

CHAPTER 107. of the center of Fourth street, shall hereafter constitute and be the second ward of the city of La Crosse, and all the territory now included in the second ward of said city, which lies east of the center of Fourth street of said city, shall hereafter constitute and be a new ward, to be called the fourth ward of the city of La Crosse, and the said second and fourth wards, hereby created, shall have all the rights and privileges, and be subject to the same regulations, laws and ordinances as the other wards in said city, and shall be entitled to elect the same officers.

Rights and
privileges.

Officers to be
elected.

§ 2. At the next annual charter election in the city of La Crosse, there shall be elected in the fourth ward, hereby created, one alderman, who shall hold his office for three years, and one alderman who shall hold his office for two years, and one alderman who shall hold his office for one year, and annually thereafter there shall be elected in each of said wards, one alderman who shall hold his office for three years, and the alderman elected for three years in the said second ward, at the charter elections of A. D. 1858 and 1859, shall be and continue aldermen for the said second ward for the remainder of the terms for which they were elected, and it shall be the duty of the common council, at the next charter election, to appoint three inspectors of election in each of said second and fourth wards, and to designate the places for holding the elections in said said wards.

§ 3. This act shall take effect from and after its passage and publication.

Approved March 14, 1860.

[Published March 16th, 1860.]

CHAPTER 107.

AN ACT to amend an act, entitled "An act to incorporate the village of Geneva."

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

Boundaries.

SECTION 1. All that part of section one of an act entitled "An act to incorporate the village of Geneva," approved March 28th, 1856, which describes the bounds of said village of Geneva, shall be stricken out, and the

following words shall be inserted in place thereof, viz: CHAPTER 107.
 "all that district of country included in section number thirty-six, the south half of the south half of section number twenty-five, the southeast quarter of the south east quarter of section number twenty-six, and the east half of the east half of section number thirty-five, in the town of Geneva, in the county of Walworth; also sixty-seven acres of land on the west end of the north half of the fractional half of section number one in the town of Linn, in said county, extending from Geneva lake eastward to the west line of land now owned by Joseph Gates; also five acres of land in a square form in the southwest corner of the northwest quarter of section number thirty-one in the town of Hudson, in said county, shall hereafter be known and distinguished by the name of the village of Geneva."

§ 2. At the annual election in the village of Geneva, in the year 1860, and in each year thereafter, there shall be elected a street commissioner, who shall hold his office for the term of one year, and until his successor is elected and qualified. Street Commissioners.

§ 3. All that part of section four of the act, of which this is amendatory, which follows the words, "Justice of the Peace," in the fifth line thereof, is hereby amended so that the same shall read as follows, viz: "who shall be a resident of said village and keep his office therein. Such justice shall take an oath of office, and execute an instrument in writing, similar to that required of justices of the peace elected in the several towns in this state, with sureties, to be approved by the trustees, or a majority of them, and shall file the same with the clerk of the circuit court of his county, and his election shall be certified to the clerk of said court by the village clerk. He shall have the same jurisdiction, powers and rights, perform the same duties, and be subject to the same liabilities as justices elected in the several towns. In case of a vacancy in the office of justice of the peace, the same may be filed at the next annual election, or at a special election called for that purpose; and the person elected to fill such vacancy, shall hold said office during the unexpired portion of the regular term." Justice of the Peace.

§ 4. Section seven of said act is hereby amended, so that the same shall read as follows, viz: "In case the officers of said village, or any of them, shall not be elected at the annual election, or in case of vacancy, Vacancies in office.

CHAPTER 107. from any cause, the corporation shall not thereby be dissolved; but vacancies in the offices of president and trustees may be filled at a special election, and vacancies in all other offices, not herein otherwise provided for, may be filled, by appointment, by the trustees.

Treasurer.

§ 5. Section nine of said act is hereby amended so that the same shall read as follows, viz: "The Treasurer shall, before he enters upon the duties of his office, execute to the trustees a bond, with sureties, to be approved by them, for the faithful discharge of the duties of his office, which bond shall be in, at least, double the amount of taxes expected to be raised during his term, and shall be filed with the clerk. He shall be entitled to five per cent. of all moneys collected by him as such treasurer, as a full compensation for collecting and paying out the same."

Papers to be filed.

§ 6. All that portion of section eleven of said act which follows the words "legal meetings," in the fifth line thereof, is hereby amended so that the same shall as follows, viz: "And he shall duly file and safely keep all certificates of oaths, affidavits, bonds, and other papers required by law, or by the order of the trustees to be filed therein. Copies of all papers duly filed in his office, and transcripts from the village book of records, certified by him, shall be evidence in all courts in like manner as if the originals were produced.

Books to be handed over on expiration of term of office.

§ 7. The words "record thereof, which warrants and the record thereof," shall be substituted for the words "copy thereof, which warrant," in the ninth and tenth lines of section twelve of said act, and the following words shall be added to said section, viz; "and shall, at the expiration of his term of office, hand over to his successor in office, all moneys, books, papers and vouchers in his possession, belonging to said corporation.

Constables.

§ 8. Section thirteen of said act is hereby amended so that the same shall read as follows, viz: "Every constable elected or appointed in said village, except special constables, shall, before he enters upon the duties of his office, execute an instrument in writing similar to that required of constables elected in towns, with sureties to be approved by a majority of the trustees, and file the same with the village clerk, who shall certify his election or appointment to the clerk of the circuit court of his county; and he shall have the same power to act throughout his county, and receive the same fees as constables elected in town."

§ 9. Subdivisions three, six, eight, eleven, twelve, thirteen, fourteen, fifteen and sixteen of section fourteen of said act, are hereby repealed, and the following subdivisions shall be inserted in said section in place thereof, vis :—

CHAPTER 107.

Repeal.

3. To lay out, make, open or discontinue streets, avenues, lanes, alleys and sidewalks, in the manner hereinafter provided; to repair, grade and improve the same, and to make sewers, bridges and cross-walks; and to keep them free from obstructions, and protect them from injury.

Streets, &c.

6. To prevent any person from bringing into said village, or depositing or keeping therein, or in the waters in and adjoining the same, any putrifying or unwholesome body or substance, and to require any person who shall have brought in or deposited, or shall have on his premises, any such body or substance, to remove the same forthwith, or, in his default, to cause the same to be removed at the expense of such person, to be collected of him in an action therefor; also to prevent, remove, and abate any other nuisances, and to punish persons guilty thereof.

Nuisances.

8. To fence the public squares and other public grounds of said village, and to protect monuments, and shade and ornamental trees and shrubs growing upon such public grounds, or along the sides of the streets.

Fences, &c.

11. To restrain or prevent riots, disturbances, or disorderly assemblages; to suppress disorderly and gaming houses and shops, gambling devices, indecent shows or exhibitions, and houses of ill-fame, and to arrest, restrain and punish persons guilty of drunkenness, obscenity or disorderly conduct in the streets and public places of said village.

Riots, disorderly houses, &c.

12. To restrain and prevent horse racing and immoderate riding or driving in the streets, and to regulate and prevent public bathing and swimming in the waters in said village in the daytime.

Horse racing, bathing, &c.

13. To call special meetings of the voters of said village; notice for such special meetings, stating the objects for which the same are called, shall be published in the same manner as is provided in case of annual elections.

Special meetings.

14. To audit all accounts against the corporation, and to prescribe the compensation of all officers, where no other provision is made therefor: *Provided*, That

Accounts.

- CHAPTER 107.** such compensation shall not exceed that of similar officers in towns: *Provided, also,* That the president and trustees shall receive no compensation for their services: *Provided, also,* That no account shall be allowed unless it is verified by the oath of the person presenting the same.
- Compensation.**
- Accounts verified.**
- Tax for improvement of streets.**
15. To tax every male resident of said village being over the age of twenty-one years, and under the age of fifty years, one day's labor, or in lieu thereof, one dollar, to be collected in the same manner as other highway taxes, by the street commissioner, and appropriated under his direction, to the improvement of the streets of said village.
- Special constables.**
16. To appoint special constables, whenever they shall deemed the same necessary to preserve the public peace. Such constables shall be appointed for a limited time, not exceeding ten days, and during the term of their appointment, shall have all the powers of other constables so far as necessary for the preservation of the peace and good order of said village.
- Fines, penalties, forfeitures &c.**
- § 10. Section fifteen of said act is hereby amended so that the same shall read as follows, viz: The said trustees may, in all by-laws, regulations and ordinances, made and published by them, ordain and prescribe such reasonable fines, penalties and forfeitures, for the violation thereof, as they may deem proper; such fines, penalties and forfeitures may be sued for and recovered with costs, before any justice of the peace or court having cognizance thereof, in the name of the corporation; and in the complaint in such action, it shall be sufficient to set forth that the defendant has violated a certain by-law, regulation or ordinance of said village, briefly referring thereto, and has thereby incurred a certain fine, penalty or forfeiture, specifying the same, and the defendant may answer, and give notice of special matters, as in civil actions. In all cases in which the offense complained of amounts to a breach of the peace, at common law, the first process may be a warrant to arrest the offender, and, upon conviction in any such case, execution may be issued against the goods and body of such offender, and he may be imprisoned thereon, in the common jail of Walworth county, as in civil actions commenced under the provisions of section twenty-four, of chapter one hundred and twenty, of the Revised Statutes. All fines, penalties and forfeitures, when collected, shall be paid to the treasurer, for the
- Breach of the peace.**
- Fines, how paid.**

use of the village. The trustees may remit such fines and penalties, or any part thereof. CHAPTER 107.

§ 11. Section twenty-one of said act is hereby amended so that the same shall read as follows, viz: It shall be the duty of the trustees, before the annual election in each year, to make out full and correct report of all the moneys received and expended for said village during their term, specifying particularly the items for which said moneys have been expended, and to cause such report to be posted up, at least ten days previous to such election, in the office of the village clerk, and at the place of holding the last annual meeting, and to be read to the electors at the opening of the polls on the day of election, and in such report they shall specify what sums of money they deem necessary for the electors of said village to raise by tax for the ensuing year, and for what purpose they deem it necessary to raise the same. Remit.
Receipts and
expenditures to
be reported.

§ 12. The trustees of said village shall have power to provide a suitable room for temporary confinement of persons who may be lawfully arrested for any breach of the peace, until such person shall be dealt with according to law; such room shall be called "The Lock-up," and shall be in charge of one of the village constables, who shall furnish to persons confined therein necessary food, while they are so confined, at the expense of said village: *Provided*, That the rent of such lockup shall not exceed twenty-five dollars per year. Place of con-
finement.

Rent.

§ 13. Sections twenty-two and twenty-three of said act are hereby repealed. Repeal.

§ 14. Section twenty-four of said act is hereby amended so that the same shall read as follows, viz: The trustees shall have power to levy and collect taxes on all such property in said village, as shall be subject to town and county taxes: *Provided*, That they shall not raise by tax in any one year, more than two hundred dollars, unless authorized by a vote of the electors of said village, at an annual or special meeting, notice of which meeting, and the sum proposed to be raised, and the object for which it is to be raised and expended, shall have been duly published: *Provided, also*, That the electors shall not raise by tax in any one year more than four hundred dollars in addition to the amount which the trustees are authorized to raise. Taxes.

Limitation.

Limitation of
electors.

§ 15. The trustees shall have no power to borrow money in the name of the corporation, or to incur any Borrow money,
&c.

CHAPTER 107. debt or liability in any year the payment of which shall not be provided for by the tax of said year.

Assessment.

§ 16. There shall be inserted in section twenty-five of said act, immediately after the word "year," in the second line thereof, the following words, viz: "to call upon each taxable inhabitant of said village, and ascertain by diligent inquiry, the value of taxable personal property owned by such person, and to estimate the value of each parcel of real estate, upon personal view thereof, and."

Records.

§ 17. Section twenty-six of said act is hereby amended by striking therefrom the words, "and shall be recorded in a book to be kept for that purpose," and the words "or the record thereof," and the words "either of them," where they occur in the twenty-first, twenty-second and twenty-third lines thereof.

Records.

§ 18. Section twenty-seven of said act is hereby amended by striking out the words "and record," in the first and second lines thereof, and the words "in the book where such list shall be recorded," in the fourth line thereof.

**Affidavit of
Printer to be
filed with
Clerk.**

§ 19. Section thirty of said act is hereby amended by adding thereto the following words, viz: The treasurer shall procure and file with the village clerk the affidavit of the printer or publisher of the newspaper in which such advertisement was published, or of the person who posted the same, showing that such advertisement has been duly published or posted up, and such affidavit shall be *prima facie* [*facie*] evidence of the due publication or posting thereof.

**Lands sold to
be recorded.**

§ 20. Section thirty-one of said act is hereby amended by inserting immediately after the words "this act" in the tenth line thereof, the following words, viz: "and he shall record in a book to be provided for that purpose, a statement of each lot or parcel of land so sold by him, the amount for which the same was sold, and the name of the purchaser thereof," and also by inserting in said section, immediately after the words "such certificate," in the twenty-first line thereof, the following words, viz: "And the amount of any tax paid by such purchaser subsequent to the date of said certificate, with interest thereon at twenty per cent. per annum from the date of such payment."

**Duty of Treas-
urer on redemp-
tion of lands.**

§ 21. Upon the redemption of any lot or parcel of land sold for taxes, the treasurer shall give to the person paying the same, his receipt, specifying the sum

paid, the lot or parcel of land for the redemption of which the same was paid, and the year in which the same was sold for taxes, and he shall enter upon his record of sales, opposite the description of such lot or land, the name of the person redeeming, the time when redeemed, and the amount paid therefor; and shall thereafter, on demand of the person holding the certificate of sale, pay over to him the amount so received by said treasurer.

§ 22. Section thirty-six of said act is hereby amended so that the same shall read as follows, viz: The president and trustees shall have power upon petition in writing, signed by twelve freeholders of said village, to lay out, alter or widen streets and alleys in said village, and to vacate such streets, roads and alleys as to them shall seem to be of no public utility; and in connection with the supervisors of the town of Geneva, or of any town adjoining said village, to lay out or widen streets or highways upon the boundary line between such town and said village. Upon receiving such petition, the president shall cause a notice of the time and place of meeting to consider said petition, to be served upon all the resident owners of lots adjoining any such street, alley or highway, and to be posted up in three public places in said village. At the time and place mentioned in such notice, the president and trustees, being satisfied that such notice has been served and posted up, by the affidavit of the person who served and posted up the same, shall proceed to view such street, alley or highway proposed to be laid out altered or widened, and to decide upon such petition, and shall incorporate their decision thereon in an order to be signed by them, and recorded in the office of the village clerk. In case they shall decide to lay out, alter or widen any such street, alley or highway, the same shall be accurately described in said order. The like proceedings shall be had, as near as may be, in case of laying out or widening any street or highway on the boundary line between said village and an adjoining town. Any person sustaining damage by reason of the laying out, altering or widening of any such street, alley or highway through his lands, shall be entitled to adequate compensation therefor.

§ 23. Section thirty-seven of said act is hereby amended so that the same shall read as follows, viz: If the president and trustees can agree with the person

CHAPTER 107.

President and Trustees may lay out at &c., on petition.

Notice of petition to be served.

Shall decide upon petition.

Damages.

CHAPTER 107.

President and Trustees may agree with persons claiming damages.

Damages in case of non-residents.

Notice to be given residents and non-residents.

Jury may be summoned.

Jury to estimate damages.

To make report.

Damages paid out of village treasury. Papers to be filed.

claiming damages, as to the amount thereof, they shall reduce such agreement to writing, signed by the parties, and cause it to be recorded by the village clerk, and such agreement shall be binding upon such person and upon the corporation; but if the owner of any lands through which such street, alley or highway is laid out, altered or widened, be non-resident, or if the parties cannot agree as aforesaid, then such damages shall be ascertained by six disinterested freehold electors of said village, who shall be selected in the same manner as jurors before justices of the peace are selected in civil cases. The president shall give at least three days notice to the owners of such lands, if residents of said village, or if they be non-residents and have any known agents residing therein, then to such agents, to appear before some justice of the peace in said village, to strike a list of jurors. If the owners of any such lands be non-residents, and have no known agents in said village, or if any person having been notified, shall fail to appear at the time appointed in such notice, the justice shall strike for them, and when the jurors shall have been so selected, the said justice shall issue a precept to one of the constables residing in said village, directing him to summon the jurors so selected, to meet at a time and place mentioned in said precept, to appraise the damages sustained by the owners of such lands as aforesaid. Several of such owners may if they choose unite in selecting the same jury. Such jurors, when met, shall be sworn, by some officer authorized to administer oaths, truly to estimate, upon actual view, such damages; and after being sworn they shall proceed forthwith to view the premises through which such street, alley or highway shall have been laid out, altered or widened, and to estimate the damages sustained by the owner thereof, and shall take into consideration in estimating such damages, the benefits, if any, accruing to such owners thereby; and shall make a report of their decision to the president under their hands, within twenty-four hours, which report shall be recorded in the office of the village clerk, and shall be conclusive upon the corporation and the owners of such lands. The damages, when ascertained as aforesaid, and the expenses of ascertaining the same, shall be paid out of the village treasury. The petition and all papers relating to the action of the president and trustees or jury thereon, shall be attach-

ed together and filed in the office of the village clerk. CHAPTER 107.

§ 24. The trustees may compel the opening of streets, alleys and highways in said village, and the removal of fences, buildings, fixtures, or other impediments encroaching upon or obstructing such streets, alleys or highways, or any ditches constructed for draining the water therefrom, and for that purpose shall have all the powers conferred upon town supervisors by the general laws of this State relating to highways, shall proceed in like manner as near as may be and may enforce the like penalties. Trustees may compel opening of streets, &c.
Should have powers of Supervisors.

§ 25. Whenever the trustees shall deem it necessary and proper that a side-walk be made or repaired, along any street or public ground, they shall carefully estimate the expense of making or repairing the same, and if upon such estimate it shall appear that there are sufficient funds in the treasury, or provided for by tax, to make or repair the same, and properly applicable thereto, they shall cause notices to be posted up in three public places in said village, that sealed proposals will be received at the clerks office, until a certain day to be fixed by them, for making or repairing such side-walk, of such materials and in such manner, as shall be specified in such notices. Side walks to be made or repaired by contract.
Notice.

§ 26. On the day fixed in such notices, the trustees shall meet and proceed to open and examine such proposals and let the job of making or repairing such side-walk, and furnishing the materials therefor, to the person who shall propose to do said job for the lowest sum, and shall give security, to be approved by the president for the faithful performance of his contract. The street commissioner shall, from time to time, during the progress of said work examine the same, and when the same shall be completed and approved by the president, the trustees shall cause warrants to be drawn on the treasurer for the payment of the amount due therefor. Letting.
Street Commissioner to examine the same and draw warrants in payment therefor.

§ 27. The owner of any lot, or lots of land, in said village may, at his own expense, build a side-walk along the street adjoining the same, commencing at such point and building the same in such a manner and of such materials as shall be directed by the trustees. When such side-walk shall be completed, the president and trustees shall, at the request of such owner, examine such side-walk and if approved by them they shall ascertain the cost thereof and certify the same to the village Owner may build sidewalk. Cost may be borne by city.

CHAPTER 107.

Extraordinary
or unnecessary
expenditure
not allowed.

In case lots are
sold along
which side-
walks con-
structed.

Trustees to
have exclusive
control of all
streets and
highways.

clerk, who shall credit to each such owner the amount so certified to him, in a book to be kept for that purpose, and the said clerk shall, whenever, thereafter, he makes up the the tax list of said village, charge upon such book, to each such owner, who shall have been so credited previous to making up such list, the amount of tax assessed against him, until the amount of such taxes shall be equal to the amount so credited such owner as aforesaid, and shall at the same time mark, as paid, on said tax list, so much of the tax against such owner as shall be satisfied by such credit, and the treasurer shall not collect so much of any tax as shall be so marked as paid: *Provided, however,* That the trustees shall not in ascertaining the cost of any such side-walk, allow anything for any extraordinary or unnecessary expenditure thereon, but if built in the ordinary and usual manner of side-walks, in like localities, in said village, as then existing, or according to a general plan adopted by the board of trustees, they shall except and credit the same as aforesaid; and provided further, that in case such owner shall sell any such lot along which any side-walks may have been so built, before such side-walk shall have been paid for by credit of his taxes, then so much cost as remains unpaid and a proportionate credit to the said lot as against the village taxes assessed thereon for the year such walk shall be built, compared with the entire village taxes of such owner, shall be transferred to the credit of such lot and be allowed to the purchaser or subsequent owner thereof.

§ 28. Section thirty-eight of said act is hereby amended so that the same shall read as follows, viz.: The trustees shall have exclusive control of all streets and highways within the limits of said village, and all highway taxes assessed or payable, on persons or property residing or being therein, shall be expended on the highways, streets and bridges in said village, but not on any sidewalk or alley, and the overseers of highways, whose districts shall be wholly, or in part, included within said village, shall apply and expend all such taxes therein, any law to the contrary notwithstanding, and the street commissioner shall, under the direction of the trustees, supervise and control the expenditure of all highway taxes, assessed upon persons or property in said village, either under the general laws of this State or under this act, the opening and working of highways and streets in said village, and the building

and repairing of bridges, sewers, side-walks and cross-walks therein : *Provided, however,* that the trustees may, by special order, allow such portion of said taxes as they may deem proper, not exceeding one half thereof, to be expended without the limits of said village, on any public highway leading into the same. CHAPTER 112.
Proviso.

§ 29. Section forty of said act is hereby repealed. Repeal.

§ 30. This act shall be published immediately, and shall take effect as soon as published. Effect.

Approved March 14, 1860.

[Published April 2, 1860.]

CHAPTER 112.

AN ACT to incorporate the village of Pepin.

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

CHAPTER 1.

VILLAGE AND WARD BOUNDARIES.

SECTION 1. From and after the first Tuesday of April next, the district of country, in the county of Pepin, and town of Pepin, contained within the limits and boundaries hereafter described, shall be a village by the name of Pepin, and the people now inhabiting, and those who shall hereafter inhabit, the district of country herein described, shall be a corporation, by the name of the village of Pepin, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the power herein specially granted and the authorities thereof shall have perpetual succession; shall have power of contracting, and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity; and shall have a common seal, and may change and alter the same at pleasure. Village of Pepin incorporated.
Powers of corporation.

§ 2. The territory lying in the town of Pepin, in the county of Pepin, known and designated as sections number twenty-five (25), twenty-six (26), the northeast quarter of section twenty seven (27), and fractional northeast quarter ($\frac{1}{4}$) of section thirty-six (36), in town Boundaries of village.