

An Act to incorporate the Village of Manitowoc in the County of Manitowoc. Chap. 159

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

SECTION 1. The inhabitants of the district of country included within the following limits and boundaries in township number nineteen, or range numbered twenty-four east, in the county of Manitowoc, to wit: Lots four, five, and six, in section nineteen; lots three and four, and west half of south west quarter of section twenty; lots one, two, and three, and north fraction of section twenty-nine, north fraction of fractional north east quarter, south fraction of fractional north east quarter, and north east quarter of south east quarter of section thirty, are hereby created a body corporate and politic, by the name and style of the "President and Trustees of the village of Manitowoc," and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate; and shall have a common seal, and may change the same at pleasure; and shall be competent to have and exercise all the rights and privileges and be subject to all the duties and obligations appertaining to a municipal corporation. Corporate powers.

SEC. 2. The said corporation shall be divided into two wards, in the manner following to wit: All that part of said district of country comprised in the limits described in the first section of this act, which lies south of the centre of the Manitowoc river shall be the first ward, and all that part of said district which lies north of the centre of the Manitowoc river shall be the second ward. Division by Wards.

SEC. 3. The government of said corporation, and the exercise of its corporate powers and management of its fiscal, prudential, and municipal concerns, shall be vested in a President and six Trustees, and such other officers as are hereinafter provided for: Government.

SEC. 4. The elective officers of said corporation shall be one President, three Trustees for each ward, one Marshal, one Treasurer, and one Assessor for each ward, to be elected by the qualified voters thereof, at the annual election of said corporation, to be held in each ward on the first Tuesday of April in each year, and shall hold their respective offices for one year and until their successors are chosen and qualified. Election of Corporation officers

SEC. 5. At the first election, and at all subsequent elections of officers in said corporation, every person residing therein, qualified to vote for town officers in the town in which said Qualification of voters.

corporation is situated, and shall have resided in the ward twenty days next preceding the election at which he may offer his vote, shall be entitled to vote in such ward for any officer required to be elected by this act; and the person or persons having the highest number of votes, shall be declared duly elected. Whenever any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the qualifications of an elector, or if his vote shall be challenged by any elector, the judges of election, or some one of them, before receiving the vote of any such person, shall require such person to take an oath, that he possesses the qualifications prescribed in this section of this act, and that he has not voted at such election. If the person offering to vote shall take such oath, his vote shall be received; and if any person shall take such oath knowing it to be false, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof, shall suffer such punishment as is now or shall hereafter be provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in the ward in which he does not reside, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding fifty dollars nor less than twenty-five dollars, to be recovered in the same manner as other penalties are recovered under this act.

SEC. 6. At the first and every subsequent election, the electors in their respective wards, shall vote for one President, three Trustees of the ward in which they may vote, one Marshal, one Treasurer, and one Assessor for the ward in which such elector may reside.

SEC. 7. The Supervisors of the town of Manitowoc shall at least twenty days previous to the first election of officers in said village, appoint the places of holding such election, and appoint the judges and clerks thereof, and shall give notice of such appointments, ten days previous to such election, by publishing the same in a newspaper printed in said village; and after the first election it shall be the duty of the President and Trustees to provide the places of holding elections in said village, and to appoint the judges and clerks thereof, provide for making and directing the returns of elections, the time and manner of opening the returns and making an abstract thereof, and of keeping a journal of the same; and may make such other arrangements concerning said election as may be lawful and convenient for the citizens of said village.

SEC. 8. The supervisors of the town of Manitowoc shall determine who shall have been properly elected at the first election; and the chairman of the board of supervisors of said town

Plurality to elect-

Challenged votes to be received on taking oath.

Fine for illegal voting.

Notice of election—and judges, how appointed.

shall administer the oath of office to the first President, and such President shall administer the oath of office to all the Trustees and other officers who have been declared to be duly elected; all subsequent elections shall be determined by the president and Trustees, and the new President may in every case be sworn into office by his predecessor, and he may administer the oath of office to all newly elected officers. In case of a tie between two candidates at any election, the election of one or the other of them shall be determined by lot, in the presence and under the direction of the President and Trustees.

Oath of offices—
who to administer.

SEC. 9. The President shall preside at all meetings of the Trustees, keep the seal of the said corporation, sign all commissions, licences, and permits which may be granted by the Trustees; he shall maintain peace and good order, and see that the ordinances of the village are observed and executed. He shall have power to administer oaths or affirmations, and to take and certify acknowledgements of deeds and other instruments in writing; as a judicial officer he shall have concurrent jurisdiction with Justices of the Peace of the county of Manitowoc, of all cases for the violation of any ordinance of said village, and when presiding at the meeting of the Trustees, he shall have a casting vote when the votes of the members are equal.

Powers and duties of President

SEC. 10. The President and Trustees shall prescribe the time and fix the place of holding their meetings, which shall at all times be open to the public, shall determine the rules of their proceedings, and keep a journal thereof, which shall be open to the inspection of every citizen at all reasonable times and hours; shall have power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules and regulations for their own government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its members.

General powers of president and trustees.

SEC. 11. The President, each and every Trustee, Marshal, each and every Justice of the Peace and Constable of the town of Manitowoc, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior, in a manner consistent with the ordinances of said village within the limits thereof, and for such purposes may command the assistance of all by-standers, and if need be, all citizens; and if any person shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay such fine as may be prescribed by ordinance of the village in such case provided.

Village authorities to be peace officers.

SEC. 12. The Marshal shall possess all the powers, and enjoy all the rights of a Constable in the town of Manitowoc, and be subject to the same liabilities; it shall be his duty to

Duties of Marshal.

execute and return all writs and process to him directed by the President, and when necessary in criminal cases, or for the violation of any ordinance of said village, he may serve the same in any part of the State of Wisconsin. It shall be his duty to suppress all riots disturbances and breaches of the peace, to apprehend all disorderly persons in said village, and pursue and arrest any person fleeing from justice in any part of the State of Wisconsin, to apprehend any person in the act of committing any offence against the laws of this State or the ordinances of the village, and forthwith to bring such persons before competent authority for examination, and for such services he shall receive like fees as is allowed to constables for like services. Said Marshal shall execute and file with the Clerk a bond for the faithful performance of his duty, to be approved by the Trustees.

Duties of Treasurer.

SECTION 13. The Treasurer of said village shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said village, all monies raised, received, recovered and collected by means of any tax, license, fine, forfeiture or otherwise, under the authority of this act, or which belongs to said village, shall be paid into the village treasury, and shall not be drawn therefrom except by a written order, signed by the President, and countersigned by the Clerk by order of the Trustees; such order shall specify the amount of money to be drawn and its object; he shall keep a just and accurate account of all monies and other things coming into his hands as treasurer, in a book to be provided by the Trustees for that purpose, which shall remain the property of the village, wherein he shall note the time when, the person from whom, the amount of the several sums received, and the source from whence the said sums respectively arose, which said books at all reasonable times be open to the inspection of the electors of the village, he shall as often as the Trustees require, render to said Trustees a minute account of his receipts and payments, and at the expiration of his term of office he shall hand over to his successors all monies, books and vouchers in his possession, belonging to said village; he shall before he enters upon the duties of his office, execute to the President and Trustees a bond for the faithful discharge of his duties, to be approved by the Trustees, which bond shall be at least in double the amount of taxes to be raised for the year in which he was elected.

Clerk to be appointed by trustees.

SEC. 14. The clerk shall be appointed by the Trustees, shall attend the meetings of the Trustees, he shall perform such duties and exercise such powers as may be lawfully required of him by the ordinance or direction of the Trustees, who shall fix his compensation therefor, not exceeding the sum allowed by law for like services.

SEC. 15. Every officer elected in said village shall, within ten days after he shall be notified of his election, take and subscribe the oath of office prescribed by the constitution, and file the same with the clerks, and in case of his omission to do so, he shall be deemed to have refused to serve, and his place shall be filled in the manner prescribed in this act. When officers to take oath.

SEC. 16. Special meetings may be called by the clerk of said village, by order of the trustees thereof, by giving ten days notice thereof in the newspaper of the village. Every notice of a special meeting shall state the objects for which such meeting is called. Special meetings.

SEC. 17. Any vacancy in the office of President, Trustee, Marshal, Treasurer or Assessor, may be filled at a special meeting, called in the manner prescribed in the preceding section. Vacancies.

SEC. 18. The President and Trustees shall have power to enact, establish, publish, enforce, alter, modify, amend or repeal all such ordinances, rules and by-laws for the government and good order of the village, for the suppression of vice, for the prevention of fires, and for the benefit of trade and commerce, and for the health thereof, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of such ordinances, rules or by-laws; and such ordinances, rules or by-laws, are hereby declared to be, and to have the force of law: Specific powers. Provided, That they be not repugnant to the constitution and laws of the United States and of this State, and for those purposes shall have authority by ordinance or by-laws: To organise fire companies, hook and ladder companies, to regulate their government, and the time and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress, or sale in any manner; and if the owner shall refuse to procure suitable ladders or fire buckets, after reasonable notice, the Trustees may procure and deliver the same to him, and in default of payment therefor, may recover of the said owner the value of such ladders or fire buckets, or both, with costs of suit; to regulate the storage of gun powder, and other dangerous materials, to direct the safe construction of a place for the deposit of ashes, to appoint one or more fire wardens to enter into, at reasonable times, and examine all dwelling houses, lots, yards, enclosures, and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous, to be put in a safe condition; to regulate the manner of put- Provide.

ting up stoves and stove pipe, to prevent fires, and the use of fire works and fire arms within the limits of said village, or such part thereof as they may think proper: to compel the inhabitants of said village to aid in the extinguishing of fires, and to pull, break down and raze such building in the vicinity of the fire, as shall be directed by the Trustees, or any four of them who may be at the fire, for the purpose of preventing its communication to other buildings, and any buildings so destroyed shall be paid for by the corporation; to construct and preserve reservoirs, pumps, wells, and other water works, and to regulate the use thereof, and generally to establish other measures of prudence for the prevention or extinguishment of fires as they may deem proper. Second, To prevent, abate and remove nuisances, and take such measures for the public health as they may deem proper, and compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous houses or places, to cleanse, remove or abate the same, from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the village. Third, To license and regulate the exhibitions of common showmen on shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circusses, or theatrical performances, under the ordinances or common law. Fourth, To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said village. Fifth, To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses, or groceries or houses of ill-fame, shows and exhibitions. Sixth, To direct the location and management of all slaughter houses and markets. Seventh, To prevent the encumbering the streets, side-walks, alleys or public grounds, with carriages, carts, wagons, sleighs, sleds, boxes, lumber, fire wood, or other materials or substance whatever. Eighth, To prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of the village. Ninth, To restrain the running at large of cattle, swine, sheep, horses, poultry and geese, and to authorise the distraining and sale of the same, or to impose a fine not exceeding five dollars for every such animal found so going at large in violation of the by-laws of the village. Tenth, To prevent the running at large of dogs, and to authorise the destruction of the same in a summary manner when at large, contrary to the ordinances, or to impose a tax on the same. Eleventh, To prevent any person from bring-

ing, depositing, or having within said village any putrid carcass or any unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind, and in default to authorise the removal thereof, by some competent officer, at the expense of such person or persons. Twelfth, To establish and regulate Boards of Health, provide Hospitals and Cemetery grounds, regulate the burial of the dead, and the returns of the bills of mortality, and to exempt burying grounds, set apart for public use, from taxation. Thirteenth, To regulate the building of wharves, and provide for the security and protection of the same. Fourteenth, To regulate the establishment of ferries, and provide for the protection of the same. Fifteenth, To provide for the security and protection of bridges. Sixteenth, To prevent all persons riding or driving any horse, ox, mule, cattle, or other animal on the side-walks in said village, or in any way doing any damage to such side-walks. Seventeenth, To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and provide for arresting, removing and punishing any person or persons who may be guilty of the same. Eighteenth, To regulate the police of the village, to appoint watchmen and firemen, prescribe their duties and punish their delinquences. Nineteenth, To protect trees and monuments in the village. Twentieth, To provide for cleaning out of Manitowoc river of drift wood and other obstructions, and to prevent encroachments of any kind thereon in said village, to appoint a harbor master and prescribe his duties. Twenty-first: To establish the grade of all streets in said corporation, and to appoint a Surveyor, and prescribe his duties, and fix his compensation, not to exceed the pay allowed by law to others for like services.

SEC. 19. In all cases in relation to which by the provisions of this act, the President and Trustees have power to enact or pass ordinances or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinances or by-laws not exceeding fifty dollars for any one offence, in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such term as they may by such ordinance direct, not exceeding forty days, for which purpose the said village shall have the use of the jail of Manitowoc county for the imprisonment of any person liable to be imprisoned, and all persons committed to said jail by the Marshal or any other officer, shall be under the charge of the Sheriff of said county.

Corporation
may prescribe
penalty for vio-
lation of ordi-
nances.

Validity of evidence.

SEC. 20. On all suits for the violation of any ordinance of the village, the process may be by warrant; and it shall be sufficient without setting forth the special matter, to declare generally in debt with reference to the ordinance under which the action is brought, the defendant may plead the general issue, and give the special matter in evidence, and a printed copy of an ordinance published in a newspaper or pamphlet by authority of the Trustees, shall be prima facie evidence of the passage and publication of such ordinance.

When defendant may be imprisoned.

SEC. 21. Every execution issued upon judgment for the violation or non-observance of any ordinance or by-law of said village, shall contain a clause directing in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail for such term as shall have been provided for by the ordinance under which the judgment shall have been rendered; all fines, penalties and forfeitures when collected, shall be paid into the treasury of said village.

Certain by-laws to be published.

SEC. 22. Any ordinance, regulation, rule or by-law imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper printed in said village before the same shall be in force, and proof of such publication by affidavit of the printer or foreman in the office of such newspaper where such publication may have been made, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation, rule or by-law in all courts and places.

SEC. 23. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said village, in any action or proceeding in which said village is a party or interested.

Penalty for wilful injuries to docks.

SEC. 24. The said President and Trustees shall have power to pass ordinances imposing penalties against the owners and masters of vessels on the vessels themselves for any wilful and malicious injuries done by their vessel or vessels to any of the bridges or public docks, and to enforce the same in an action of debt, and by imprisonment of such owners or masters as in the case of other ordinances, and for every such injury said vessel or craft shall be liable in an action by warrant in the name of the village for all such damages and injury to be enforced according to the provisions of an act to provide for the collection of demands against boats and vessels.

SEC. 25. The Trustees shall have power to appoint Street Commissioners, not to exceed two in each ward, on the recommendation of a majority of the Trustees of the ward which said Commissioners shall be appointed; to lay out, open, and keep in repair, grade, pave or otherwise improve streets,

avenues, lanes, alleys, sewers, and side walks and cross walks ; to insure the public property of the village ; to direct in the prosecution and defence of suits, in which said village may be a party ; to procure the necessary blank books for records, and such other stationery as may be required for village purposes ; to audit and allow all lawful accounts against said village, and to draw an order on the Treasurer for the payment of the same ; to determine the compensation of the President, Clerk, Marshal, Treasurer, Assessors and Street Commissioners, subject to the provisions of this act ; to levy and collect taxes on all such property as shall be subject to town and county taxes : ^{Trustees may levy taxes} Provided, That in any one year, the taxes for corporation purposes shall not exceed one per cent. on the assessed valuation of taxable property in said village, unless two thirds of the electors of said village voting at a meeting legally called for that purpose, shall vote to allow a larger sum to be raised, but in no case shall the electors be allowed to raise more than two per cent. on the assessed valuation aforesaid : ^{Proviso.} And provided, That no personal property shall be liable to seizure and distress for any tax upon real estate.

SEC. 26. No account or claim against said village shall be paid until it shall have been presented to the Trustees thereof, and audited and allowed by them, and when any such account shall be so audited, the Trustees so auditing the same shall endorse thereon or annex thereto a certificate, subscribed by them, of such auditing, and of allowing or disallowing the same, in which the sum allowed, if any, and the charges for which the same was allowed, shall be specified. ^{Trustees to audit & aims}

SEC. 27. No such account or claim shall be audited or allowed by the Trustees, until it shall be made out in items, and shall be accompanied with an affidavit of the person claiming to have done the services, or made the disbursements therein charged, that the several items of the account or claim are correct, that the services therein charged have been rendered, that the disbursements therein charged have been made, and that no part thereof has been paid ; such affidavit shall be endorsed on or annexed to such account or claim, and presented and preserved therewith. Any one of the Trustees, when such account or claim shall be presented to them, may administer the oath required in this section ; and the said Trustees may examine the claimant on oath, as to the items in such account or claim. ^{Claims to be sustained by affidavit.}

SEC. 28. Nothing in the last preceding section shall be construed to prevent the Trustees from allowing any account or claim, in whole or in part, when so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof.

Memoranda of accounts—how kept.

SEC. 29. Every account or claim against said village, presented to the Trustees in any year, shall be numbered from number one upwards, in the order in which it shall be presented, and a memorandum of the time of presenting the same, the name of the person in whose favor it shall be made out, and of the person by whom it shall be presented, shall be entered in the records of the proceedings of the Trustees.

Warrants to be recorded.

SEC. 30. Every warrant drawn by the Trustees to pay any account or claim, shall refer to such account by its number, the name of the person in whose favor it was made out, and the time when it was presented; and a memorandum of such reference, and of the amount of the warrant shall be entered in such records, before such warrant shall be delivered to the claimant.

Signing of warrants restricted

SEC. 31. No Trustee shall allow or subscribe a certificate of the allowance of any item in any account or claim against said village, which said village shall not be legally bound to pay, or for the payment of which it could not lawfully raise money therein by tax; nor shall any Trustee sign any warrant for the payment of any such account or claim or any part thereof, shall not be payable.

SEC. 32. No such account or claim shall be paid, except by the Treasurer, on the warrant of the Trustees, endorsed on or annexed to the account or claim for which it shall be drawn.

Papers to be filed in Treasurer's office.

SEC. 33. Whenever any such account or claim shall be paid, it shall together with the affidavit presented therewith to the Trustees, the certificate of auditing and allowing the same, and the warrant drawn for the payment thereof, be filed and preserved in the Treasurer's office.

Power to borrow money restricted.

SEC. 34. Said village shall have no power to borrow money, nor shall it be liable to pay money borrowed on its account or advanced in its behalf, by its officers or any other person, nor shall any of its money or property be applied to any such purposes, nor shall said village incur any debt or liability, in any year, greater than the amount of tax allowed by this act to be raised in said village, in the year in which such debt or liability was incurred.

When Trustee may levy special tax for improving street.

SEC. 35. Whenever two-thirds of all the resident owners of real estate bounding both sides of any street, or part of street, not less than sixteen rods in length, in said village, shall desire to have such street graded, paved, or otherwise improved, they may make and sign an application in writing to the board of Trustees of said village, specifying in such application the sum necessary to be raised for that purpose; and the said Trustees shall levy, and cause to be collected such sum by tax on all the owners of real estate, on lots, on such street or part of street;

said tax shall be levied on the last assessed valuation of the said real estate and lots exclusive of improvements respectively as the same shall appear in the assessment roll of said village.

SEC. 36. When two-thirds of all the resident owners of real estate and lots bordering on one side of any such street or part of street, shall desire to have a side walk built or repaired, the application for that purpose shall be made to the Trustees by such owners, and the tax for building or repairing such side walk, shall be levied as prescribed in the preceding section.

Of taxes for Sidewalks.

SEC. 37. Whenever the trustees shall levy any tax for the purpose of grading, paving or otherwise improving any street, or for the building or repairing of any side walk, they shall make out and deliver to a street commissioner of the ward in which such tax is to be collected and expended, a list of persons and a description of the property taxed; and thereupon the said street commissioner shall notify the persons named in such tax list, by publishing a notice in some newspaper published in said village, and shall specify in such notice a time or times not less than twenty days, nor more than forty days from the date thereof, when the persons charged with taxes in such list, may pay their taxes in labor, materials or money; and the persons charged with such tax may at such time and place as may be required by such street commissioner, pay their taxes in labor or materials: Provided, the labor and materials offered in payment for such taxes are suitable, and such as may be required by said street commissioner.

Collection and disbursement of taxes for improvements.

Proviso.

SEC. 38. At the expiration of forty days from the time the said street commissioner shall have received such tax list, he shall return the same to the Trustees, accompanied by a statement verified by his affidavit subscribed thereon, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was expended, and the items of expenditures; also, the taxes which remain unpaid, and the persons and descriptions of real estate, or lots, to which such unpaid taxes stand charged.

Return of tax list—how made.

SEC. 39. The trustees, in making out the duplicate assessment roll of said village next thereafter, shall enter such unpaid taxes therein in a separate column, with twelve per cent. interest added thereto, opposite the names of the persons and description of property against which the taxes so remain unpaid; and such taxes shall be collected in the same manner as the general taxes of said village are collected; and when so collected, shall be paid over to a street commissioner on the order of the Trustees, to be expended on the street or side walk for which they were originally assessed.

Unpaid taxes to be collected when general tax is collected.

SEC. 40. The Trustees shall, between the first Tuesday in

April, and the second Monday in June in each year, determine the amount of general tax necessary to be assessed and collected in said village the current year. The assessors shall, within the time above limited, assess all property subject to taxation within each of their respective wards, and shall, on or before the first Monday of June in each year, deliver to the board of Trustees of said village a full and complete roll thereof; which roll shall exhibit the description and value in separate columns, of the lands, lots, improvements thereon, and all other property chargeable with tax, in the said wards respectively, together with the names of the owners thereof, so far as the same can be ascertained. The Assessors shall receive for their services a compensation to be fixed by the by-laws of said village, which shall not exceed the compensation allowed to town assessors for similar services.

Assessors to make out lists of Land, &c.

Compensation of Assessors.

Trustees' Clerk to give notice of completion of Tax Roll.

SEC. 41. Whenever the said assessment roll shall have been delivered to the Board of Trustees, as mentioned in the preceding section, such Board of Trustees shall forthwith direct their Clerk to give public notice, by publishing the same in some newspaper published in said village, of the completion of such roll by the Assessors, and shall specify in said notice the time when, and the place where, the said Trustees will meet, to hear appeals from the proceedings of such Assessors; on any such appeal being made to the said Trustees, they shall have power to alter and correct such assessment roll, and the said Trustees shall have power to equalize the taxes in such assessment roll.

Revision and equalization.

Copy of tax list to be delivered to Marshal

SEC. 42. When such assessment roll shall be finally completed, the Trustees shall cause to be levied such amount of tax as shall have been determined to be raised, and shall set opposite to each description and valuation of taxable property, the amount of tax charged upon such property, and to each person respectively, and when such tax list shall have been so completed, they shall forthwith cause a true copy thereof to be made, and a warrant annexed thereto, and deliver such tax list and warrant to the Marshal of said village, as hereinafter provided, and the original assessment roll and tax list shall be deposited with the Treasurer of said village.

Marshal to return warrant to Treasurer.

SEC. 43. The warrant annexed to any tax list delivered to the Marshal as aforesaid, shall be signed by the President and countersigned by the Clerk of said village, or in the absence of the President, such warrant shall be signed by a majority of the Trustees; such warrant shall command the Marshal to collect the taxes mentioned in such tax list, in sixty days, and pay over the same to the Treasurer of said village, and make return of said warrant to the said Treasurer; the Trustees may

renew the warrant annexed to any tax list for thirty days, when they shall deem it necessary, but any such warrant shall be so renewed but once.

SEC. 44. Upon the receipt of the tax list aforesaid, it shall be the duty of the Marshal to give public notice in a newspaper published in said village, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office for the term of forty days next ensuing such notice ; and all taxes paid during said forty days, shall be subject to a deduction of five per centum upon the amount paid.

Deduction of 5 per cent—when made.

SEC. 45. If the taxes are not paid to the Marshal within the said term, he may then proceed to collect the same by distress and sale of the goods and chattels of the person charged, subject to the limitation hereinbefore prescribed, whenever found in said village, giving six days notice of the time and place of such sale, by written notices set up in three public places in said village.

When goods may be sold.

SEC. 46. It shall be the duty of such Marshal, within the time prescribed in any such warrant for the return thereof, to pay over all sums collected by him to the Treasurer of said village, and to return such warrant to the said Treasurer with his return thereon written, subscribed by him, and specifying any such sum or sums of money not collected by him, by reason of his being unable to find property in said village, out of which he could collect the same ; and if any sum be returned not collected by him, his return shall be accompanied by his affidavit that the facts therein stated are true.

Marshal to make affidavit on return of warrant.

SEC. 47. In case the tax on any lot or other parcel of land shall remain unpaid on the first day of October, it shall be the duty of the Treasurer, within ten days thereafter, to make out a general advertisement, stating that all lots or other pieces of land, upon which the taxes have not been paid, will be sold by him, at a certain time and place therein mentioned, for the purpose of paying the taxes which may be assessed thereon, together with all costs and other liabilities which may accrue by advertisement and sale agreeably to the provisions of this act. Said advertisement shall be published three weeks successively, in a newspaper published in said village.

Sale of lands for taxes.

SEC. 48. On the day and at the time and place mentioned in the notice, the Treasurer shall commence the sale of lands and lots, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes, interest and charges due, assessed and charged thereon, agreeably to this act, and the Treasurer shall give to the purchaser or purchasers of any lot or lots of land, a certificate of the lots or lands purchased, stating the sum paid therefor, including fees, and the

Treasurer to sell lands and give certificates.

time the purchaser or purchasers will be entitled to a deed.

**Treasurer to de-
posit statement
in Clerk's office**

SEC. 49. Said Treasurer shall immediately after the close of any such sale of lots or lands for taxes, deposit in the office of the Clerk of said village all affidavits, notices and papers in relation to such tax sale, to be filed in the office of said Clerk : also a statement containing a particular description of each lot or parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and name of the owner if known ; and the said Treasurer and Clerk shall record such statement in a book kept for that purpose by each of them, in their respective offices.

**When Treasurer
may execute a
deed of such lots**

SEC. 50. If the person claiming the title to the lots or parcels of land so sold and described in said certificate given by the Treasurer, shall not, within two years from the date thereof, pay to the Treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon, at the rate of twenty-five per centum per annum from the date of such certificate, the Treasurer shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lots or parcels of land so sold, which conveyance shall vest in the person or persons to whom the same shall be given, an absolute estate in fee simple ; and the said conveyance shall be evidence that the sale was regular according to the provisions of this act, and any such conveyance executed by the Treasurer, under his hand and the seal of said corporation, in the name and on behalf of said village, and the execution thereof witnessed and acknowledged as by law in other cases provided, may be given in evidence and recorded in the same manner and with like effect, as a deed regularly acknowledged by the grantor may be given in evidence and recorded : Provided, That in case of assessment of taxes in gross upon any lot or piece of land, the Treasurer upon the application of any claimant or owner of a part thereof either divided or undivided, shall receive the taxes on such part either in payment or redemption, with the interest and charges thereon, proportionate to the quantity of such lot or tract so claimed or owned, and the remainder of such taxes, interest and charges shall be a lien only on the remainder of such lot or piece of land.

Provide.

**Treasurer to ad-
vertise time of
forfeiture.**

SEC. 51. In all cases, before lands shall be conveyed as aforesaid, the Treasurer shall advertise the same by a correct description thereof, for three months, in some newspaper published in said village, stating that all such lots or parcels of land will be forfeited, if the taxes, interest or charges upon the same are not paid before the day mentioned in such notice.

SEC. 52. All lots or lands which shall be advertised for sale

for non-payment of taxes, shall be subject to a charge of three cents for each lot or piece of land so advertised, for the first advertisement, and each lot or piece of land which shall be sold as aforesaid, shall be chargeable with the following fees: For each certificate to be given to a purchaser of any lot of land at such sale, twelve and one-half cents; for certifying the amount necessary to redeem any lot or piece of land twelve and a half cents; and one dollar for each conveyance executed in pursuance of this act; the said fees to be paid by the persons receiving such instrument. The charge for advertising the forfeiture of a piece of land shall be ten cents for each lot or parcel.

Fees for certain services.

SEC. 53. If any person who shall purchase any lot in pursuance of this act, shall pay any tax returned subsequent to such purchase, on such lot or piece of land, the person who shall redeem such lot or piece of land, shall pay to the Treasurer the amount of tax with interest, at the rate of twenty-five per centum per annum, for the benefit of the purchaser.

Person redeeming lands to pay 25 per cent. interest.

SEC. 54. All taxes levied and collected by the Trustees of said village for the purpose of repairing, grading or improving roads, streets or alleys in said village, shall be expended within the limits of each ward respectively in which the same has been assessed and collected.

SEC. 55. The street commissioners of said village shall, under the direction of the President and Trustees, superintend the grading, paving and improving of streets, and the building and repairing of side walks, and the expenditures of taxes levied and collected for such purposes in their respective wards, they shall receive such compensation for their services as shall be allowed by the Trustees under the provisions of this act.

Compensation of Street Commissioner.

SEC. 56. Within ten days next preceding every annual election, the Trustees of said village shall cause to be published in some newspaper published in said village, a statement which shall show the name of every person who shall have had an account or claim allowed by them, the amount of such account or claim as presented, the amount allowed, and a brief statement of the nature of the demand. The first statement so published shall embrace all accounts allowed to the time of publishing, from the time of the incorporation of said village, and each subsequent statement shall embrace all accounts allowed to the time of publishing, from the time of publishing the last preceding statement.

Trustees to make an annual statement of affairs.

SEC. 57. The affidavit of the printer or of the foreman in his office, of the publication of any notice required by the provisions of this act to be published, shall be received as proof of the publication of such notice in all courts and places.

Evidence of publication.

SEC. 58. If any election provided for in this act shall for

Provision for special election.

any cause not be held at the time prescribed, it shall not be considered a sufficient reason for arresting, suspending or dissolving the said corporation, but such election may be held at any time thereafter, by order of the Supervisors of the town of the first election, otherwise by order of the Trustees of said village, of which time ten days public notice shall be given, and further if any of the duties enjoined by this act at a time herein specified, or specified by any ordinance of said village are not then done, the Trustees of said village may appoint another time upon which the said duties may be done: Provided, That the officer so failing to execute such duties at the time required, shall be liable to the same actions, fines and penalties as he would have been had not such power been conferred upon or exercised by the Trustees.

Proviso.

Certain officers
to be appointed
and removed
at pleasure.

SEC. 59. The Trustees shall have power to appoint and at their pleasure so remove the following officers to wit: One Chief Engineer of the Fire Departments, two Fire Wardens for each ward, and as many assistant wardens as they shall from time to time deem necessary, one Surveyor, one Sealer of weights and measures, Sextons and keepers of burial grounds, Street Commissioners, and one Harbor Master, and prescribe their duties and fix their compensation under the provisions of this act, and to impose and enforce in law such penalties as to the said trustees may seem proper, for any malfeasance or improper conduct of any of said officers, and to require bonds for the faithful performance of the duties of such of them as may be deemed expedient and necessary by the Trustees: Provided, That Trustees shall have no power to pay themselves any compensation for their services.

Proviso.

Quorum.

SEC. 60. A majority of the Trustees from each ward in said village, shall be a quorum for the transaction of business when the President shall be present to preside, but a less number may meet and adjourn from time to time until a quorum shall be present, but shall do no other business in the absence of the President, five Trustees being present, one of their number may be appointed chairman pro tem.

SEC. 61. This act may be altered, amended or repealed by the Legislature.

FREDERICK W. HORN,

Speaker of the Assembly.

SAMUEL W. BEALL,

Lt. Governor and President of the Senate.

Approved March 6th, 1851.

NELSON DEWEY.