

SUPPLEMENT

TO

PRIVATE AND LOCAL LAWS.

[The Laws which appear in this Supplement, are such acts, of local interest, as it was deemed necessary to "publish" as General Laws, under decision of the Supreme Court, in the case "State of Wisconsin, *ex. rel.*, Montgomery M. Cothren, *against* Joseph Lane." They were accordingly numbered as chapters of the General Laws, and published in the "Wisconsin Patriot," on the days respectively stated at the head of each act; but are bound in this volume to avoid encumbering the volume of General Laws with so much matter of mainly local importance.]

[Published March 9th, 1860.]

CHAPTER 82.

CHAPTER 82.

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

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

Notice of election.

First election.

Officers to be elected.

SECTION 1. It shall be the duty of the trustees of the village of Omro, to give ten days notice, previous to any election to be held in said village, by posting up notices in three of the most conspicuous places in said village, or by publishing the same in some newspaper in said village, if there shall be one published there; which election shall be the first annual election under this act; at which election the, legal votes of said village, hereby incorporated, shall elect by ballot, five trustees, one of whom shall be designated on the ballot as President; one clerk, one assessor, one marshal, one treasurer,

which officers shall severally hold their offices, until the next annual election, and until their successors are elected, or appointed, and qualified. CHAPTER 52.

§ 2. On the second Monday in April, A. D. 1860, and on the same day in each year thereafter, there shall be an annual election of officers of said village above specified, and the trustees shall give like notice, as is provided in the above section, and the said trustees, or any two of them shall preside at the same. Time of annual election.

§ 3. No person shall be eligible to any of said offices, unless he is a voter in said village. Voters only eligible.

§ 4. At all elections, by the voters of the said village of Omro, held under this act, the polls shall be open at ten o'clock A. M., and continue open until four o'clock P. M., and the elections shall be conducted in a similar manner, as far as may be, to the elections of town officers in the several towns in this State, and the general provisions, so far as applicable, relating to the challenge of votes, and the oath to be tendered, administered, or taken, by a [the] person whose vote is challenged, and the penalties provided for taking such oaths falsely and wilfully, knowingly, shall all apply to any election held by virtue of the provisions of this act. A plurality of votes shall, in all cases, decide any election, and in case any two or more persons shall receive an equal number of votes, at any election, for the same office, the election shall be determined in manner provided in section forty-two (42), chapter fifteen (15), of the Revised Statutes. Manner of conducting elections.

§ 5. In case such officers, or any of them, shall not be elected on the day herein appointed for the same, the corporation shall not be dissolved thereby, but vacancies in the office of president and trustees shall be filled by special election, by voters of the village, and vacancies in all other offices by appointment by the trustees. Vacancies, how filled.

§ 6. Every officer, elected under this act, before he enters upon the duties of his office, and within ten days after his election, shall take an oath to faithfully discharge the duties of his office and support the Constitution of the United States, and the laws of this State. Official oaths.

§ 7. The treasurer and marshal, before they shall enter upon the duties of their office, shall severally give bonds to the trustees, in such sums as the trustees may determine. Bonds required from Treasurer and Marshal.

§ 8. It shall be the duty of the president to preside at all meetings of the trustees and at all elections in Duties of President.

CHAPTER 82. and for the village, and to see that all by-laws and ordinances are duly observed, and to prosecute all suits, which may be necessary, in the name of the corporation.

Duties of Clerk § 9. It shall be the duty of the clerk to keep a record of the doings of the board of trustees, also a record of all the doings and votes of the inhabitants of said village, at their annual and other legal meetings, and keep on file all papers which may be ordered by the trustees. The record kept by the clerk shall be evidence in all legal proceedings, and copies of papers duly filed in his office, and transcripts from the record of proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts, of the contents of the same.

His records to be evidence.

Duties of Treasurer. § 10. The treasurer of said village shall receive all moneys which may be collected for the use of the said corporation, by virtue of this act, or by virtue of any by-law or ordinance of the corporation, or which may arise from any other source, and belonging to the corporation, and give the person paying the same his receipt therefor. All moneys shall be drawn from the treasury by warrants, signed by the president, by order of the trustees, and countersigned by the clerk, who shall keep a copy thereof, which warrant shall set forth for what purpose the amount specified therein shall be paid. He shall, as often as they shall require, render to the board of trustees, a minute account of all his receipts and payments.

Warrants on treasury.

Treasurer's report.

Marshal. § 11. The marshal elected under this act shall have the same power as constables elected in towns.

Powers of Trustees as Street Commissioners § 12. The trustees shall have the following powers; to open, keep in repair, improve streets, bridges, sidewalks, to protect shade trees in the streets.

As Fire Wardens. § 13. To provide all necessary operatives for extinguishing fires, to appoint a fire warden, to examine all buildings and [out]buildings of all descriptions; if found dangerous, to put them in a safe condition, if the owner refuses, and to collect the same from owner or occupant; to abate and remove all nuisances.

Building sidewalks. § 14. Upon application of one half of the inhabitants of any street, or part of street, or one side of street, to levy and collect a tax on the owner of lots on such street, or part of street, for the purpose of building sidewalks.

§ 15. To make, adopt, ordain and establish such by-

laws, ordinances and regulations, not repugnant to the laws of this State, or United States, for the purpose of carrying into effect the provisions of this act, as they may deem proper.

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To make by-laws, ordinances, &c.

§ 16. To license and regulate any theatrical exhibitions or public shows, upon such terms as they shall think proper. To license and regulate the sale of spirituous liquors if they deem proper.

To license shows, and regulate sale of liquors.

§ 17. It shall be the duty of the trustees, before the annual election, to publish a full and correct statement in detail, of the receipts and expenditures, by said trustees, for said village, during the past year.

Annual statement.

§ 18. It shall be the duty of the assessor, within thirty days after the annual meeting of each year, to make out an assesment in which he shall set down the names of all taxable inhabitants of said village, and the names, so far as can be ascertained, of non-residents who shall own real estate therein, and the description and quality of property subject to taxation in said village, and then give one week's notice at the time and place when he will equalize and correct said assessment roll, and when said assesment roll shall have been completed, it shall be certified by the assessor as a true assesment roll of all property subject to taxation in in said village, and immediately deposite the same with the clerk of said village.

Duties of the Assessor in respect to assesment of property and collect'n of taxes.

§ 19. It shall be the duty of the clerk, annually, on the first Monday of June, to lay the assesment roll before the trustees, at which time they shall meet and determine the rate per centum to taxed on the assesment roll for the current year, at which time any person feeling aggrieved at the value (*of the property*) that the assessor may have put upon his or her property, may appeal to the board of trustees, who may alter [the] same, as justice may require, and when the said trustees shall have determined the rate per centum to be taxed on the assessed value of the property, as contained on the assesment roll as appraised, it shall be the duty of the clerk, in the month of June, to make out, in accordance with such determination, a schedule of all the property, as contained in said assesment roll, after the same shall have been corrected by said trustees, together with the names of the owners thereof, when known, annexing to each lot, or other kind of property, the amount of taxes which shall be chargeable on the same, agreeably to the assesment, and the rate per centum of taxation, as fixed by

First Monday in June Trustees meet and fix city tax.

Shall hear appeals from Assessor.

City Clerk to make out tax list in June.

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the trustees, which schedule shall be called the tax list, and shall be recorded in a book, to be kept for that purpose, and said tax list, or the record thereof, shall, either of them, be conclusive evidence of the amount of corporation taxes assessed for the year for which the same shall be made out and dated.

Delivery of tax list to Treasurer

§ 20. It shall be the duty of the clerk to complete and record the tax list, as aforesaid, and deliver the same to the treasurer to collect, in the month of June, and make a record of such delivery in the book where such list shall be recorded, which shall be conclusive evidence of such delivery, until such tax shall be paid, together with all penalties and costs which may occur thereon, agreeably to the provisions of this act.

Notice by Treasurer.

§ 21. Upon the receipt of the tax list, as aforesaid, it shall be the duty of the treasurer to give notice, in a public newspaper, if there is any printed in said village, if there is none, then by posting up, in three public places in the village, that such tax list has been committed to him, for the purpose of collecting the tax thereon, and that he will receive the payment for taxes, at his office, until the last day of July, ensuing.

Proceedings for collection of taxes.

§ 22. If the taxes are not paid to the treasurer, on or before the last day of July, he may proceed to collect the same by distress and sale of goods, and chattels, of the person charged, giving six days notice of the time and place of such sale—written notices put up in three public places in said village.

Delinquent list.

§ 23. In case the tax on any lot, piece or parcel of land, shall remain unpaid on the last day of October, then ensuing, and there are no goods or chattels of the person charged therewith, to be found in said village, it shall be the duty of the treasurer of said village to make out a list of all delinquent land, lots, piece or parcel of land, of which the taxes have not been paid, verified by his affidavit and that he has used due diligence, and has failed to find any goods or chattels belonging to said delinquent tax payer, within the limits of the corporation, as charged therewith, and said list, with affidavit as aforesaid, to be deposited with the town clerk of the town of Omro, on or before the tenth day of November, then ensuing. It shall be the duty of the clerk of said town of Omro, in making out the assessment roll for the said town of Omro, to include the delinquent list as made out by the village treasurer, in the same manner as delinquent highway taxes are in-

To be delivered to Town Clerk of town of Omro.

cluded, described and set in a separate column under the head of delinquent village tax. The whole of said amount of said delinquencies shall be footed up and mentioned in the warrant, when delivered to town treasurer. And it shall be the duty of the town treasurer to pay or cause to be paid, to the village treasurer, all moneys so by him collected, and to make returns as provided by law in similar cases.

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Duty of said Town Clerk therewith.

Collection by Town Treasurer.

§ 24. All taxes assessed for building sidewalks, shall be assessed on the lots or pieces of land adjoining the street where said sidewalks are to be built, and in no other way shall taxes be raised for building sidewalks: crosswalks shall be built by a general tax on the property of the village of Omro.

Of taxes for sidewalks and cross-walks.

§ 25. All moneys accruing for granting any licenses which any law of this State authorizes, the trustees of said village are authorized to grant, shall be paid into the treasury of said village, to be expended under the direction of the trustees, like other money in said treasury.

License mon-
eys.

§ 26. All persons entitled to vote at general elections, and who shall have been actual residents of said village of Omro three months previous to any election therein, shall be entitled to vote at any village election or meeting authorized by this act.

Qualifications
of electors.

§ 27. The trustees shall have power to have a common seal, and alter the same at pleasure.

Seal.

§ 28. Whenever the board of trustees shall deem it necessary to construct or repair any sidewalk within said village, they shall instruct or direct the owner or occupant of any lot or land adjoining any such sidewalk, to make or repair the same, at his own proper costs and charges. If any such is not done in the manner and within the time prescribed, the trustees, or a majority of them, shall cause the same to be done at the expense of the lot or land adjoining such sidewalk, as herein provided in this act.

Of sidewalks.

§ 29. It shall be the duty of the president of the trustees to preside at all meetings of the trustees, to keep the seal of the corporation, to act as supervisor in county board, to have the same powers there as supervisors of towns.

President, as
Supervisor.

§ 30. If any election, provided for in this act, shall for any cause, not be held at the time prescribed, it shall not be considered a sufficient reason for vesting, suspending or absolving the said corporation, but such

Of special elec-
tions, where
regular elec-
tion was not
held.

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Vacancies, how filled. § 31. It shall be lawful to fill any vacancy that may occur during the year, of any of the following officers:— clerk, marshal, assessor, treasurer or trustees: *Provided*, That not more than one trustee shall be appointed, at any one meeting of the trustees: *Provided, further*, That if there is not a quorum of the trustees, then it shall be the duty of the clerk to call a special meeting or election to fill such vacancy.

Repealing section. § 32. All acts or parts of acts that conflict with this act, are hereby repealed.

Effect. § 33. This act shall be in force on and after its passage.

Approved March 7, 1860.

[*Published March 12, 1860.*]

CHAPTER 92.

AN ACT to amend chapter 131, of the Private and Local Laws of 1857, entitled "An act to incorporate the city of Mineral Point."

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

Power conferred upon City Council in respect to streets. SECTION 1. The city council shall, within the city limits, have full power and authority to lay out, alter or discontinue any highway, street, alley or public walk therein, and to grade, pave, or otherwise improve the same as it shall deem necessary or advisable: *Provided*, That no street, lane, or alley, shall be laid out by said council, except as hereinafter provided, unless the owner or owners of lots, through which the proposed alley, lane or street is proposed to be laid out, consent thereto in writing.

Proviso, requiring consent of owners. § 2. No highway, street, lane or alley, or public walk, shall be laid out or altered, unless a petition, signed by at least six resident freeholders of the city, shall be presented to said council asking therefor, and accompanied by a proper plan, or diagram and survey, of the premises proposed to be taken; and if the same requires the taking of private property for public use, against the consent of the owners, not until the neces-

Regulating the laying out or alteration of streets, alleys, &c.