

publication; and all acts and parts of acts contravening the provisions of this act, are hereby repealed.

Approved June 16, 1862.

CHAPTER 350.

[Published June 19, 1862.]

AN ACT to amend an act entitled "an act to incorporate the village of Manitowoc," approved March 6th, 1851.

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

SECTION 1. Whenever the owners of two-thirds of the lots or parts of lots of real estate, belonging to the residents of said village, bounding both sides of any street or part of a street, not less than eighteen rods in length, shall desire to have such street or part of street graded, paved or otherwise improved, they may make and sign an application in writing, to the board of trustees of said village, to that effect, specifying in such application the sum necessary to be raised for that purpose; and if two-thirds of said trustees shall deem such improvement necessary, they shall cause such sum to be levied by a tax on all the lots and parts of lots on such street or part of street, and to be collected from all of the owners of such lots and parts of lots, which said tax shall be assessed proportionately on the valuation of such lots or parts of lots, exclusive of improvements respectively, as the same shall appear on the last assessment roll of said village.

Street improvement—application therefor, &c.

Levy of tax.

SECTION 2. Whenever the trustees shall order a tax to be levied, pursuant to the provisions of the preceding section, for any of the purposes therein mentioned, they shall make out and deliver to a street commissioner of the ward or wards in which such tax is to be collected and expended, a list of the names of the owners of the property taxed, with a description of their property and the amount of tax assessed on each said description standing opposite thereto; to which said tax list shall be attached a warrant, signed by the

Warrant to be delivered to street commissioner.

Notice by publication that tax may be paid in labor or money.

president, or in his absence by the chairman *pro tempore* of the board of trustees, and countersigned by the clerk of said village, authorizing the street commissioner named in such tax list to collect and expend such tax in the manner provided in the order of the trustees levying the same; and thereupon the said street commissioner shall notify the persons owning the property described in such tax list, by publication in not more than two of the newspapers in said village, for two successive weeks, that such tax has been assessed, and the object thereof, and that during a period of not less than the last ten days, nor exceeding the last thirty days of the forty days next succeeding the date of the first publication of said notice, they may pay their taxes in labor, materials or money; and the persons charged with such tax may, at such time and place as may be required by such street commissioner, pay their taxes, (except seven per centum thereof, which shall be paid in money,) in labor or materials: *provided*, the labor and materials offered in payment for such taxes, are suitable and such as may be required by such street commissioner.

Return of tax list.

SECTION 3. At the expiration of forty days from the time of the first publication of the notice required to be given in the next preceding section, he [the said street commissioner] shall return the tax list therein mentioned to the clerk of said village, accompanied by a statement, verified by his affidavit subscribed thereon, showing the amount of tax collected in labor and materials, and the amount collected in money, and the items of expenditures; also, the taxes which remain unpaid, and the persons and descriptions of property to which such unpaid taxes stand charged, which said statement shall have attached thereto the necessary affidavit or affidavits, proving that said notice has been published as provided in the next preceding section.

Unpaid taxes to be included in next general assessment roll.

SECTION 4. The trustees, in making out the general assessment roll of said village next thereafter, shall enter such unpaid or delinquent street taxes therein, in a separate column, with ten per centum of the same added thereto, opposite the names of the persons and the descriptions of property against which the taxes so remain unpaid, unless previously to that time such taxes shall have been paid in money to the village treasurer; and such tax shall be collected in the same

How collected and expended.

manner as the general taxes of said village are collected, and when so collected shall, by order of the trustees, be expended on the street or part of street for which they were originally assessed, or appropriated in payment of any existing indebtedness against such street or part of street, for special repairs thereon.

SECTION 5. After thereturn of such unpaid taxes, the trustees may permit a street commissioner of the proper ward or wards, or any other competent and suitable person, under the direction of such street commissioner, who may desire to do so, to work out the whole of such unpaid taxes: *provided*, such work shall all be completed within twenty days after the next meeting of the trustees at which general business shall be transacted, held subsequent to the time of making such return; *and provided, further*, that the commissioner or other person or persons who shall work out such taxes in the manner aforesaid, shall be paid for the same only in orders on the special street fund derived from such unpaid taxes. But all such taxes shall be worked out without expense to the village, and if done by a street commissioner, the amount of his services, at such rate of compensation as shall be allowed by the trustees, shall be included in his account for working out such unpaid taxes; and if such unpaid taxes shall be worked out by any other person or persons, under the direction of a street commissioner, such person or persons shall pay such street commissioner for his services, and the amount so paid shall be included in the account for working out such unpaid taxes as aforesaid: *provided, nevertheless*, that after such return, the trustees may order the improvements required by such tax list, completed to the extent of such unpaid taxes, and pay for the same out of the general fund of said village, and reimburse said fund out of such unpaid taxes, when the same shall be collected as hereinbefore provided; and the street commissioner or other person or persons who shall complete any such improvement, either by permission or by order of the trustees, shall render to the trustees an account or statement, verified by the affidavit of such person or persons subscribed thereon, showing the items of expenditures in completing such improvement, and upon the allowance of such account or statement

Unpaid taxes may be worked out by commissioner or other person.

How payable, &c.

by the trustees, the same shall be paid in the manner in this section provided.

Sidewalks—application, &c.

Notice to owner of lots to make improvements within forty days, &c.

If not so made, trustees may cause the work to be done, and tax the lots therefor.

Ibid.

SECTION 6. Whenever the owners of two-thirds of the lots or parts of lots bounding one side of any street or part of street, not exceeding in length the limits of the ward in which the same is situated, shall desire to have a sidewalk built or repaired, they shall make and sign an application, specifying the sidewalk or repairs desired; and if two-thirds of the trustees shall deem such sidewalk or repairs necessary, they shall direct the same to be built or repaired, by giving notice to all the owners of lots or parts of lots on the side of the street or part of street where such sidewalk or repairs are desired, by publishing the same in not more than two of the newspapers published in said village, for two successive weeks, that they are required to complete the improvement specified in such application, which shall be set forth in said notice, within forty days from the time of the first publication of said notice, due proof of which said publication shall be procured and filed with the clerk of said village; and if, at the expiration of said forty days, the owner or agent of any such lot or part of lot shall have failed to make or complete the improvement, as directed in said notice, the trustees may cause the same to be done, and add the cost of the same to the regular yearly taxes assessed upon such lot or part of lot, and collect the same in the same manner as the said regular yearly taxes are collected.

SECTION 7. On the expiration of the forty days allowed to complete the building or repairing of any such sidewalk, the trustees may order a street commissioner of the ward in which the same is situated, or any other competent and suitable person, to make such sidewalk or repairs, and on completing the same, such commissioner or other person shall make return, verified by his affidavit subscribed thereon, setting forth the amount and cost of the labor and materials and other necessary charges expended on each delinquent lot or part of lot; and the amount so expended, with ten per centum of the same added thereto, shall be charged to and be a legal lien and tax upon such lot or part of lot, and the trustees, in making out the general assessment roll of said village next thereafter, shall enter the same in a separate column, opposite the names of the persons

and descriptions of the property against which such delinquent sidewalk or repairs were made, and the same shall be collected in the same manner as the general taxes of said village are collected; and when any such sidewalk shall be built or repaired by order of the trustees, as above provided, the costs and expenses thereof, as shown by the return aforesaid, shall be paid out of the general fund of said village, which said fund shall be reimbursed out of the delinquent taxes charged against such lot or part of lot, whenever the same shall be collected.

To be paid from general fund.

SECTION 8. If the trustees shall conclude not to order the building or repairing of such delinquent sidewalk, and pay for the same out of the general fund in the manner provided in the next preceding section, they may permit a street commissioner of the ward in which the same is situated, or any other competent and suitable person, under the direction of such street commissioner, to make and complete such improvements, without any cost or charge to the village, and to receive pay for the costs and expenses thereof out of the special fund which shall be derived from such improvements, in the same manner as is provided for working out unpaid or delinquent street taxes, in section five of this act, which said costs and expenses shall be determined in the same manner provided in the next preceding section, and shall, together with ten per centum of the same added thereto, be a legal lien and tax upon the lot or part of lot against which the same accrued, and be entered in the next general assessment roll of said village, and collected in the same manner as provided in the next preceding section.

Improvements payable from special fund.

SECTION 9. All sidewalks shall be built according to the established grade of the ward in which the same situated, unless a majority of the trustees of said ward shall consent in writing to a variation from such grade; and all streets shall be improved as nearly in accordance with such established grade as the amount required to be raised for that purpose will permit.

Established grade.

SECTION 10. Whenever the owner of any lot or part of lot, in front of which any sidewalk is ordered to be built or repaired, shall build or repair the same within the time specified in the notice for that purpose, it shall be the duty of the street commissioner of the ward in which the same is situated, having charge of such

Examination and acceptance of sidewalks, and fee therefor.

improvement, to examine the same, and if the same shall be done in accordance with the petition therefor, he shall accept it, and such owner shall pay such street commissioner fifty cents for each and every lot, and in the same proportion for parts of a lot, as a fee for such examination and acceptance; and sidewalks built or repaired after the expiration of the time mentioned in said notice, by permission of the trustees, shall be examined and accepted in like manner, and the person or persons making such improvements shall pay such street commissioner like fees therefor, and the same shall be included as a part of the costs and expenses of making such improvements. But when the trustees shall order such delinquent sidewalk to be made or repaired, the street commissioner or other person making the same shall receive such compensation for his services as shall be allowed by the trustees, to be paid out of the general fund of said village, which said compensation shall be included in the account of the expenditures for making or repairing such sidewalk.

Crosswalks.

SECTION 11. It shall be lawful for a majority of the trustees to order the construction of crosswalks at such points as they shall deem necessary, on the side of any street or part of street where a sidewalk is built, the cost and expenses of which shall be determined by a sworn statement of the person or persons making the same, in the same manner as the cost and expenses of building or repairing sidewalks are determined, and paid out of the special fund of the ward in which such crosswalks are situated; and whenever in the opinion of a majority of the trustees, public safety shall require immediate partial repairs to be made on any street, it shall be lawful for them to cause such repairs to be made, and to determine the cost and expenses thereof in the same manner as the cost and expenses of crosswalks are determined, and to pay the same out of the special fund of the ward in which such repairs shall be made.

Partial repairs.

When improvements to be made.

SECTION 12. No general improvement of the streets or sidewalks in said village shall be made when the time limited for the completion of the same by the provisions of this act, shall extend beyond the twentieth day of November, in the year in which such improvements are required; but the partial improvements

provided for in the next preceding section, may be made whenever they shall be considered necessary.

SECTION 13. In order to provide for the payment of such claims as shall be properly chargeable to the several wards of said village, under the provisions of this act, it shall be lawful for the trustees, at the time of fixing the amount of general taxes to be assessed and collected for the current year, to determine such reasonable amount of taxes as they shall deem it necessary to raise in the respective wards, to satisfy such claims, and to assess the amount of taxes so determined to be raised in each ward, upon all the taxable real estate therein, which said taxes shall be placed in a separate column in the general tax list of said village, and collected in the same manner as general taxes are collected, and when collected, the said taxes shall constitute a special fund of the respective wards in which they were assessed. In case of a deficiency in any such special fund, claims properly chargeable thereto may be satisfied temporarily out of the general fund of said village, to be reimbursed out of such special fund when the same shall be replenished, as provided by this act.

Determination
of amount and
assessment of
taxes.

SECTION 14. The cost and expenses of surveying the streets, lanes and alleys of said village, and of making, building, repairing and cleaning bridges, culverts, public walks, cisterns, springs and reservoirs, shall be chargeable to and payable out of the general fund of said village; and whenever, in the opinion of two-thirds of the trustees, any of the public grounds in said village should be improved by the building of public walks across the same, by the building or repairing of any sidewalk in front of the same or any part thereof, or by the planting of trees upon said grounds or along the sidewalk fronting the same, they may, upon a written petition for that purpose, signed by twelve resident freeholders of said village, cause such improvements to be made and kept in repair or maintained, at the expense of the general fund of said village; and when- ever in the opinion of two-thirds of the trustees, any of the streets or parts of streets or blocks in said village shall be vacated, they may, upon a written petition for that purpose, signed by twelve resident freeholders of said village, vacate any of said streets, parts of streets or blocks.

Expenses
chargeable to
general fund.

Vacation of
streets.

Disallowance of
accounts for
improvements,
&c.

SECTION 15. To the end that no injustice shall be done to said village, nor to any of the owners of property therein, on account of any of the improvements authorized by this act, it shall be lawful for the trustees, by a vote of two-thirds of their number, to disallow, in whole or in part, any return, account or statement of the costs and expenses of making such improvements, whenever they shall be satisfied that the same, or any item therein, is exorbitant or unjust.

Trustees—quorum, &c.

SECTION 16. A majority of the trustees from each ward in said village, shall constitute a quorum for the transaction of business, when the president shall be present to preside, but a less number may meet and adjourn from time to time until a quorum shall be present, but shall do no other business in the absence of the president. One over a majority of all the trustees being present, one of their number may be appointed chairman *pro tempore*, and thereupon the board may transact business.

Repeal.

SECTION 17. Sections 35, 36, 37, 38, 39 and 60, of the act of which this act is amendatory, are hereby repealed.

SECTION 18. This act shall take effect and be in force from and after its passage.

Approved June 16, 1862.

CHAPTER 351.

[*Published June 20, 1862.*]

AN ACT to incorporate the Berlin and Grand Rapids railroad company.

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

Corporators.

SECTION 1. Orestes Garrison, Henry Clinton, Levi P. Powers, George F. Wilter, John N. Brundage and George Neeves, of the county of Wood; John O. Stoner, John Hall, R. F. Stevens, Thomas H. Walker, B. C. Redlon, W. W. Beach, James F. Wiley, Lucius Sanderson, Alvah Nash, Samuel C. Jennings, Jacob S.