

No. 637, A.]

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CHAPTER 287.

AN ACT to provide for the incorporation and government of villages and legalizing the acts of villages and the offices thereof.

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

SECTION 1. Every village which has heretofore been incorporated under a special act shall continue to exist under such act and amendments thereto; and the provisions of this chapter shall in no manner affect or apply to the same unless adopted as provided herein, or unless any provision found herein is made applicable to such villages. The trustees thereof may, by resolution, submit at a special village election to be held in the month of March, the question whether such village will so continue, or become reincorporated under the general statutes. They shall give notice thereof in the manner required in this chapter for notifying special elections. Ballots shall be written or printed "for reincorporation," and "against reincorporation;" and the election shall be conducted and the result canvassed as provided for an annual village election in such village. If a majority vote for reincorporation, the trustees shall make a certificate setting forth the fact of such submission, the vote thereon in detail and the result thereof, and cause the same to be recorded in the office of register of deeds, and thereupon the special act of incorporation shall be deemed surrendered, and such village become incorporated under the general statutes, but shall, until the next annual village election herein provided for, be governed by the officers then in office. The reincorporated village shall

What villages the provisions of this act are applicable.

own the property and be liable for all the obligations of the original village.

Regarding the assessment of lots for village taxes.

SECTION 2. When the time for the collection of village taxes under any warrant issued therefor, shall expire in any village incorporated under any special law of this state, the treasurer of such village shall make out and deliver to the clerk of the town in which such village is situated a certified list of the lots, pieces or tracts of land in said village upon which any such village taxes remain unpaid, with the amount of such delinquent tax upon each of said lots, pieces or parcels of land; and if such list is returned to said town clerk before the completion of the assessment roll of said town for the same year, the said clerk shall add said delinquent village taxes to said assessment roll, opposite to the description of the proper lots, pieces or parcels of land therein, and the said delinquent village tax shall be collected with, and in the same manner as the town taxes. If such list is returned to the town clerk after the completion of the assessment roll, and before the town treasurer's return of delinquent taxes, he shall deliver said list to the said treasurer, who shall collect the same with the other taxes in said village, and add what remains uncollected of said village taxes to his list of delinquent taxes returned to the county treasurer, who shall collect the same or sell the lots, pieces or parcels of land aforesaid, for such delinquent taxes, in the same manner as lands are sold for other delinquent taxes; and all subsequent proceedings in relation thereto shall be the same, in all respects, as in the case of lands sold for other delinquent taxes. Every town treasurer or county treasurer who shall collect or receive any money on account of such village taxes, shall pay the same to the treasurer of the proper village, and take duplicate receipts therefor, and file one of said receipts with the clerk of his town or county.

SECTION 3. Whenever the board of trustees of any village incorporated under any special

law of this state, shall determine to build or repair any sidewalk or gutter, in any street, highway or alley of said village, said board of trustees may levy and cause to be collected such sum or sums as they may estimate to be necessary for that purpose, by tax against the owners of the lots, pieces or tracts of land bounding that side of the street where said sidewalk or gutter is ordered to be built or repaired. Such part of the tax necessary to build or repair said sidewalk or gutter shall be assessed against each of the owners of the lots, pieces or tracts of land along the line of said sidewalk or gutter, and bounding the same, as shall be sufficient to construct or repair said sidewalk or gutter along and contiguous to the respective lots, pieces or tracts of land of said owners. In case any such tax shall prove insufficient to pay the expenses of building or repairing any such sidewalk or gutter, said board of trustees shall have power to levy and collect such deficiency in the same manner as the original tax was levied and collected. The provisions of sections 906, 907, and 908, of the annotated statutes, shall apply to all subsequent proceedings by the village board, the street commissioner and all other officers in the collection of such tax the payment thereof to the village treasurer and the making or repairing of such sidewalk or gutter by the village board.

Relating to the building and repair of sidewalks.

SECTION 4. Every village so incorporated and which is not authorized to elect a justice of the peace, a police justice or constable shall, at its annual charter election, elect one justice of the peace and one constable in the manner prescribed by its charter for electing trustees. Every justice and constable so elected shall qualify in the manner prescribed for such officers elected in towns. The justice of the peace shall hold his office for two years and until his successor is elected and qualified; if a vacancy occurs it shall be filled at the next annual charter election. He shall have concurrent jurisdiction and powers throughout the county

Election of justice of the peace and constable.

in which such village is situated, with other justices of the peace, and exclusive original jurisdiction of all cases arising under the ordinances and by-laws of such village. If he is temporarily absent or incapacitated, or in case the office is vacant, any justice of the peace of the town in which such village is located may exercise the jurisdiction hereby conferred upon such village justice. The constable so elected shall hold his office for one year, and exercise such powers and be subject to such liabilities as constables elected in towns.

Uniformity in the government of villages required.

SECTION 5. Every village which has been or shall be organized or incorporated under the general statutes, shall be hereafter governed according to the provisions of this act, to the end that uniformity of village government and equal privileges to all may be secured.

Villages heretofore incorporated under former acts declared lawfully incorporated.

SECTION 6. All villages heretofore incorporated under and by virtue of any general act, particularly under the provisions of chapter 52, of the revised statutes of 1849, chapter 70, of the revised statutes of 1858, or chapter 40, of the revised statutes of 1878, and all acts amendatory thereof, and all villages incorporated under special laws, which have heretofore attempted to reorganize under any general law of this state, including the acts above particularly referred to, or which have organized under such attempted incorporation, and have acted as villages in attempted pursuance of the acts mentioned or any general law of this state, and all alterations of their boundaries, and additions thereto, are hereby declared to be, and to have been, duly and lawfully incorporated, made or adopted, and such villages shall possess, and there is hereby conferred upon them, with such enlarged or diminished boundaries, all the franchises, rights, powers, privileges and immunities, conferred by any of the acts above mentioned, to the same extent as though the said acts had been fully and completely valid. All villages attempted to be organized under any of the said acts, but whose organization shall, for any rea-

son, have been incomplete, imperfect or informal, but which have acted as villages under the said laws, are also declared to be municipal corporations to the same extent as the villages herein before mentioned, and to have all the powers, privileges, franchises and immunities aforesaid. All and singular the acts of the said villages, whether made or taken by the electors or tax payers thereof, or the village board or officers, are to such extent hereby legalized, ratified and confirmed. All contracts, bonds, grants, conveyances and obligations, made or entered into by the said villages are hereby ratified and confirmed to the extent that the same would have been of force had the said acts of the legislature been valid. All conveyances and grants made to the said villages are also declared to be valid, and are to the same extent ratified and confirmed. The action of all officers of the said villages, judicial, ministerial or otherwise, are hereby declared valid to the same extent. All duties, obligations and liabilities assumed by any of the said villages, and all causes of action existing against them, are hereby declared valid and efficient to the like extent. All ordinances, regulations, rules, resolutions, by-laws and other acts, legislative or otherwise, of any such villages, are hereby declared valid to the extent above mentioned. And in all other respects, whether herein mentioned or referred to or not, the said villages are deemed to be and to have been lawfully incorporated and organized, having the same rights, powers, duties, obligations and liabilities as if the same had been lawfully incorporated and organized as aforesaid.

SECTION 7. Any part of any town or towns, not less than one-half square mile in area, and not included in any village, and all lying in the same county, which shall contain a resident population of not less than three hundred persons thereon, or any part of any town or towns not less than one square mile in area, and not included in any village, and lying in two adjoin-

Size of territory and number of inhabitants necessary to form a village.

ing counties and which shall contain a resident population of at least four hundred persons to every square mile thereof, may, upon compliance with the conditions of this chapter, become incorporated as a village, by such name as may be designated in the order of the court, for its incorporation, with the ordinary powers of a municipal corporation, and such as are conferred by these statutes. All villages incorporated under the provisions of section 854, of the revised statutes of Wisconsin, for 1878, before the twenty-ninth day of April, 1877, are declared to be duly and legally incorporated and the official acts of the officers thereof legalized.

Accurate survey map and census of territory to be made.

SECTION 8. The persons intending to make the application, as hereinafter provided, for the incorporation of such village, shall cause to be made by a practical surveyor, an accurate survey and map of the territory intended to be embraced within the limits of such village, showing the courses and distances of the boundaries and the quantity of land contained therein; the accuracy of both survey and map shall be verified by such surveyor's affidavit written thereon or annexed thereto. They shall also cause to be taken an accurate census of the resident population of such territory, as it may be on some day, not more than ten weeks previous to the time of making such application, exhibiting the name of every head of a family and the name of every person a resident in good faith of such territory on such day, and the lot or quarter section of land on which he resides, which shall be verified by the affidavit of the person taking the same affixed thereto.

Survey map and census to be kept subject to examination.

SECTION 9. Such survey, map and census when completed and verified as aforesaid, shall be left at the residence or place of business within such territory of some person residing therein, and there kept subject to examination at all reasonable hours by every person interested, for a period of five weeks from the posting or first publication of the notice of such application as hereinafter provided.

SECTION 10. The intending applicants shall give notice that they will apply on some day therein specified, to the circuit court of the county in which such territory or a part thereof lies, for an order incorporating such territory as a village, by a name to be therein specified; and such notice shall describe the boundaries of such territory by courses and distances, and specify the town or towns in which it lies, and state where such survey, map and census have been left and may be examined as aforesaid.

Notice of application to be given.

SECTION 11. If there be a newspaper printed within such territory, such notice shall be printed therein, once in each week, for six consecutive weeks previous to the time specified for making such application, and if there be no such newspaper, such notice shall be posted in at least three of the most public places in such territory, at least six weeks before the time so specified in said notice.

Publication to be made in a newspaper for six weeks.

SECTION 12. Such application shall be by petition, subscribed by the applicants, who shall be not less than five taxpayers and residents of such territory, and shall set forth the boundaries of such territory, with their courses and distances, the quantity of land therein embraced according to such survey, and the resident population therein contained according to such census; such survey, map and census and the affidavits verifying the same, and an affidavit that they were left and kept subject to examination as provided in section 856, also a copy of the notice of application aforesaid, with an affidavit thereon or affixed thereto, of the publication or posting of the same, as hereinbefore provided, shall be annexed to such petition, otherwise it shall not be acted on by the court; and it shall be presented at the time specified in the notice for presenting the same, or as soon thereafter as the applicants can be conveniently heard in respect thereto.

What the application shall contain.

SECTION 13. The court shall hear all parties interested for or against such application, who shall seasonably appear; may in its discretion

The court to hear and decide for or against such application.

adjourn such hearing from time to time; direct a resurvey to be made, or another census taken by whomsoever it shall appoint and refer any question for examination and report thereon; and if the court shall, after such hearing, deny such application, it may, in its discretion, by order, compel the applicants to pay such disbursements or any part thereof, as shall have been incurred by the parties opposing the same.

Court shall make an order declaring such territory set aside, etc

SECTION 14. If the court, after such hearing, shall be satisfied of the correctness of any such survey or resurvey and census, that all the requirements of the statutes have been complied with, and that such territory as is proposed to be included, contained at the time such census was first or subsequently taken, the population in number and in proportion to the quantity of land therein required in section 7, of this act, it shall make an order declaring that such territory, the boundaries of which shall be therein set forth by courses and distances, shall be an incorporated village by the name specified in such application, if the electors thereof shall assent thereto as hereinafter provided; and in such order, it shall direct three persons of the town or towns in which such territory shall lie, to be named therein, to perform the duties of inspectors of election as required by this act; provided, that in case the order of incorporation as made by the court shall be irregularly or defectively entered, the court or the presiding judge thereof, may at any time sign and enter, *nunc pro tunc* the proper order of incorporation, and the same may be recorded as herein provided, within ten days after the actual signing of such order; and provided further, that any other irregularities or defects not going to the groundwork of the organization, shall not be deemed to invalidate the incorporation of said village.

Inspectors to give notice of a meeting.

SECTION 15. Such inspectors shall, without unnecessary delay, give notice of a meeting of the electors of the territory described in such order, to be held within sixty days of the date

of such order, at some convenient place therein, to be specified in such notice, for the purpose of determining whether or not such territory shall be an incorporated village. At such meeting the polls shall be opened at ten o'clock in the forenoon, and shall be kept open till four o'clock in the afternoon, when they shall be closed; but such inspectors may close the polls at twelve o'clock noon for one hour, giving notice thereof. The time of opening and closing the polls shall be specified in the notice of such meeting.

SECTION 16. If there be a newspaper printed in such territory, such notice shall be published therein once in each week, for three successive weeks previous to such meeting; and if there be no newspaper so printed, copies of such notice shall be posted in at least three of the most public places in such territory, at least three weeks previous to such meeting.

Notice to be published in a newspaper for three weeks.

SECTION 17. Such inspectors shall preside and act as inspectors of election at such meeting, and may designate one of their number, or some other person, as clerk thereof. Every qualified elector resident in such territory may vote by ballot, having thereon the word "yes" or the word "no." Vacancies in the board of inspectors shall be filled, and such election shall be conducted and votes canvassed according to the statutes regulating town meetings; and all laws relating to elections for town officers shall apply to and govern such meeting, and the proceedings thereof, and the persons voting thereat, so far as properly applicable and consistent with this act.

How the election shall be conducted.

SECTION 18. If a majority of the ballots given at such meeting shall have thereon the word "no," the electors of such territory shall be deemed not to have assented to the incorporation thereof as a village, and no further proceedings shall be had in respect to such incorporation, under such application and order; but if a majority of such ballots shall have thereon the word "yes," the inhabitants of such territory shall, from the time of the recording of the order

The result and determination of the election.

of the court aforesaid, in the office of the register of deeds, be deemed a body corporate, by the name specified in such order, and the inspectors who shall have presided at such meeting shall cause a statement of the holding of such meeting to be made, showing the whole number of ballots given thereat, the number having thereon the word "yes," and the number having thereon the word "no," which statement shall be verified by the affidavit of the said inspectors written thereon or annexed thereto, to be likewise recorded in the office of the register of deeds, as hereinafter provided.

Register of deeds to record proceedings at length and a copy to be filed with the secretary of state.

SECTION 19. The petition and all accompanying papers and all such as have been added under the direction of the court, the order of the court for incorporation, and the statement and affidavit of the inspectors aforesaid, shall be recorded at length by the register of deeds, within ten days after such election; and be recorded at length in the office of the village clerk by him, within thirty days after election and qualification. All necessary and proper expenses and charges attending upon the incorporation and such records thereof shall be paid by such village. A certified copy of the order of the court for the incorporation of the village, to which shall be added an affidavit of the inspectors of election that the said election resulted in favor of the incorporation of such village, shall be filed in the office of the secretary of state.

Election of village officers—time and manner of election.

SECTION 20. Within ten days after the incorporation of such village as aforesaid, the inspectors named in such order of the court shall give notice, in the manner prescribed in section 863, of the time, which shall not be more than thirty days after the date of such notice and place of a meeting of the electors of such village to elect officers thereof; such meeting shall be held at some convenient place therein, to be specified in such notice; the polls shall be opened at ten o'clock in the forenoon and shall be closed at four o'clock in the afternoon of the same day and the inspectors thereof may close the same

for one hour at twelve o'clock noon, giving notice thereof. The time of opening and closing the polls shall be specified in the notice of such meeting, but a failure to so specify the time of opening and closing the polls shall not vitiate such election.

SECTION 21. Such inspectors shall preside at such first election as inspectors thereof, and shall designate one of their number or some other person to act as clerk, and all the laws of this state in relation to the election of town officers, and notification of their election, shall apply to such first election, so far as the same can be so applied and are consistent with this act; provided, that in case of vacancy in the office of inspector of elections, the vacancy may be filled as now provided for in the case of inspectors of town meetings.

Officers of the election, of whom they shall consist.

SECTION 22. The inspectors of such first election shall canvass the votes given thereat, and shall make and subscribe a certificate of such canvass, which shall show the whole number of votes given for each officer, the number given for each person voted for, and the office for which each such person shall have been voted for. Such certificate shall be recorded in the records of such village and filed in the office of the clerk thereof.

Canvass of the votes.

SECTION 23. Additional territory containing the requisite population, proportionate to the size of the same, equal to three hundred to the square mile, where the village and such territory are in the same county, and to four hundred to the square mile where the village and such territory are in two or more adjoining counties, may be annexed to any village, upon the application therefor, of at least five inhabitants of such territory, to be preceded by the like proceedings respecting survey, census and notice thereof and to be heard and in all respects governed by the foregoing provisions properly applied to such subject, except that the order for annexation shall direct a special village election to be called by the trustees of such village, as

Additional territory may be annexed to an incorporated village.

Population and size of territory requisite.

Mode of
procedura.

well as an election in such additional territory by inspectors to be appointed by the court. If a majority of the ballots in either the village or such territory have thereon the word "no" the annexation shall be denied and no further action had under such application. But if a majority in both be in the affirmative, such territory shall be deemed annexed to and incorporated with such village from the time of recording such order of annexation with the register of deeds. The inspectors of election in both the village and such territory shall make a similar statement to that required in section 865, and all proceedings shall be recorded as provided in section 865. A like certificate and affidavit shall be filed in the office of the secretary of state as in the case of the incorporation of new villages. Any incorporated village may annex contiguous territory which is used as a manufacturing plant or in connection with such plant by any person, firm or corporation doing business in such village, and owning such property, upon a petition signed by two-thirds of the owners of the real estate sought to be annexed, in the manner prescribed by section 23, of this act.

Annual charter election to be held on first Tuesday in April.

Notice, how given.

SECTION 24. The annual charter election shall be held on the first Tuesday of April in each year. Ten days' notice thereof shall be given by the clerk, by publication in any newspaper regularly published in such village, and if there be no such newspaper, then by posting three printed or written notices thereof, in three public places therein; but the omission thereof shall vitiate no such election. Special elections may be held when ordered by a majority of the village board, specifying the objects thereof; provided, ten days' notice specifying the time and place for holding the same, and the objects thereof, be given as above provided. Such notice may in either case be given by any five electors, if there be no officer to give the same; provided, that the term of office of all officers, except justices of the peace in any village which shall,

prior to the passage of this act, have held its annual meeting on the first Tuesday in May, shall expire upon the qualification of their respective successors; provided, that in any village in which the charter election is now held in May, such village shall in May, 1897, hold its election as heretofore and the term of office of officers elected at such election, shall expire as though the election had been held on the first Tuesday in April.

SECTION 25. Every election shall be held at a place to be designated by the village board, and the polls shall be open at ten o'clock in the forenoon and kept open until four o'clock in the afternoon, when they shall be closed; provided, that the village board may, by resolution, adopted and published in some newspaper published in the village, and if there be no such newspaper, then by posting notices of its action in five public places in the village, at least ten days before election, fix an hour not earlier than seven o'clock in the forenoon for the opening of the polls, and an hour not later than six o'clock in the afternoon for closing of the polls; but the inspectors may close the polls one hour at noon, giving notice thereof. The inspectors shall be any three trustees, or if there be not three present and consenting to act at the opening of the polls, the electors present may choose from among themselves such number to fill vacancies as will complete a board of three. The president of the village, if present, shall be chairman of the board of inspectors; in his absence the board shall designate one of their number to act as chairman. The village clerk shall be clerk of the election, but in his absence the board may appoint another person clerk. Each inspector and clerk shall take the oath or affirmation required of inspectors and clerks of general elections.

Place of election; time of opening and closing polls; manner of conducting, etc.

SECTION 26. All elections shall be by ballot, and all votes for elective officers at any election shall be upon one ballot, and be deposited in one ballot box. A plurality of votes shall elect; and

All elections to be by ballot.

if two or more persons receive an equal number of votes for the same office, the election shall be forthwith determined by lot in the presence of the inspectors, in such manner as they shall direct. Every qualified elector, then actually resident in such village, may vote at any election.

Village elections to be conducted like town meetings.

SECTION 27. All village elections shall be, except as hereinbefore provided, conducted and the result canvassed and certified as in the case of town meetings, and except as modified by this act. Every statute relating to holding town meetings, canvassing and certifying the result thereof, and relating or applicable to the duties of inspectors and clerks, the challenging of votes and to voting thereat, and every statute prescribing and punishing offenses for illegal voting, bribery, fraud, deceit, corruption, official delinquency or other offense at or concerning elections, which is applicable to town meetings, is hereby extended and applied to village elections.

Names of officers to be elected.

SECTION 28. At the annual charter election in each village, there shall be chosen the following officers, viz.: A president, six trustees, a clerk, a treasurer, a supervisor, an assessor, and a constable; also two justices of the peace, and a police justice, if required to be elected in such year, unless such last named office shall have been discontinued. All other officers of villages organized under the provisions of this act or any general law, shall be appointed by the village board at their first meeting after the annual election, unless such board shall otherwise provide. And such officers shall be removable by such board on a vote of a majority of all the trustees. No person, not a resident elector in such village, shall be eligible to any office therein.

Persons elected to be notified by the village clerk. Taking the oath, etc.

SECTION 29. Within five days after the election or appointment of any village officer, the village clerk shall notify the person so selected thereof, unless he voted at such election, and every person elected or appointed to any office named in the preceding section, except justice

of the peace and police justice, shall, within ten days after such election or appointment, or notice thereof, when so required to be given, and before entering on the duties of his office, take and subscribe before the village clerk or some authorized officer, an oath to support the constitution of the United States, and the constitution of this state, and faithfully to discharge the duties of his office, naming the same, to the best of his ability, and file the same duly certified by the officer administering it, in the village clerk's office. Such oath shall be administered and certified without fee. The neglect to file such oath or an official bond, when required, shall be deemed a refusal to serve in, and vacation of such office.

SECTION 30. Every bond required by a village officer shall be executed, with sufficient sureties to the village by its name; shall be in a sum to be fixed by the village board, when not otherwise prescribed, shall be approved by the president and filed with the village clerk within the time prescribed for filing his oath of office, and before entering on the duties of his office, except that the clerk's shall be filed with the treasurer. Whenever the village board shall deem any bond insufficient, they may require an additional bond to be executed and filed in a sum and within a time, not less than ten days, to be fixed by them. No village officer shall be accepted as a surety on any bond, note or other obligation to the village.

Regarding bonds and sureties.

SECTION 31. The term of office of all village officers, except justice of the peace and police justice, shall be one year and until their respective successors are elected or appointed and qualified; and all vacancies therein shall be filled for the residue of the unexpired term only. Every such vacancy shall be filled by the village board except in the office of president which shall be filled by a special election, and if any officer be absent or temporarily incapacitated from any cause, the board may appoint some person to discharge in the meantime, his duties.

Terms of office to be one year except justice of the peace and police justice.

The board may accept the resignation of any officer.

Duties of the president.

SECTION 32. The president shall be, by virtue of his office, a trustee and preside at all meetings of the board and have a vote as trustee, sign all ordinances, rules, by-laws, regulations, commissions, licenses and permits, adopted or authorized by the board and all orders drawn on the treasury. He shall maintain peace and good order, see that the ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity, appoint as many special marshals as he shall deem necessary, who for the time being shall possess all the powers and rights of constables.

Village clerk to give bonds; his duties defined.

SECTION 33. The village clerk shall give a bond in form similar to that required of town clerks. It shall be his duty:

To record proceedings, etc.

1. To perform the duties of clerk of election and keep a record of all proceedings at the annual and special elections of the village; to give notice of such elections as required by law, and to notify persons elected or appointed to office thereof.

Transmit certified statements, etc.

2. To transmit to the county clerk within ten days after election and qualification, a certified statement of the name and term for which elected, of the president, clerk, treasurer, supervisor and assessor; and to the clerk of the circuit court immediately after their election or appointment and qualification, a like statement of the time and term for which elected or appointed, of every justice of the peace, police justice, marshal or constable of the village.

To attend all meetings, etc.

3. To attend all meetings of the village board, to record and sign the proceedings thereof, and all ordinances, rules, by-laws, resolutions and regulations adopted, and to countersign and keep a record of all licenses, commissions and permits granted or authorized by them, and for such purpose to keep the following books: A minute book in which shall be recorded in chronological order, all the papers mentioned in section 19, of this act, full minutes

of all elections, general or special, and the statements of the inspectors thereof; full minutes of all the proceedings of the board of trustees; the titles of all ordinances, rules, regulations and by-laws, with reference to the book and page where the same may be found. An ordinance book, in which shall be recorded at length in chronological order, all ordinances, rules, regulations and by-laws. A finance book, in which shall be kept a full and complete record of the finances of the village, showing the receipts, the date, amount and sources thereof and the disbursements with the date, amount and object for which paid out; and to enter in either such other matters as the board shall prescribe, and such other books as the board direct.

4. To countersign and cause to be published or posted every ordinance, by-law or resolution, as required by law, and to have proper proof thereof made and filed.

To countersign ordinances, etc.

5. To be the custodian of the corporate seal and to file as required by law and to safely keep all records, books, papers or property belonging to, filed or deposited in his office, and deliver the same to his successor when qualified; to permit any person with proper care to examine and copy any of the same and to make and certify a copy of any thereof, when required on payment of the same fees allowed town clerks therefor.

To be custodian of corporate seal, etc.

6. To draw and countersign all orders on the village treasury, ordered by the board and none other.

To draw orders on village treasury.

7. To file when presented, all chattel mortgages and affidavits relating thereto, and contracts of sale of personalty, and to enter at the time of filing in a book properly ruled and kept therefor, the names of all the parties, arranging mortgagors and vendors alphabetically, the date of each mortgage and contract and the date of filing the same and of each affidavit relating thereto, for which he shall receive the same fees allowed town clerks.

To file chattel mortgages.

8. To make a tax roll and deliver the same to the village treasurer; to make and transmit to

To make a tax roll, etc.

the county clerk a statement showing the assessed valuation of all the property in the village, and separately, the amount of all taxes levied therein, including highway and street taxes for the current year and the purposes for which they were levied.

To perform other duties required by law.

9. To perform all other duties required by law, or by any ordinance or other direction of the village board.

Duties of the village treasurer defined.

SECTION 34. The village treasurer, shall give a bond conditioned that he will faithfully discharge the duties of his office and will faithfully and truly account for and pay according to law, all money which shall come into his hands as such treasurer. It shall be his duty to receive all moneys belonging or accruing to the village from any source whatever or directed by law to be paid to him; to pay the same only on the written order of the president, countersigned by the clerk and specifying the number thereof, the payee and the amount and the object for which drawn; to keep just and accurate detailed accounts of all such transactions showing when, to whom and for what purpose all payments are made, in books provided by the village board; and reserve all vouchers filed in his office; to render an account and settlement of all his official transactions to the board at its last meeting prior to the annual election, and at all other times when required by them, to deliver to his successor when qualified all books of account, papers and property of his office and all money in his hands as treasurer; and to perform such other duties as are required by law or the village board. There shall be kept but one fund in the treasury, except as otherwise provided. The treasurer shall also execute the bond required by section 1080, of the annotated statutes and take receipt therefor which he shall file in the office of village clerk. On the receipt of the tax roll he shall, and while acting as collector of taxes, exercise the same powers and perform the same duties as are by law conferred upon and required of town treasurers while act-

ing in that capacity, and be subject to the same penalties and liabilities.

SECTION 35. In all villages under either general or special law, the assessor shall take and subscribe the oath of office required of town assessors. He shall begin on the first day of May, or as soon thereafter as practicable, and make an assessment of all the property in his village liable to taxation on that day in the manner prescribed by law; he shall return his assessment roll to the village clerk at the same time and in the manner in which town assessors are required to do. His compensation shall be fixed by the village board at a sum not exceeding three dollars per day. Any vacancy in the office of assessor may be filled by the village board for the residue of the unexpired term only.

Duties of the assessor defined.

SECTION 36. The supervisor shall represent the village in the county board and perform the duties required of him by law as a member thereof.

Supervisor to represent village on county board.

SECTION 37. The village marshal shall give a bond in form similar to that required by law of constables. He shall possess the powers, enjoy the privileges, and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables. It shall be his duty to obey all lawful written orders of the village board; to arrest with or without process, and with reasonable diligence to take before the police justice every person found in such village in a state of intoxication, or engaged in any disturbance of the peace, or violating any law of the state, ordinance of such village. He may command all persons present in such case to assist him therein, and if any person, being so commanded, shall refuse or neglect to render such assistance, he shall forfeit not exceeding ten dollars. He shall be entitled to the same fees allowed to constables for similar services; for other service rendered the village, such compensation as the board shall fix.

Duties of village marshal defined.

Constable to give a bond.

SECTION 38. The constable shall give a bond similar to that required of constables elected by towns, and shall be deemed included and governed in every respect by the law prescribed to them.

Duties of the justice of the peace defined.

SECTION 39. The justice of the peace shall, within ten days after his election, take and subscribe the oath of office and file the same with the clerk of the circuit court; and also execute and file with such clerk, a bond in similar form to that required of justices elected by towns. He shall hold his office for two years from the time of his election, and until his successor is elected and qualified, and when a vacancy occurs it shall be filled at the next annual charter election. In case of a vacancy, a temporary appointment, until filled by election, may be made by the village board. He shall have concurrent jurisdiction and powers throughout the county with other justices of the peace; and whenever there shall be no police justice in such village, he shall have exclusive original jurisdiction as such justice of all criminal cases arising therein, and of all cases arising under the ordinances and by-laws of such village, and all the powers given herein to the police justice, and be taken as included within that designation herein.

Duties of the police justice defined.

SECTION 40. The police justice shall take and file the oath of office as prescribed in the last section. He shall give a bond conditioned to faithfully discharge all the duties of his office, and pay over according to law all moneys and fees not his own, collected or received by him. His term of office shall be two years, and until his successor is elected and qualified. Any vacancy shall be filled by a special election for the unexpired term. He may be removed by the board of trustees, on a vote of the president and four trustees, for official incapacity or misconduct, after giving him reasonable hearing in his defense. He shall hold the police court, and within the limits of the village, have the jurisdiction of a justice of the peace and exclusive jurisdiction of all cases whatever arising under

the ordinances and by-laws of such village, and concurrent jurisdiction of all criminal cases arising therein; provided, that in case of the sickness, absence or incapacity of such police justice to act, any justice of the peace of the village, or adjoining town in the county in which such village is situated, shall have jurisdiction of every such case, upon filing with such justice the affidavit of the complainant setting forth such sickness, absence or incapacity. He shall have general power to administer oaths and affirmation, and take depositions, acknowledgments of deeds and instruments in writing. He shall be entitled to the same fees as are allowed to justices of the peace for similar services, and no other compensation.

SECTION 41. The president and each trustee shall be officers of the peace, and may suppress in a summary manner any riotous or disorderly conduct in the streets or public places of the village, and may command assistance of all persons, under the same penalty for disobedience provided in section 37, of this act.

President and trustees to be officers of the peace.

SECTION 42. Every village officer shall deliver to his successor, when qualified, all the books, records, papers, property and money in his hands, as such officer; and if a vacancy happen before such successor is appointed or elected and qualified, then to the village clerk, who shall demand and receive all such property and deliver the same to the person who shall be selected to fill such vacancy, when qualified.

Shall deliver all books, etc., to successors in office.

SECTION 43. The trustees of each village shall constitute a board designated "the village board of," name of village, in which shall be vested all the powers of the village not specifically given some other officer. Four trustees shall constitute a quorum, but a less number may adjourn from time to time. The president shall preside at all meetings when present. In his absence the board may select another trustee to preside. Regular meetings shall be held at such times as may be prescribed by their by-laws. Special meetings may be called by any two

Trustees to be constituted the village board.

trustees in writing, filed with the clerk, who shall thereupon seasonably notify all the trustees of the time and place thereof, in the manner directed by the by-laws. All meetings shall be open to the public. The board shall keep a record of all its proceedings, shall have power to preserve order at its meetings, compel attendance of trustees, and punish non-attendance; and it shall be judge of the election and qualification of its members. The president and trustees shall receive no compensation.

Trustees can-
not be inter-
ested in any
contract with
the village.

SECTION 44. No trustee shall be in any manner, directly or indirectly, interested in any contract with, or work or labor done for or material furnished to the village, or to any one on its behalf. In case of a violation of this section, such trustee or officer shall forfeit not less than fifty nor more than five hundred dollars. This section shall have the same application to trustees of villages incorporated under special laws, as to those of villages incorporated under this chapter.

Contracts,
conveyances,
etc., to be exe-
cuted by the
preside nt and
clerk.

SECTION 45. Every contract, conveyance, commission, license, or other written instrument, shall be executed on the part of the village by the president and clerk, sealed with the corporate seal, and in pursuance only of authority therefor from the village board. All ordinances and by-laws shall be signed by the president and countersigned by the clerk; and if any penalty or forfeiture is thereby, in any event, imposed, shall, before taking effect, be published one week, at least, in some newspaper printed in the village, and if there be no newspaper, copies thereof shall be posted in at least three public places therein, one week before the same shall take effect. Proof of such publication by the affidavit of the printer or foreman in the office of such newspaper, or of such posting, by the certificate of the village clerk, shall be attached to and filed with such ordinance or by-law, and noted on the record thereof, and shall be conclusive evidence of the facts stated. All ordinances shall be suitably entitled, and in this

style: "The village board of ——— do ordain as follows:" All authorized ordinances and by-laws shall have the force of law, and remain in force until repealed.

SECTION 46. The village board shall have power, by ordinance, resolution, law or vote:

1. To regulate the mode of and establish rules for their proceedings. To establish rules, etc.
2. To adopt a corporate seal and alter the same at pleasure. To adopt corporate seal.
3. To receive, purchase and hold for the use of the village, any estate, real and personal, and to sell and convey the same. To purchase and hold real estate.
4. To limit and define the duties and powers of officers and agents of the village, fix their compensation, and fill vacancies when no other provision is made by law; to call special elections, and to designate trustees to act as inspectors of elections. To define powers and duties of officers, etc.
5. To procure the books and records required herein to be kept by village officers, and such other furniture, property, stationery and printing as shall be necessary for village purposes. To procure books and records, etc.
6. To provide for the prosecution or defense of all actions or proceedings in which the village is interested, and employ counsel therefor. To provide for prosecution and defense, etc.
7. To appoint a village attorney, a pound-master, a marshal, one or more sextons or keepers of cemeteries, one or more fire wardens, and one or more street commissioners, whenever they deem necessary. Every street commissioner, when, by resolution, the village board shall require it, shall take and file his oath of office, and execute a bond, conditioned for the faithful discharge of his duties, and the proper application and payment of all moneys that may come into his hands by virtue of his office. To appoint village attorney and other officers.
8. To control and protect the public buildings, property and records, and insure the same. To protect public buildings, etc.
9. To renumber the lots and blocks of the village or any part thereof, and to cause a revised and consolidated plat of the same to be recorded in the office of the register of deeds. In the discretion of the trustees to compel the To re-number lots and blocks, etc.

owners and occupants of all houses, stores and other buildings within the village, to number the same in such manner as the village board of trustees may from time to time prescribe.

To establish a
fire depart-
ment.

10. To establish a fire department; to appoint the officers and members thereof, and prescribe and regulate their duties; to provide protection from fire by the purchase of fire engines and all the necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water mains, reservoirs or other waterworks; to erect engine houses; to compel the inhabitants of the village to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of fire as shall be directed by them or any two of them, who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limits or the limits within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and fire buckets, which shall be appurtenances to the realty and exempt from seizure and forced sale; and after reasonable notice to such owner or occupant, and refusal or neglect by him, to procure and deliver the same to him, and in default of payment therefor, to levy the cost thereof as a special tax upon such real estate, to be assessed and collected as other taxes, in such village; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the manner of putting up stove pipes, and the construction and cleaning of chimneys; to prevent bonfires, and the use of fireworks and firearms in the village or any part thereof; to authorize fire wardens at all reasonable times to enter and examine all dwelling houses, lots, yards, inclosures 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 safe condition; and generally to

establish such necessary measures for the prevention or extinguishment of fires as may be necessary and proper.

11. To lay out, open, change, widen or extend roads, streets, lanes, alleys, sewers, parks, squares, or other public grounds, and to grade, improve, repair or discontinue the same, or any part thereof, or build and repair any bridges thereon, or to establish and open drains, canals or sewers, or alter, widen or straighten water courses in the manner provided in this act; to make, alter, widen or otherwise improve, keep in repair, vacate or discontinue sidewalks and crosswalks as provided in this act; to prevent the encumbering of streets, sidewalks, crosswalks and alleys with carriages, carts, wagons, sleighs, sleds, buggies, railroad cars, engines, boxes, lumber, firewood or other substances or materials; to prevent horse-racing or immoderate riding or driving in the streets of the village; to prevent the riding or driving of animals or the driving of vehicles of any kind on the sidewalks of the village, or the doing of damage in any way to such sidewalks; and to require the owners or occupants of any building or buildings, lot or lots, or any part thereof, or any premises within the village, to remove snow, dirt or rubbish from the sidewalks adjacent thereto; and in default thereof to authorize the removal of the same at the expense of such owner or occupant; provided, that the board may by resolution, cause the sidewalks to be kept clear of snow and ice at the expense of the village; and to improve, grade, repair and build roads and sidewalks, which may be required to connect the village with any railway depot or river landing situated outside of the limits of the incorporated village and used by the inhabitants thereof.

To lay out,
change and
open streets,
etc.

12. To restrain the running at large of cattle, horses, mules, sheep, swine, poultry, and other animals, and to authorize the distraining, impounding and sale of same; to establish pounds and regulate and protect the same; to

To restrain
cattle, horses,
etc.

require the owners or drivers of horses, oxen, or other animals, attached to vehicles or otherwise, to fasten the same while in the streets or alleys of the village; to prohibit the hitching of horses, teams or animals, to any fence, tree or pump, and to prevent injury to the same; to regulate and control the running of engines and cars through the village, and the rate of speed of the same; to prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance, to provide for the licensing and the keeping of dogs, at a sum or rate of not less than one dollar nor more than ten dollars a year for each dog; and to provide for a badge or token to be carried by each licensed dog and for the secure muzzling of licensed dogs; and for the killing and destruction in a summary manner, of all dogs not licensed, wherever the same may be found within the village, and of licensed dogs running at large in the streets, alleys or public grounds, in the village; and to punish persons keeping unlicensed dogs; and license public porters, solicitors or runners, cartmen, hackmen, omnibus drivers and guides, and to establish rules and regulations in regard to their conduct as such; and to prevent any unnecessary noise or disturbance during the arrival or departure of persons in public conveyances.

To establish markets.

13. To establish and regulate markets, and restrain sales in the streets.

To purchase cemetery grounds, etc.

14. To purchase and hold cemetery grounds within or without the village limits; inclose, lay out and ornament the same; and to sell and convey lots therein by deed; to establish public parks and walks, inclose, improve and ornament the same, and prevent the incumbering or obstruction thereof; and to provide for and regulate the setting out of shade and ornamental trees in the streets, and in and around the cemeteries and public parks and walks of the village, and for the protection thereof.

15. To prevent or license and regulate the

exhibition of caravans, circuses, theatrical performances, or shows of any kind; to prevent or license and regulate within the limits of the village, billiard tables, pigeon-hole tables and bowling saloons; to suppress and restrain or license and regulate mountebanks and auctioneers; and in all such cases, they may fix the price of such license and prescribe the term of its continuance, and may revoke the same at pleasure; but the term of no such license shall extend beyond the annual election of officers next after the granting thereof.

To license shows, circuses, etc.

16. To provide for the planting and protection of shade trees and monuments in said village.

To plant shade trees.

17. To prohibit and suppress all kinds of gaming, gambling, and all fraudulent devices and practices, and provide for the seizure and destruction of all instruments and devices used for the purpose of gaming; to prevent and suppress fights, riots, noises, disturbances, disorderly assemblages, disorderly conduct, disorderly houses, houses of ill-fame, immoderate drunkenness, drinking, vagrancy, obscenity, lewdness and prostitution within the limits of the village; to regulate public places of bathing and swimming or prohibit and prevent such bathing and swimming within the village.

To suppress gambling, etc.

18. To exercise such powers in respect to licensing and regulating the sale of malt, ardent or intoxicating liquors, as are conferred by the general statutes in respect thereto.

To regulate sale of intoxicating liquors.

19. To purchase, build, or lease and maintain and regulate a watch house or place for the confinement of offenders against the ordinances and by-laws and for temporary detention of suspected persons.

To purchase and build a watch house.

20. To appoint a board of health, which shall have all the powers of such boards under the general laws of the state; to provide hospitals and regulate the burial of the dead, and the return of bills of mortality; to declare what are nuisances, and to prevent or abate the same; to require the owner or occupant of any grocery,

To appoint a board of health, etc.

cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house, building or place, to remove or abate the same, or to cleanse it as often as may be deemed necessary for the public health; to direct the location and management of slaughterhouses subject to the provisions of section 1418, and to prevent the erection, use or occupation of the same, except as authorized by them; to prevent persons from bringing, depositing or leaving within the village, any putrid carcass, or other unwholesome substance; to require the owners or occupants of lands to remove dead animals, stagnant water, or other unwholesome substance from their premises, and to provide for the cleansing and removal of obstructions from any river, stream, slough or water course within the limits of the village and to prevent the obstruction or retarding of the flow of water therein, or the putting of anything into the same which may be prejudicial to the health of the village.

To regulate public cisterns.

21. To make and regulate the use of public wells, cisterns and reservoirs.

To light streets, etc.

22. To erect lamp posts and lamps, and provide for lighting any portion of the village or streets thereof, by gas or otherwise.

To establish harbor and docks, limits, etc.

23. To establish harbor and dock limits, and to regulate the location and manner of construction and use of all piers, docks, wharves and boat houses on any navigable waters, and fix rates of wharfage.

To appoint policemen, etc.

24. To appoint policemen, night watchmen, and superintendent of police, and to prescribe their duties and make by-laws for their government.

To levy and collect taxes, etc.

25. To levy and provide for the collection of taxes and assessments, audit claims and demands against the village, and direct orders to issue therefor in the manner prescribed in this act; to refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; to authorize bonds of a village to be issued in the cases provided

by law, and generally to manage the financial concerns of the village; and they shall cause to be prepared and read, at each annual charter election, a true, detailed and itemized statement by them of the finances of the village, showing the amount in the treasury at the commencement of the year, when and from what sources all moneys paid into the treasury during the preceding year were derived, and the whole amount thereof, and when, to whom and for what purpose all money paid from the treasury during the same period was paid, and the whole amount thereof, with the balance then in the treasury, which statement shall be recorded in the minute book, and filed and preserved in the clerk's office.

26. To ordain and establish all such ordinances and by-laws for the government and good order of the village, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of trade and commerce, and the promotion of health, not inconsistent with the constitution and laws of the United States or of this state, as they shall deem expedient; and to determine and establish by ordinance the mode of procedure, and what it shall be sufficient to allege and prove, in order to make out a prima facie case of violation of any ordinance.

To ordain ordinances for good government, etc.

27. To prescribe penalties for the violation of any ordinance or by-law, to be not less than one dollar nor more than two hundred dollars, in any case, besides the cost of suit in all cases; and in default of payment, to provide for the committing of the person convicted to the watch house or place of confinement in the village, or to the county jail, until payment be made, but not to exceed ninety days in all; and to modify, amend, or repeal any ordinance, resolution, by-law or other former determination of the board. Whenever the village board shall require the owners or occupants of buildings to remove snow, dirt or rubbish from the sidewalks adjacent thereto, and such requirement shall not

To prescribe penalties, etc.

be complied with, and whenever the village board or the board of health, duly appointed, shall find any source of filth or cause of sickness on private property, and shall have required the owner or occupant of such property to remove or abate the same, and such requirement shall not be complied with, the village board may authorize the removal of such snow, dirt or rubbish, or the removal and abatement of such source of filth or cause of sickness, at the expense of the owner of the lot or lots or premises in front of which such sidewalks are, or upon which such source of filth or cause of sickness shall be found, and in default of the payment of such expense by the owner of said premises, the village board shall levy and cause to be collected upon such lot or premises a tax sufficient to pay such expense, and if such tax is not paid, the same shall be returned as delinquent taxes to the village treasurer, and collected in the same manner as other village taxes.

To provide for support of the poor.

28. To regulate, by ordinance, the manner of caring and providing for the support of the poor of the village.

To construct and maintain water works, etc.

29. To construct and maintain water works for the supply of water to the inhabitants of the village, with the necessary pumping machinery, buildings, reservoirs, mains, pipes and other convenient appliances; and to regulate the mode of construction, the manner of making connections therewith, the rent for the use of water, and all matters necessary to operating such system; and the whole or a part of the cost of laying any street mains may be assessed upon the adjoining property in any street, or portion of a street, in which the same may be laid, proportioned to frontage, upon the petition of a majority of the owners of property fronting upon such street or portion thereof, including the owners of at least one-half of such frontage, after an estimate of the cost thereof, made by an engineer employed by the village, shall have first been filed for ten days in the office of the village clerk, for the inspection of persons interested. Upon the com-

pletion of such work, the board of trustees shall make and file with the clerk a correct and certified statement of the total cost of such work, and the share appointed to each separately owned piece of land fronting on such street, or portion thereof, which amount shall be a lien on such piece of land from the date of ordering such work, and unless the same be paid before the period for the next return of unpaid taxes, the same shall be entered and collected as other village taxes and returned in the delinquent tax list, if unpaid, and collection thereof enforced in the same manner as other unpaid real estate taxes, and with like interest and penalties. The village board may also give a separate certificate of the amount so assessed upon each such piece of land, and may deliver such certificate to the contractor in part payment for his work, and the same shall entitle the contractor to demand and receive the amount thereof when such assessment shall be collected by the proper village or county officer, with any interest which shall have been collected therewith.

SECTION 47. No account or demand against the village shall be paid until it has been audited and allowed, and an order drawn on the treasurer therefor. Every such account shall be made out in items and verified by affidavit indorsed or annexed, that the same is just and correct, and no part thereof paid. After auditing, the board shall cause to be indorsed by the clerk, over his hand on each account, the words "allowed" or "disallowed," as the fact is, adding the amount allowed, if any, and specifying the items or parts of items disallowed, if disallowed in part only. The minutes of the proceedings of the board shall show to whom and for what purpose every such account was allowed, and the amount. Every such account or demand allowed, in whole or in part, shall, with the affidavit thereto, be filed by the clerk, and those of each year, consecutively numbered, and have indorsed the number of the order on the treasurer

How accounts
must be
audited and
drawn.

issued in payment, and the clerk shall take a receipt thereon for such order.

No authority to issue or borrow money.

SECTION 48. No village, or any officer thereof, shall have power to issue any time or negotiable order, or borrow money, except in the manner and for the purposes expressly declared by statute.

Separate road district.

SECTION 49. Every village in this state, whether such village be incorporated under general or special law, or both, shall constitute a separate road district. No part of the streets or highways of any such village shall be in any road district established by the town board nor under control of the town officers; provided, that bridges in villages on town roads shall be built, maintained and repaired by the town and village jointly, the expense to be borne by each in proportion to their equalized valuation as is fixed by the county board.

Regarding the laying out of streets, etc.

SECTION 50. Whenever the village board of any village incorporated under the provisions of this act, or under any special or general law, shall intend to lay out and open, change, widen or extend any street, lane, alley, public grounds, square or other place, or to construct and open, alter, enlarge or extend drains, canals or sewers, or alter, widen or straighten water courses therein, or take grounds for the use or improvement of a harbor, and it shall be necessary to take private property therefor, they shall cause an accurate survey and plat thereof to be made and filed with the clerk, and they may purchase or take by donation such grounds as shall be needed, by agreement with the owners, and take from them conveyances thereof, to the village for such use or in fee; but otherwise, they shall, by resolution, declare their purpose to take the same, and therein describe, by metes and bounds, the location of the proposed improvement, and the land proposed to be taken therefor, defining separately each parcel, and the amount thereof owned by a distant owner, mentioning the names of the owners or occupants, so far as known, and therein fix a day, hour and

place, when and where they will apply to the county judge, or to a justice of the peace, resident in such village, for a jury to condemn and appraise the same.

SECTION 51. They shall thereupon cause to be made by the clerk, a notice of the adoption of such resolution, embracing a copy thereof, and notifying all parties interested that the board will, at the time and place named, apply to the judge or justice named for the appointment of a jury to condemn and appraise such land. A copy of such notice shall be served by the marshal or any constable on the owner of each such parcel of land to be taken, if known and resident within the county; such service to be made in the manner prescribed for serving a summons in an action in the circuit court, and the return of the officer shall be conclusive evidence of the facts stated therein. If the notice cannot be so given as to all the parcels, then the same shall be also published once in each week for three successive weeks in a newspaper published in such village. If there be no newspaper published in said village, then in some newspaper published in said county; and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. Such notice shall be served, and such publication made for three weeks, complete at least one week before the time fixed therein for such application. If any person, so served with notice, be a minor or of unsound mind, the judge or justice, before proceeding, shall, on the day fixed for hearing such application, appoint for him a guardian for the purposes of such proceeding, who shall give security to the satisfaction of the magistrate, and act for such ward.

Condemning
and apprais-
ing lands.

SECTION 52. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of service of the notice, as provided in the last section, shall be filed with the judge or justice, who shall thereupon make a list of twenty-four competent jurors, not interested,

Proof of ser-
vice of notice
to be filed with
the judge.

Summoning a jury, etc.

but residents of the village shall not be disqualified. He shall hear and decide any challenges for cause or favor, made to any one, and if sustained, shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under direction of such magistrate, each party, the village board by its representatives on the one side, and the owners of the land or their agents present, or if none be present, or they disagree, a disinterested person appointed by the judge or justice, on the other, shall challenge six names, one at a time, alternately, the village board beginning. To the twelve jurors remaining, such judge or justice shall issue a precept, requiring them at an hour on a day named, not more than ten nor less than three days thereafter, to appear before him to be sworn and serve as a jury to view lands and appraise damages, and at the same time shall publicly adjourn the proceedings to the time and place so named; such precept shall be served by the marshal or any constable, at least one day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode in the presence of a member of his family.

When the jurors shall meet and organize.

SECTION 53. The jurors summoned shall appear at the time and place named; and if any be excused by the judge or justice, or fail to attend, he shall direct other disinterested persons to be forthwith summoned in their stead, until twelve be obtained. The magistrate shall then administer to them an oath that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

Jury required to view lands before rendering a verdict, etc.

SECTION 54. Under the direction of such magistrate, the jury shall view the lands to be taken, and shall then sit before him to hear such competent evidence as shall be produced by any party, and for such purpose such magistrate shall possess the same powers as a court in ses-

sion with a jury, and if there be necessity, may adjourn the sitting from day to day. The jury shall render a separate, unanimous verdict, in writing, signed by them, in which they shall find whether it be necessary to take such lands or any part thereof for such purposes, describing such as they find necessary to be taken; and if any be found necessary to be taken, then a verdict or appraisement of damages, specifying therein the damages of each owner, and separately the value of the land taken from each, and the damage otherwise sustained by each by reason of the taking thereof, in estimating which they shall deduct therefrom the special benefit, if any, to be enjoyed by each from such improvement; and a majority of such jury may render such verdict or appraisement of damages, and shall sign the same. Any technical error in such verdict may be immediately corrected with the assent of the jury, and they shall be thereupon discharged, and their verdict filed by the magistrate. In case the jury shall fail to find a verdict, another jury shall be selected, summoned, sworn, and proceed in the same manner.

SECTION 55. Within ten days after such verdict, any landowner whose land has been found necessary to be taken, may appeal from the award of damages to him in such verdict, to the circuit court, and the village may likewise appeal from the award of damages to any owner, by filing with such magistrate a notice of appeal, specifying whether the appeal is from the whole award to him or a part, and if a part, what part, and therewith an undertaking with two sufficient sureties, to be approved by the magistrate, to pay all costs that may be awarded against such appellant on the appeal, and paying the magistrate for his return thereof. Any party not so appealing shall be forever concluded by such verdict or appraisement. Upon an appeal being taken, the magistrate shall transmit to the clerk of the circuit court within ten days, the notice of appeal and

How appeal from the verdict may be taken.

undertaking and thereto annexed, a copy of all the papers and proceedings before him with his certificate thereof. He shall, after the time for appealing is expired, file with the village clerk, annexed together, all the original papers, including the verdict, with a certificate by him thereof, and that no appeal has been taken from such verdict, except as the facts are, which he shall briefly specify; and the clerk shall record all such proceedings.

How appeal
may be consid-
ered.

SECTION 56. Upon filing such transcript in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, the landowner as plaintiff, the village as defendant, and be subject to a change of place of trial and appeal to the supreme court. The appeal shall be tried by a jury unless waived; and costs shall be awarded against the appellant if a more favorable verdict be not obtained; otherwise, against the respondent. Upon entry of judgment, the clerk of the circuit court shall transmit a certified copy thereof to the village clerk.

Ordinance to
be enacted if
land is neces-
sary for
streets, lanes,
etc.

SECTION 57. If the verdict of the jury first called find it necessary to take such land or any part thereof, the village board may, upon return thereof to the clerk, enact an ordinance according thereto for laying out, changing, widening, or extending and opening any such street, lane, alley, public ground, square or other public place, or constructing and opening, altering, enlarging or extending any such drains, canals or sewers, or altering, widening or straightening any such water course, or for the use or improvement of a harbor, but shall not enter upon any such land therefor, until the owner be paid in full the damages awarded him by such verdict or appraisalment, or such damages be set apart for him in the hands of the treasurer, and an order therefor lawfully executed to him be deposited with the clerk to permanently remain subject to his order. At any time before causing any such land to be actually taken, or put to public use, and before the rendition of a judg-

ment in the circuit court for damages, the village board may discontinue all proceedings theretofore taken, and the village shall in such event be liable for the costs only. All the costs of every such proceeding shall be paid by the village, except when they recover costs in the circuit court.

SECTION 58. For the purpose of payment of May levy tax. the expenses, including all damages and costs incurred for the taking of private property, and of making any improvement mentioned in the last preceding section, the village board may, by resolution, levy and assess the whole or any part, not less than half of such expenses, as a tax upon such property as they shall determine is specially benefited thereby, making therein a list thereof, in which shall be described every lot, or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite. Such resolution, signed by the president and clerk, shall be published once in each week for two weeks, in a newspaper published regularly in such village, or if there be no such newspaper, three copies thereof shall be posted by the clerk, in three of the most public places in such village, and a notice therewith that at a certain time therein stated, the said board will meet at their usual place of meeting and hear all objections which may be made to such assessment or to any part thereof. At the time so fixed the said board shall meet and hear all such objections, and for that purpose may adjourn from day to day, not more than three days, and may by resolution modify such assessment in whole or in part. At any time before the first day of November thereafter, any party liable may pay any such tax to the village treasurer. On such first day of November, if any such tax remains unpaid, the village treasurer shall make a certified statement, showing what taxes so levied remain unpaid, and file the same with the village clerk, who shall extend the same upon the tax roll of such village, in addition to and as part of all other

village taxes therein levied, on such land, to be collected therewith.

Streets may be
discontinued
upon petition.

SECTION 59. Upon petition in writing of the owners of lots or land on any street or alley in any village incorporated under the provisions of this act, or any general law, the board of trustees may discontinue such street or alley or any part thereof; provided, that all the owners of lots or land on the portion of such street or alley proposed to be vacated, and two-thirds of the owners of lots or land on the remainder thereof, shall sign such petition, and not otherwise. At least one week before acting upon such petition the board of trustees shall cause a written or printed notice to be posted in three public places in such village, stating when the petition will be acted upon and what street or alley or part thereof is proposed to be vacated.

Relating to
the grading of
streets.

SECTION 60. The village board may cause any street or any part of any street, not less than sixteen rods in length, to be graded, paved, macadamized or otherwise improved, or any sidewalk or gutter to be built, upon a petition therefor in writing, signed by at least a majority of all the owners of real estate bounding both sides; or order any sidewalk or gutter on one side of a street to be built, on the petition of the majority of such owners; and may order any sidewalk or gutter previously built to be put in repair when necessary, without petition. For the purpose of so improving any street, or building or repairing any sidewalk or gutter, the village board may levy and cause to be collected upon the lots, tracts or parcels of ground on such street or part of street improved, or on the side thereof, where only such sidewalk or gutter is to be built, and upon the owners thereof, a tax sufficient to pay the expense of constructing such improvement, as ordered, opposite such property to the center of the street, or such proportion thereof, not less than half, as they shall deem justly assessable to such property, if they shall think the whole ought not to be so assessed, in which case the remainder shall be

paid from the village treasury. Every such tax for repairs shall be for the entire cost of repairs in front of the property so taxed. If any tax levied under this section shall prove insufficient to pay the cost or proportion thereof assessed to such property, the village board may levy an additional tax thereon to make good such deficiency.

SECTION 61. Whenever the village board shall levy any such tax as specified in the preceding section, they shall make out and deliver to a street commissioner of such village, a list of the persons and a description of the property taxed, together with a warrant for the collection and expenditure of said tax; and thereupon the street commissioner shall notify the persons named in such tax list by publishing a notice two weeks in some newspaper published in said village, if there be one; if there be none, by posting up notices for two weeks in three or more public places in such 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 the said street commissioner, pay their taxes in labor or materials; provided, the labor and materials offered in payment of such taxes are such as may be required by the said street commissioner, and done and furnished to his satisfaction, and at prices previously determined by the trustees of such village. The street commissioner shall be provided with a book or memorandum by the village clerk, in which he shall keep an accurate account of all moneys coming into his hands by virtue of his office; the amount received and disbursed by him; the name of every person from whom money or labor is due; the amount paid in money or labor, and a correct account of all expenditures by him made as street commissioner. The book containing

Tax list for street improvements to be delivered to the street commissioner for collection.

the account so kept shall, at all times when required, be furnished for the inspection of the board of trustees, and ten days before the expiration of his term of office shall be handed to the village clerk, to be filed in his office for the inspection of the tax-payers in his district.

Certified list of lots, upon which taxes have not been paid to be made by street commissioner within forty days.

SECTION 62. At the expiration of forty days from the date of said notice given by the said street commissioner, he shall make out and deliver to the clerk of the village a certified list of the lots, pieces or tracts of land in said village upon which any such tax remains unpaid, with the amount of such delinquent tax upon each of said lots, or parcels of land, and if such list be returned to said village clerk before the completion of the tax roll of said village for the same year, the said clerk shall add the said delinquent taxes to said tax roll opposite to the description of the proper lots, pieces, or parcels of land therein, and the said delinquent taxes shall be collected with, and in the same manner as the village taxes. If such list shall be returned to the village clerk after the completion of the tax roll, and before the village treasurer's return of delinquent taxes, he shall deliver said list to the said treasurer, who shall collect the same with the other taxes in said village, and add what remains uncollected of said taxes to his list of delinquent taxes returned to the county treasurer, who shall collect the same or sell the lots, pieces, or parcels of land aforesaid for such delinquent taxes; and all proceedings in relation thereto shall be the same in all respects as in the case of land sold for other delinquent taxes. Every county treasurer who shall collect or receive any moneys on account of such delinquent taxes, shall pay the same to the treasurer of the proper village and take duplicate receipts therefor, and file one of said receipts with the clerk of his county.

When work shall be done at the expense of the village.

SECTION 63. Whenever any lot or tract or parcel of ground shall have been returned delinquent for any such tax, as hereinbefore provided, the village board may cause the work to

be done at the expense of the village, to be reimbursed by such tax when collected.

SECTION 64. Whenever the public convenience or safety shall require any street, sidewalk or gutter, in case of injury or defect, to be immediately repaired, and the cost of such repairs will not exceed ten dollars, it shall be the duty of the street commissioner forthwith to cause such repairs to be made, and the cost thereof shall be audited by the trustees of such village, and paid out of the general fund.

Repairs of streets not exceeding \$10.00 to be done by the street commissioner.

SECTION 65. On or before the twentieth of May in each year, the clerk shall make a list of the names of all male persons over twenty-one and under fifty years of age, who are residents of the village, except members of the Wisconsin National Guard, with the amount of the poll tax, which shall be the same as in towns, set opposite to each person's name, and submit the same to the board of trustees for correction. When such list is correctly made, and on or before the first day of June in each year, the board shall by order, to be signed by the president and clerk and annexed thereto, direct the same to be delivered forthwith to the treasurer for collection. The treasurer shall forthwith proceed to the collection of such tax, and shall demand the same once of each person named in the list, and if any person neglects to pay the same for ten days thereafter, such treasurer shall, in the name of the village, sue for and collect such tax with fifty per centum damages on the same, with costs of suit, before the police justice of such village; and in default of payment of such judgment, execution shall issue against the defendant as in cases of tort; and the first process in such action shall be by civil warrant; provided, that the board of trustees may, by resolution, cause the said poll-list to be placed in the hands of the street commissioner to be collected in money or labor, and said commissioner shall have the same authority to collect and receipt for such tax as the treasurer, and shall account for such taxes by him collected in the same man-

List of persons subject to poll tax to be made by the clerk.

ner as for other moneys coming into his hands by virtue of his office. But the board of trustees may exempt from the payment of such tax, all active members belonging to any fire company, or any person who is poor and not able-bodied, when they may deem it proper to do so; and the treasurer or street commissioner, while said list is in his hands for collection, may put upon the same the names of all persons liable to such tax as may have been omitted therefrom, who shall then be liable, the same as if their names were originally placed on such list.

How poll tax money shall be collected.

SECTION 66. Such money when collected shall be expended in improving the streets, making and improving sidewalks and crosswalks, and setting out shade and ornamental trees in such village; and if such poll tax shall, in the opinion of the board, be insufficient for such purposes, they shall determine what additional amount may be sufficient therefor, not exceeding seven mills, nor less than one mill on the dollar of the assessed valuation of property in said village; in addition to the highway tax provided for in section 68, of this act, and the amount fixed shall be levied, certified and collected as provided in these statutes. All money so collected shall be paid to the village treasurer and expended under the direction of the board of trustees. Such board may also expend and lay out on the highways, or any of them, leading into such village, not exceeding two miles from the boundary line thereof, not to exceed one-third the whole amount collected for highway purposes in any one year.

Corporation taxes to be determined by Oct. 15, annually.

SECTION 67. The village board shall, on or before the fifteenth day of October, in each year, by resolution, to be entered of record, determine the amount of corporation taxes to be levied and assessed on the taxable property in such village for the current year, which shall not exceed in any one year, two per centum of the assessed valuation of such property. Before levying any tax for any specified purpose exceeding one per centum of the assessed valua-

tion aforesaid, the village board shall, and in all other cases may, in its discretion, submit the question of levying the same to the village electors at any general or special election, by giving ten days' notice thereof prior to such election by publication in a newspaper published in the village, if any, and, if there be none, then by posting notices in three public places in said village, setting forth in such notices the object and purposes for which such taxes are to be raised, and the amount of the proposed tax.

SECTION 68. The village board of every village in this state incorporated under the provisions of this act, or any general or special law, shall at the time of determining the amount of the village taxes to be levied and raised in such village for the current year, by resolution to be entered of record, determine the amount, if any, of highway tax to be levied and collected in such village for the current year, which shall not exceed in any one year one-tenth of one per centum on the assessed valuation of such property. Such highway tax shall thereafter be assessed, and collected by the village treasurer at the time and in the manner provided for the collection of other village taxes; and such highway tax shall be kept as a separate fund and shall be expended under the direction of the village board in the improvement of the streets, highways and bridges in said village, except as provided in section 66, of this act.

Amount of highway taxes to be determined.

SECTION 69. Chapter 49 of the revised statutes entitled "collection of taxes" so far as the same is applicable, is hereby declared to apply to and govern the collection of taxes in all villages incorporated under the provisions of this act, or under any general law of this state.

Statutes relating to collection of taxes to apply.

SECTION 70. All fines, forfeitures and penalties imposed by any ordinance, resolution or by-law of the village board may be collected in an action in the name of the village, before the police justice, to be commenced by warrant and prosecuted in the same manner as actions

Relating to the collection of fines, penalties, etc.

of tort before justices of the peace; but the marshal or constable may arrest the offender in all cases, without warrant, when he knows of such violation. The affidavit for such warrant shall be the complaint, and be sufficient, if it allege that the defendant is indebted to the plaintiff in the amount of such fine, penalty or forfeiture sued for, claiming the highest sum thereof according to the provisions of such ordinance, resolution or by-law, specifying the same by section, chapter, title or otherwise, with sufficient plainness to identify the same, with a demand for judgment for the amount thereof.

Judgments,
commitments,
etc.

SECTION 71. Judgment shall be given, if for the plaintiff, for the amount of fine, penalty or forfeiture fixed by such ordinance, resolution or by-law, or such part thereof, if a discretion be given, as the court shall deem proportionate to the offense, together with the costs of suit; and shall in all case further adjudge and order that in default of payment thereof, the defendant be committed to the common jail of such county, for such time not exceeding ninety days, as the court shall think fit. If such payment be not forthwith made, the justice shall make out a commitment, stating the amount of judgment and costs, and the time for which committed, in the usual form of commitments by justices of the peace. Every person so committed shall be received and committed to prison by the keeper of the county jail, and kept at the expense of such village until the expiration of the time; but he shall be released by order of the justice, on payment to him of such fine and costs, or by due course of law.

How appeals
may be taken.

SECTION 72. Appeals may be taken to the circuit court in the same manner as from judgments in civil actions by justices of the peace, except that if taken by the defendant, he shall, as a part thereof, execute a bond to the village with surety to be approved by such justice, conditioned that if judgment be affirmed in whole or in part, he will pay the same and all costs and damages awarded against him on such ap-

peal; and in case such judgment shall be affirmed in whole or in part, execution may issue against both defendant and his surety. Upon perfection of such appeal, the defendant shall be discharged from custody. In all actions before any police justice, or justice of the peace, of villages lying in two or more counties, appeals may be taken to the circuit court of the county wherein the offense was committed; and all commitments shall be made to the jail of such county.

SECTION 73. All fines, forfeitures and penalties recovered for the violation of any ordinance, rule, regulation, resolution or by-law of any such village, and all moneys paid for licenses and permits, shall be paid into the village treasury for the use of such village. The police justice and justice of the peace, when acting as such, shall report and pay into the treasury, quarterly, all moneys collected by him belonging to such village; which report shall be verified by his affidavit and filed in the office of the treasurer; and he shall be entitled to duplicate receipts for such moneys, one of which he shall take and file with the village clerk.

All fines, forfeitures, licenses, etc., to be paid into the village treasury.

SECTION 74. It shall be lawful for the president and trustees of any village incorporated under general or special law, whenever they shall deem it necessary for the public health, to cause sewers and drains to be made in any part of such village, and to order and direct the construction of either of the same, and to alter, repair or mend any sewer or drain heretofore or hereafter constructed within said village, and to cause a main sewer for the purpose of an outlet for the branch sewers and drains to be constructed without the limits of said village when necessary; and in the manner hereinafter provided, to cause to be made plans thereof, and estimates of the cost and expense thereof, and a just and equitable assessment of such costs and expenses among the owners of all the lots, pieces and parcels of land intended to be benefited thereby in proportion to

Authority to construct sewers, drain, etc.

the street frontage of such lots, pieces and parcels of land.

General sewerage system to be determined by the president and trustees.

SECTION 75. The president and trustees, prior to ordering by resolution, ordinance or otherwise, any sewers or drains to be constructed, shall lay out and determine upon a general sewerage system for such village, and shall cause a careful survey, profile of grades, and plan with all necessary data to be made in duplicate and signed by them, and certified to as the plan of sewerage determined upon by them. One of the said duplicates shall be filed in the office of the register of deeds of the county in which such village is situated, and one shall be filed with the village clerk; either of said originals shall be conclusive evidence of the legality of the establishment of said plan of sewerage.

When the president and trustees are authorized to borrow money.

SECTION 76. The president and trustees may, for the purpose of the construction of main sewers and other parts of the work chargeable to the general sewer fund provided for in this act, borrow money to the amount of one per centum of the assessed valuation of the real and personal property in such village, and issue negotiable corporate bonds therefor in the manner provided in sections 942 and 943, of the revised statutes. The proceeds of the sale of said bonds shall be devoted and appropriated exclusively to the construction and maintenance of sewers and drains as in this act provided, and shall be known as the general sewer fund. The village treasurer shall not pay out any of said fund for any purpose other than the construction and maintenance of sewers and drains as in this act provided.

How the cost of main sewers shall be paid.

SECTION 77. The cost of the construction of a main sewer for the purpose of an outlet for the branch sewers, and the cost of the construction of all main sewers in excess of the cost of a minor sewer, eight inches in diameter, and the cost of all sewers in street and alley crossings, shall be paid out of the general sewer fund. The cost of the construction of man-holes, catch-basins, for the receiving of water from

gutters and of the overflow pipes connecting them with the sewers, and of the repairing and cleaning of sewers, and all expenditures for temporary work necessary to carry out the system of sewerage as adopted, and all cost of constructing sewers, not provided for by special assessment, shall be paid out of the general sewer fund. The cost of construction of minor sewers and such portion of the cost of the construction of main sewers as shall be equal to the cost of construction of a minor sewer eight inches in diameter, shall be paid out of moneys derived from special assessments on the lots, pieces or parcels of land abutting on the street along which any such sewer shall be constructed, as hereinafter provided.

SECTION 78. Any portion of such sewerage system may be constructed under contract with the president and trustees, which contract may be made in such manner as the president and trustees may determine; provided, however, that no contract for the construction of any said portion of such sewerage system, chargeable to the general sewer fund, under this act, shall be made by them until the funds for the construction of the said portion of said sewerage system chargeable to the general sewer fund, shall have first been provided for as authorized by section 76, of this act. In all cases the work shall be subject to the superintendence and directions of the said president and trustees; and no contractor shall receive any compensation for any such work, or part of work, executed by him, until such work, or part of work, shall have been approved by such president and trustees; and no action shall be maintained against any village for such work, until a statement duly verified shall have been filed with the village clerk, nor until ten days after the next annual charter election thereafter.

Sewerage system may be constructed under contract.

SECTION 79. Whenever the president and trustees shall deem it necessary to cause to be constructed any sewers or drains in accordance with the plan adopted for such village, they

An ordinance to be enacted before sewers or drains can be constructed.

shall enact an ordinance to that effect which shall be entered in their minutes and recorded in a book kept for that purpose, specifying with reasonable particularity the specific portions of sewer or drain to be built, a copy of which ordinance shall be published in some newspaper published in said village for one week, and if there be no newspaper published in said village, then a copy of such ordinance shall be posted in three public places in said village, for one week, and all parties interested who shall appear shall have a hearing before the president and trustees at such time, not less than ten days from the date of said publication, as shall be appointed in said ordinance.

An estimate of the entire cost of the work to be made, and the amount assessed against the lots.

SECTION 80. If after such hearing, the president and trustees shall determine to proceed therein, they shall make an order to that effect, and shall make an estimate of the entire cost and expense of the work ordered, including the contract price, titles to, or easements in lands necessary for the purpose of such work, and the expense of the proceedings necessary to the laying out of such sewers and drains. The president and trustees shall then assess the proper proportion of such estimated cost and expense, according to the provisions of this act, against all lots, pieces and parcels of land fronting or abutting on the work so ordered to be done, on each side of the same for its whole length, in proportion to the frontage of such lots, pieces or parcels of land fronting or abutting on either side of said sewers or drains.

An assessment list shall be made resembling the annual tax roll.

SECTION 81. Upon the assessment being made as provided in the preceding section, an assessment list shall be made to resemble as nearly as practicable, the annual tax roll of villages, in its form, and to be provided with a column in which payments can be entered by the treasurer of the village. Two copies thereof shall be made by the village clerk and signed by the president and clerk, one of which copies shall be filed with the clerk. To the other the

president and trustees shall annex their warrant for the collection of such special assessment, and the clerk shall forthwith deliver the same, with the warrant annexed, to the village treasurer. The said warrant shall be signed by the president and clerk and sealed with the corporate seal.

SECTION 82. The said assessment list filed with the clerk, and the one delivered to the treasurer, shall in all courts and places be prima facie evidence of the regularity of all prior proceedings, and of the assessments therein specified; and all sums of money assessed, and all costs, charges and interest thereon shall be liens on such real estate, and have, and be considered in law and equity to have priority over all other liens except prior liens for taxes on real estate so assessed.

List to be prima facie evidence of its regularity.

SECTION 83. Whenever the president and trustees shall have made out and delivered to the village treasurer the assessment list aforesaid, the treasurer shall notify the owners of the lots, pieces and parcels of land named in said list, by publishing a notice two weeks successively in some newspaper published in said village, and if there be no newspaper published in said village, by posting such notice in three public places in said village for two weeks; 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 said owners may pay in money the special assessments charged in such assessment list. The treasurer shall keep an accurate account of all moneys coming into his hands from such special assessments, and shall keep said moneys separate from all other funds. All moneys derived from such special assessments, shall be devoted and appropriated exclusively to the construction of the work for which such special assessments were ordered, and shall be known as the special sewer fund.

Treasurer shall notify the owner of lots when the list is in his hands.

SECTION 84. At the expiration of forty days from the date of the said notice given by said

Delinquent tax list to be delivered with the village clerk within 40 days. Mode of procedure.

treasurer, he shall make out and deliver to the clerk of the village, a certified list of the lots, pieces and parcels of land in said village upon which any such special assessment remains unpaid, with the amount of such delinquent assessment upon each of said lots, pieces and parcels of land; and if such list be returned to said village clerk before the completion of the tax roll of said village, for the same year, the said clerk shall add the said delinquent assessment to the said tax roll opposite to the description of the proper lots, pieces or parcels of land therein, and the said delinquent special assessment shall be collected with and in the same manner as the village taxes. If such list shall be returned to the village clerk, after the completion of the tax roll and before the village treasurer's return of delinquent taxes, he shall deliver said list to the said village treasurer, who shall collect the same with the other taxes in said village, and add what remains uncollected of said special assessment to his list of delinquent taxes returned to the county treasurer, who shall collect the same or sell the lots, pieces or parcels of land aforesaid, for such delinquent assessment or tax; and all proceedings in relation thereto shall be the same in all respects as in case of land sold for other delinquent taxes. Every county treasurer who shall collect or receive any money on account of such delinquent assessments shall pay the same to the treasurer of the proper village and take duplicate receipts therefor, and file one of said receipts with the clerk of his county.

Work delayed on account of delinquent tax on lots may be done at expense of the village.

SECTION 85. Whenever any lots, pieces or parcels of land shall have been returned delinquent for any such special assessment, as hereinbefore provided, the president and trustees may cause the work to be done at the expense of the village, to be reimbursed by such tax when collected.

Relating to the construction of private drains or sewers.

SECTION 86. It shall be the duty of the president and trustees to see that proper private drains or sewers are constructed from every lot

in said village, which in their judgment requires it, and that such private drains or sewers are made to communicate with the public sewers in a proper manner; and they shall have power to determine the manner and plan of the construction and connection of the same. No private drain shall be connected with any public sewer without the president and trustees first issue their order or permit for such connection. The president and trustees shall have power by ordinance, under suitable penalties, to compel strict compliance with their orders and regulations in relation thereto, and to punish any person who shall wilfully injure or obstruct any public or private sewer or drain.

SECTION 87. The village board may, by ordinance, submit to the electors of any village, the question whether they will discontinue, either the office of police justice, marshal or constable, in such village, at an annual or special election. The ballots shall read, "for discontinuance of (office named)," or, "against discontinuance of (—)," and shall be deposited in a separate box, canvassed, and the result stated and certified, as in other elections. If a majority be for such discontinuance, the village board shall cause the vote to be recorded accordingly; and thereupon all parts of this chapter provided for such officer shall be inoperative in such village.

Question of discontinuing certain offices may be determined by the voters.

SECTION 88. All contracts for the performance of any work in any such village, exceeding fifty dollars, shall be let by the village board to the lowest bidder, in such manner as they may prescribe.

Contracts exceeding \$50 to be let to the lowest bidder.

SECTION 89. Whenever a final judgment shall be obtained against any village, the judgment creditor, his assignee or attorney, may file with the village clerk a certified transcript of such judgment, or of the docket thereof, together with his affidavit, showing the amount due thereon and all payments, if any, and that the judgment has not been appealed from or removed to another court, or if so appealed or

Relating to final judgment obtained against the village.

removed, has been affirmed; and thereupon the village clerk shall extend the amount thereof with interest from the date of its rendition to the time when the warrant for the collection thereof will expire, upon the taxable property of such village, placing the same in a separate column on the next tax roll; and the same shall be collected and returned as village taxes are, and paid to the party entitled thereto. Whenever, for any cause, the amount which ought to be assessed on any such village as above provided, shall not be so extended, on the next tax roll after the filing of such transcript and affidavit, the village clerk shall extend the same on the next, or any subsequent, tax roll within two years thereafter. No village shall dissolve or abandon its organization pending an action, or before judgment against it shall have been paid.

Relating to dissolution of the village organization.

SECTION 90. Whenever an application in writing, signed by one-third as many electors of any village, incorporated by special act or under the general statutes, as voted for village officers at the next preceding election therefor, shall be presented to the village board praying for dissolution of the village corporation, such board shall submit to the electors of such village, at a general election, or at a special election called by them for that purpose, the question whether or not such village corporation shall be dissolved. The form of the ballot shall be, "for dissolution," or "against dissolution;" such ballots shall be deposited in a separate box, and such election shall be conducted, the votes canvassed and statement thereof made, filed and recorded as in other cases.

Shall cease to be a village six months after so voted by two-thirds vote.

SECTION 91. If two-thirds of the ballots cast at such election on such proposition shall be for dissolution, such village shall, at the expiration of six months from the date of such election, cease to be an incorporated village. Within six months, the village board shall dispose of the village property and settle, audit and allow all just claims against the village.

It shall settle with the treasurer and other village officers, and cause the assets of the village to be used in paying its debts. If anything remain after paying such debts, it may designate the manner in which the same shall be used. If there are not sufficient funds to pay the debts of the village, the board may levy a tax to cover the deficiency, which shall be collected as other taxes, and be paid out by the town treasurer in payment of the outstanding village orders or bonds; and in case of such dissolution, the territory embraced in the village, shall revert to and become a part of the town or towns from which it was taken or in which it is then located.

SECTION 92. Any two villages situated on opposite sides of a river or other body of water, whether such villages or either of them, is incorporated under the general statutes or under special law, may jointly build a bridge or bridges across such river or other body of water, or purchase or lease from the owner or owners thereof, any such bridge or bridges, and all appurtenances thereto belonging, together with any charter and privileges granted by this state for the erection and maintenance of such bridge or bridges, and also such rights of way as may be needed in widening or otherwise extending such bridge or bridges, upon such terms as may be agreed upon with the owners of the property, who are hereby authorized to make a sale or lease thereof to such villages; provided, that the amount to be paid as rent under any such lease shall not exceed one hundred dollars per annum, and that the sum to be paid for the purchase of any such bridge shall not exceed twenty thousand dollars.

Relating to building bridges over a river between two villages.

SECTION 93. For the execution of the powers conferred by the preceding section, each such village may borrow not to exceed ten thousand dollars for a period of not more than twenty years, at a rate of interest not in excess of six per centum per annum, principal and interest payable when and where agreed upon; and to

May borrow \$10,000 for twenty years for bridge purposes.

Manner of borrowing.

secure the payment of the money so borrowed, each such village may issue its bonds with interest coupons attached; provided, that neither of such villages shall borrow any sum of money for the purpose specified in the preceding section, unless the other shall borrow its proportion; nor shall any bonds be issued, nor any tax be levied for such purposes by either, unless the levy of such tax, or the issuance of such bonds, shall have been approved by a majority of the electors voting on the question at an election noticed and held as required by section 1321. Section 1322 is declared applicable to the purposes and objects of this and the preceding section. The proportion of the liability of each such village for the accomplishment of the objects authorized in the preceding section, shall be determined by the president and trustees of both villages, or by such other officers as may from time to time be authorized to execute the corporate powers of such villages, respectively. To provide for their payment of money borrowed, pursuant to this section, each such village shall annually levy a tax upon all the taxable property therein, sufficient to pay the principal and interest on its bonds as the same shall become due; such taxes to be levied and collected at the time and in the manner other taxes for village purposes are levied and collected in such villages, respectively. This and the preceding section shall be construed liberally and favorably for the accomplishment of their purposes.

Relating to the indebtedness that existed prior to incorporation.

SECTION 94. Whenever a village has been or hereafter may be incorporated from the territory of a town in which there existed an indebtedness at the time of such incorporation, so much of such indebtedness as shall become due, or be required to be levied in any year, shall, on or before the time fixed by law for the annual meeting of the county board, be certified by the chairman of such town to the county clerk, who shall apportion the same proportionately upon such village and town ac-

ording to the valuation of each, as fixed by the county board for that year; and the amount so apportioned shall be levied, collected, and paid by the proper officers of such village and town. If such village embrace a portion of two or more towns, it shall be the duty of the assessor of such village, at the time of making the assessment, to place in a separate tax roll or rolls, to be provided by such village for that purpose, an assessment of all the property, real and personal, situate or being by law assessable, in that portion of that village embraced within the town or towns so indebted. Such assessment shall be laid before the board of review of such village, and by such board made to conform in value with the regular assessment of such property. It shall be the duty of the clerk or clerks of the town or towns so indebted, immediately after the adjournment of the board of review in any such town, to certify to the county clerk the assessed valuation of such town as fixed by the board of review, together with the amount of such indebtedness to become due or required to be levied in that year. It shall be the duty of such village clerk, immediately after the adjournment of the board of review in such village, to certify to the county clerk, the assessed valuation of such portion of such village embraced in the town so indebted, as fixed by the board of review; and such county clerk shall apportion the amount to be so levied for that year proportionately upon such village and town; and the amount so portioned to such village shall be extended upon the tax rolls against the property so specially assessed, in a separate column, and collected and paid by the village treasurer.

How it shall
be paid and
adjusted.

SECTION 95. Whenever a petition shall be presented to the clerk of any village incorporated under the provisions of this act, or under any general law, praying that any street in said village, or any part of any street not less than forty rods in length, be sprinkled, signed by at least two-thirds of all the owners of land abut-

Relating to
the sprinkling
of streets, etc.

ting upon that portion of said street proposed to be sprinkled, which petition shall be verified by affidavit as to such ownership, the board of trustees of such village may provide for the sprinkling of such street, or part of street, for such time as they may determine. Whenever the board shall determine to sprinkle any such street, they shall levy and collect a tax upon the lots and blocks abutting that portion of such street to be sprinkled, in the manner provided in sections 79, 80, 81, 82, 83 and 84 of this act, so far as such sections may be applicable to defray the expense thereof; provided, that pending the levying and collection of such tax, the expense of such sprinkling may be paid from the general fund, to be reimbursed by such special tax when collected.

Relating to assessments in villages incorporated prior to the passage of this act.

SECTION 96. Whenever any village heretofore organized under any general law, which at the time when this act shall take effect, shall be part of a town or towns for town purposes, and whenever any village which shall have been organized under any special law, and shall at the time of reincorporation under section 1, of this act, be a part of a town or towns for town purposes, shall own property jointly with such town or towns, such property shall be divided between them in proportion to the equalized value of each, as fixed by the county board at the first equalization subsequent to such separation; provided, that if such village be situated in two or more towns, such property shall be divided in the proportion that the assessed value of that portion of such village embraced in either such town, bears to the whole assessed value of said town at the last preceding assessment. For the purpose of determining such assessed valuation, it shall be the duty of the assessor to designate, in a separate column, the town in which all property, real or personal, is situated at the time of such assessment. If such property so held is real estate, it shall belong to the municipality in which it is situated, and such municipality shall pay to

the other its proportion of the value thereof, and if the boards of said village and town or towns, cannot agree upon its value, or upon the value of any indivisible property held jointly, the board of either of them may, upon five days' notice of the time and place given to the board of the other, apply to the county judge of the county in which the town or towns and village, or some part of either thereof, is situated, for the appointment of three arbitrators, who shall be freeholders of the county and not residents or tax payers of such village or town, who shall, after being sworn to faithfully perform the duties imposed upon them, view the property and appraise and fix the value thereof, for the purposes of such division; and in case of personal property, if no satisfactory arrangement for the division of it can be otherwise made, such appraisers may order the same to be sold at public auction to the highest bidder, at such time and place as they may direct, and after giving such public notice as they may prescribe; the village or either town may buy at such sale. If the village and town boards agree upon the division of such property, or a finding is made by the arbitrators, they shall file with the clerk of the village or town which shall be found by such agreement or finding to be the debtor of the other, a written statement, signed by them respectively, showing the amount of such indebtedness, which shall be a charge against such debtor corporation, and which, if not paid otherwise, shall be added by the clerk thereof to the next tax roll of such town or village and paid by treasurer thereof to the treasurer of the corporation entitled to receive it. It shall then be the duty of the proper officers of the corporation to whom such payment is made, to execute a conveyance of the property to which the town or village making such payment is entitled by such agreement or finding.

SECTION 97. Any town officer, except justices of the peace, who shall reside within the

Present town officers to hold office until 10 days after the annual meeting.

limits of an incorporated village which shall be separated from such town by the provisions of this act, and any town officer, except justices of the peace, who shall reside within the territory embraced within any village hereafter organized, shall continue to be such town officer and discharge all the duties thereof, until ten days after the next annual town meeting in said town, unless his successor shall have sooner qualified.

Villages having 1,500 inhabitants shall become cities of the fourth class. Polls, when to be opened and closed, etc.

SECTION 98. Whenever the population of any village of this state shall exceed fifteen hundred, as shown by the last national or state census, such village shall become a city of the fourth class, and the trustees of such village shall, at a regular meeting, by ordinance or resolution, make publication thereof, and shall in such resolution, fix the number and boundary of the wards into which such city shall be divided and fix the time for holding the first city election, which shall not be less than twenty days from the date of such resolution, and shall therein name three inspectors and one clerk of election for each ward. The polls of such election shall be opened at six o'clock in the forenoon and closed at five o'clock in the afternoon. Ten days' previous notice of the time and place of such election and of the officers to be elected shall be given by the village clerk by publication in some newspaper published in such village, if there be one; and if there be none, then in some newspaper published in the county, and by posting such notice in three public places in said village. The result of such election shall be filed in the office of the village clerk, and such clerk shall immediately certify the fact of holding such election to the secretary of state; and thereupon a patent shall be issued to such city as provided in section 5, of chapter 326, of the laws of 1889, as amended by chapter 312, of the laws of 1893. Thereafter such city shall in all things be governed by the general city charter law. All debts and obligations existing against

such village at the time of such change shall continue and become like debts and obligations against such city, and such city may carry out and complete all proceedings then pending for the issue of bonds for improvements therein.

SECTION 99. This act shall not be construed to affect any suit pending, or cause of action existing, at the time of its passage, to recover damage for injury to person or property, by reason of a defect in any street or highway, whether against a town or a village.

This act does not affect any pending suit.

SECTION 100. All villages hereafter organized under the provisions of this act, and all villages heretofore organized under any general law of this state, and all villages now existing under any special law of this state, which shall reincorporate under the provisions of section 1, of this act, and all villages the incorporation of which shall be rendered valid by section 6, of this act, shall, from and after the passage of this act, be separate and independent municipalities and shall constitute separate election districts within the meaning of the statute relating to general elections.

Villages incorporated under this act to be separate election districts.

SECTION 101. In order to carry into effect the provisions of this act, it shall be the duty of the board of trustees in any village where no assessor has been elected, to appoint, before the first day of May, 1897, an assessor for such village, who shall hold his office until the next charter election, and who shall qualify in the manner provided by law.

Assessors to be appointed before May 1, 1897.

SECTION 102. No law contravening the provisions of this act shall be construed as repealing or modifying the same, unless such purpose be expressly set forth in such law.

Repealing section.

SECTION 103. All acts or parts of acts contravening or in conflict with the provisions of this act, are hereby repealed.

Repealing section.

SECTION 104. This act shall take effect and be in force from and after its passage and publication.

Approved April 21, 1897.