the office of the city clerk, for the inspection of parties interested, before such work shall be ordered to be done. The council shall fix the time within which such work shall be done, and shall give notice thereof, by the publication of a notice for ten days in the official paper of said city, to the owners or occupants of the lots or parcels of land fronting upon the street or alley ordered to be improved, requiring them to do the work mentioned in such notice within the time fixed by the council for doing the same, to be in such notice specified. If said work shall not be done within said time, the common council shall immediately authorize the letting of such work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable, all bids for doing the same to be approved by the council; and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give

Estimate of expense of improvement.

Notice to lot owners, requiring work to be done.

If not done, work to be let to lowest bidder.

such security for the performance of such work, as they shall direct; such contract when approved by the council, to be executed on the part of the city by the mayor, and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days in the official paper of said city.

In case of deep cuts or excavations, jury may determine what proportion of expense shall be assessed upon lots benefited.

SECTION 4. Whenever the general interests of the city requires deep cutting or extraordinary filling in any street, and the owners of the lot or lands fronting on such deep cutting or filling, shall deem themselves aggrieved thereby, and shall represent to the council in writing, that the expenses of such excavation or filling will exceed the proportion that should be justly or equitably charged upon the property assessed therefor, the council shall require the chief of police to summon five freeholders, not residents of the ward nor interested in said lots or land, 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 premises, it shall be their duty to determine what portion of such work shall be chargeable to such lot or parcels of land, respectively, and what lots or parcels of land on the street so to be improved, will be benefited by such deep cutting or filling, and how much or what portion shall be chargeable to them and to make a report thereof in writing as soon as practicable, to the common 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 owner shall not do such work, and the remainder shall be assessed upon the lots benefited by such improvement, in 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 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 lands, 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

Men.

When petitioners to pay expense of jury.

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, to the amount of the cost and expenses thereof, it shall then be the duty of said council to cause to be summoned a jury as herein provided.

When petition to be presented.

In case of non-residents, &c.

SECTION 5. The common council may without petition, by a two-thirds vote of all its members, order the grading and paving of Main street from Butler street to the crossing of the Milwaukee and Prairie du Chien railway, and on Pinckney street from Clymer street to Mifflin street, and on King street from Main street to Wilson street, and on Washington avenue from Pinckney street to Butler street, and on Carroll street from Clymer street to Mifflin street, or any portion of said streets or avenues, at any time, but to be done in all other respects as in this chapter provided.

Where grading and paving may be ordered without petition.

SECTION 6. All work provided for in this chapter shall be under the supervision of the mayor, superintendent of streets and the city surveyor, and shall be approved by them before it shall be accepted by the council.

Supervision of work.

SECTION 7. Whenever any work has been done under contract, as provided in this act, and the work shall have been approved by the mayor, street superintendent and city surveyor, such contractor shall be entitled to a certificate therefor, stating therein the amount of work done by such contractor, and the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by indorsement thereon; and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots or parcels of land, respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected

Certificate of work, and assessment and collection of taxes.

by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof; and if the notice to do the work required shall have been given as herein provided, no informality or error in the proceedings shall vitiate such assessment: *provided*, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for or on account thereof, or for any proceedings for the collection of the pay therefor.

City not liable.

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

Approved April 10, 1865.

CHAPTER 527.

[Published June 2, 1865.]

AN ACT relating to raising money by tax, in towns, cities and incorporated villages, and amendatory of section 1 of chapter 39 of the general laws of 1864.

[This act incorporates the "First Congregational church and society of Mount Sterling."]

(See supplement to local laws.)

CHAPTER 528.

[Published June 2, 1865.]

AN ACT to amend chapter 280 of the general laws of 1863, entitled "an act to lay out a state road from Superior, through Douglas and Burnett counties, to St. Croix Falls, in Polk county, with a branch along the mineral range in township 47 north, range 14 west."

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

Amendment.

SECTION 1. Chapter 283 [280] of the general laws of 1863, entitled "an act to lay out a state road from