

AN ACT

To incorporate the village of Fond du Lac.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Boundaries of
corporation.

SECTION 1. That all that district of country included in sections number ten and north half of fifteen in township number fifteen, north of range number seventeen east, in the county of Fond du Lac, shall hereafter be known and designated as the village of Fond du Lac, and the inhabitants residing, or who may hereafter reside, within said limits, are hereby constituted a body corporate by the name of "The Trustees of the Village of Fond du Lac," and by that name they and their successors forever, shall and may have perpetual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all suits whatsoever.

General
powers.

Officers of
corporation.

SEC. 2. It shall be lawful for the inhabitants of said village, qualified to vote, to meet at the court house in said village, on the first Monday of March next, at ten o'clock A. M., to choose *viva voce* a moderator and a clerk of the meeting, and to elect by ballot one president, who shall be *ex officio* a trustee, six trustees, one constable, one treasurer, and one clerk.

Annual
election.

SEC. 3. On the first Monday of March, in each year thereafter, there shall be an annual election of the officers of said village above specified, and the president, or, in his absence, such person as shall be selected by a majority of voters present, shall preside at the same.

Qualifications
for office.

SEC. 4. No person shall be eligible to any of said offices, unless he is a voter in said village, and no person shall be eligible as a trustee unless he is also a freeholder in said village.

SEC. 5 At all elections held under this act, the polls shall be opened 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 annual town meetings.

Opening and closing of elections.

A plurality of votes shall in all cases decide the election.

SEC. 6. In case such officers, or any of them, shall not be chosen on the day herein appointed for the same, the corporation shall not thereby be dissolved; but vacancies in the office of President and trustees shall be filled at a special election by the voters of the village, and vacancies in all other offices shall be filled by appointment of the trustees. But in case any vacancies should remain in electing the president or either of the trustees, by reason of a tie vote at any meeting, the said meeting may be adjourned from day to day, to be held at the same time and place, until such vacancies shall be filled.

Vacancies in office to be filled.

SEC. 7. All of said officers shall hold their offices for one year, and until others shall be elected and qualified in their stead.

Term of office.

SEC. 8. Every officer elected under this act, and before he shall enter upon the duties of his office, shall take an oath faithfully to discharge the duties of his office, and to support the constitution and laws of the United States and of Wisconsin.

Oath of office.

SEC. 9. The treasurer and constable, before they enter upon the duties of their offices, shall severally give bonds to the trustees, in such sum, with such conditions, and with such sureties, as a majority of them shall direct.

Treasurer and constable to give bonds.

SEC. 10. It shall be the duty of the President to preside at all meetings of the trustees, to see that all bye-laws and ordinances are duly observed, and to prosecute all suits which may be necessary in the name of the corporation.

Duty of president.

SEC. 11. It shall be the duty of the clerk to record the proceedings of the first meeting, after being duly certified by the moderator and clerk of the meeting; to keep a record of the doings of the board of trustees, especially of the bye-laws, ordinances, and regulations; and also a faithful record of all the doings and votes of the inhabitants at their annual

Duty of clerk.

and other legal meetings, and to keep on file all papers which may be ordered by the trustees. The records kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the records 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.

Duty of
treasurer.

SEC. 12. The treasurer of said village shall receive all monies which may be collected for the use of the corporation by virtue of this act, or by virtue of any bye-law or ordinance of the corporation, or which may arise from any other source and belong to the corporation, and give the person paying the same his receipt therefor. All monies shall be drawn from the treasury by warrants under the corporate seal, signed by the president, by order of the trustees, and countersigned by the clerk, who shall keep a registry thereof; which warrant shall set forth for what purpose the amount specified therein is to be paid; and the said treasurer shall pay out the funds of the corporation in no other way whatsoever; he shall keep a just and accurate account of all monies and other things coming into his hands as treasurer, in a book to be provided by the corporation for that purpose, and which shall remain the property of the corporation, wherein he shall note the time when, the person from whom, the amount of the several sums received, and the source from whence the said sums respectively arose; and in a manner equally accurate and specific, in the same book, he shall duly enter an account of all sums paid out; which book shall at all reasonable times be open to the inspection of the voters of said village; he shall annually, and as often as they shall require, render to the board of trustees a minute account of all his receipts of payment and disbursements.

Powers of
constable.

SEC. 13. The constable elected under this act shall have the same powers and receive the same compensation as the constables elected in towns.

Powers of
trustees.

SEC. 14. The trustees shall have the following powers, to wit:

1. To have a common seal, and alter the same at pleasure.

2. To purchase, hold, or convey any estate, real or personal, for the use of the corporation.

3. To make, open, keep in repair, grade, improve, or discontinue streets, avenues, lanes, alleys, sewers, and sidewalks; to keep them free from incumbrances, and to protect them from injury.

4. To organize fire companies, hook and ladder companies; to regulate their government, and the times and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress, or sale in any manner; and if the owner shall refuse to procure suitable ladders or fire buckets, after reasonable notice, the trustees may procure and deliver the same to him, and in default of payment therefor, may bring an action of debt against said owner, and be entitled to recover in such action the value of such ladders or fire buckets, or both, with costs of suit; to regulate the storage of gunpowder, and other dangerous materials; to direct the safe construction [of a place] for the deposit of ashes, and severally enter into, or appoint one or more officers to enter into, at reasonable times, and examine all dwelling houses, lots, yards, enclosures, and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put into a safe condition; to compel the owners of houses and buildings to have scuttles on the roofs of said houses and buildings, if deemed necessary; to regulate the manner of putting up stoves and stove pipes; to prevent fires, and the use of fire-works and fire-arms within the limits of said village, or such parts thereof as they may think proper; to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down, and raze such buildings in the vicinity of [the] fire as shall be directed by the trustees, or any four of them who may be present at a fire, for the purpose of preventing its communication to other buildings; and any buildings so destroyed shall be paid for by the corporation; to construct and pre-

serve reservoirs, pumps, wells, and other water works, and to regulate the use thereof; and generally to establish other measures of prudence for the prevention or extinguishment of fires as they shall deem proper.

5. To clear out and remove vegetable matter and nuisances from the creeks, rivers, and other waters in said village, and prevent other accumulations in said waters; and generally take such other measures for the public health as they shall deem proper.

6. To prevent, abate, or remove nuisances.

7. To restrain the running at large of cattle, and all other animals; to establish pounds, and appoint pound masters and fence viewers, and to prescribe their powers and duties.

8. To protect trees and monuments in said village.

9. To purchase, hold, own, and lay out grave yards or cemeteries, and regulate the burial of the dead, and to make and enforce any regulation or ordinances relating to the same.

10. To establish and regulate markets, and restrain sales in the streets; to establish and regulate a public scale, and appoint a weigher to attend to the same; to regulate the place and manner of selling hay, and other gross commodities.

11. To suppress disorderly, lewd, or gaming houses, and devices for gambling.

12. To call regular and special meetings of the voters of said village.

13. To prescribe the compensation of all officers of said village, except their own.

14. To levy and collect taxes on all such property as is now or shall hereafter be subject to town and county taxes: *Provided*, that all taxes in any one year for corporation purposes shall not exceed one per centum on the property assessed: *And provided also*, that taxes levied for the purposes herein contemplated shall be levied upon the assessment roll as made by the town assessor in the month of May annually.

15. To tax every male resident of said village, above the age of twenty-one years, and under the age of fifty years,

two days labor, or in lieu thereof two dollars in money, to be appropriated in improving the roads and streets of said village, under the direction of such person as they may appoint.

16. To appoint a board of health when in their opinion it shall be necessary, who shall possess all necessary power to prevent the taking or spreading of any infectious, innoxious, contagious, or pestilential disease or epidemic within said town; to establish a hospital or asylum for the sick, and remove any person who may be affected with any such disease or epidemic to any such hospital or asylum.

17. To licence and regulate groceries, victualling houses, taverns, shows, public exhibitions, and theatrical and other entertainments, and also the sale of spirituous or strong liquors, within said town; and to fix such rate of licences as they may think proper: *Provided*, however, that the board of trustees, nor any other board of excise, shall have power to grant licences for the sale of strong or spirituous liquors, or wines, or any mixtures thereof, within said village, to be drank in any grocery, store, or victualling house, nor in any tavern, unless such tavern shall have suitable accommodations for the traveler; and all sums received for such licences shall be paid into the village treasury, to be used for corporate purposes.

18. To make, pass, ordain, and establish such bye-laws, ordinances, and regulations, not repugnant to the laws of Wisconsin, or the constitution and laws of the United States, for the purpose of carrying into effect the provisions of this act as they may deem proper; but no such bye-law, ordinance, or regulation shall take effect, or be in force, until the same shall be published three weeks successively in some public newspaper, or posted up for the same length of time in three or more public places in said town; and to repeal, alter, or amend the same at pleasure.

SEC. 15. The said trustees, as often as they shall make any bye-laws, ordinances, or regulations, may ordain and provide such reasonable fines, forfeitures and penalties upon the offenders against the same, as they shall deem proper, not exceeding twenty dollars for any one offence, to be pros-

Trustees may enforce penalties.

ecuted and recovered before any justice of the peace or court having cognizance of the same, in the name of the corporation, to and for the use of the corporation; and in any such action it shall be lawful to declare generally in debt for such penalty or forfeiture, and the defendant may plead the general issue, and give the special matter in evidence. All expenses incurred in prosecuting for the recovery of any penalty or forfeiture shall be defrayed by the corporation; and all penalties and forfeitures, when collected, shall be paid to the treasurer for the use of the village. Also, to remit such fines, or forfeitures, or penalties, or any part thereof.

Evidence of publication of bye-laws.

SEC. 16. The affidavit of the printer, of the publication of any bye-laws or ordinances, or the affidavit of the clerk of the corporation, of the putting up notices, bye-laws or ordinances, as required by this act, shall be sufficient proof in all courts and elsewhere, that such notices, bye-laws and ordinances were properly published or posted up.

Quorum of trustees.

SEC. 17. Any four of said trustees shall be a board for the transaction of all business, but no bye-law or ordinance shall pass or be of force, unless four, at least, of said trustees shall concur therein.

Competency of officers.

SEC. 18. No person shall be an incompetent judge, justice, witness, or juror, by reason of his being an inhabitant, or freeholder in the village of Fond du Lac, in any action in which said village is a party or interested.

Annual statement of affairs.

SEC. 19. 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 for the preceding year.

Assessment roll.

SEC. 20. For the purpose of levying any tax by said corporation, the clerk thereof shall annually, in the month of June, upon the completion of the same, procure from the assessors of the town of Fond du Lac, a copy of the assessment roll of all property liable to taxation within the limits of said corporation, certified by one or more of the assessors as a true copy thereof, and lay the same before the trustees of said village, which copy so certified shall be the assessment roll for said corporation for the year in which the same shall

be made: *Provided*, that the trustees of said village shall have the same power, and be subject to the same restrictions and regulations for correction of errors and omissions in the same, as are prescribed to town supervisors in relation to town assessments by section fifteen of an act to amend an act entitled "an act to provide for the government of the several towns in this territory, and for the revision of county government," approved April 15, 1843.

SEC. 21. When the said trustees shall have determined the rate per centum to be taxed on the assessed value of property as contained in the assessment roll as aforesaid, 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 property, as contained in said assessment roll, together with the names of owners thereof, when known, annexing to each lot or other kind of property, the amount of tax which shall be chargeable on the same, agreeably to the assessment as returned, and the rate per centum of taxation, as fixed by the trustees, which schedule shall be called the tax list, and shall be recorded in a book to be by him 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 current year, in which the same shall be made out and dated.

Schedule and rate of taxation.

SEC. 22. It shall be the duty of the clerk to complete the tax list as aforesaid, and deliver the same to the treasurer in the month of June, and make a record of such delivery in the book where such list shall be recorded, which record shall be conclusive evidence of such delivery, and the tax assessed on real estate shall be a lien on the same from the date of assessment, until the same shall be paid, together with all penalties and costs which may accrue thereon agreeably to the provisions of this act.

Tax list to be completed in June.

SEC. 23. Upon the receipt of the tax list as aforesaid, it shall be the duty of the treasurer to give public notice in a newspaper published in said village, or by posting up notice in three public places in said village, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office, for the term of two months next

Notice to pay taxes.

ensuing such notice, and all persons paying taxes during said time shall be entitled to a discount of five per centum upon the amount paid.

When taxes may be collected by distress. SEC. 24. If the taxes are not paid to the treasurer within the said term, he may then proceed to collect the same by distress and sale of the goods and chattels of the person charged, giving six days' notice of the time and place of such sale, by written notices set up in three public places in said village.

Notice of the sale of lots for taxes. SEC. 25. In case no goods or chattels shall be found out of which to collect the taxes laid on any lot or lots, or other pieces of land, it shall be the duty of the treasurer to make out a general advertisement, stating that all lots or other pieces of land upon which the taxes have not been paid, will be sold by him, at a certain time and place to be therein mentioned, for the purpose of paying the taxes which may be assessed thereon, together with all costs and other liabilities which may accrue by advertisement and sale, agreeably to the provisions of this act. Said advertisement shall be published three weeks successively, in a newspaper published in said village, if there be one, and if not, then by posting up such advertisement in three public places in said village.

When lots sold for taxes. SEC. 26. On the day and at the time and place mentioned in the notice, the treasurer shall commence the sale of said lots and lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes, interest, and charges due, assessed, and charged thereon, agreeably to this act, and the treasurer shall give to the purchaser or purchasers of any such lots of land a certificate, describing the lots or lands purchased, stating the sum paid therefor, including fees, and (the) time when the purchaser will be entitled to a deed for the same, and if the person claiming the title to the lots or lands so sold and described in such certificate, shall not, within three years from the date thereof, pay to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon, at the rate of twenty-five per centum per annum, from the date of such certificate, the treasurer shall, at

the expiration of said three years, execute to the purchaser, his heirs, or assigns, a conveyance of the lots and lands so sold, which conveyance shall vest in the person or persons to whom the same shall be given, an absolute estate in fee simple, and the said conveyance shall be *prima facie* evidence that the sale was regular according to the provisions of this act, and any such conveyance to be executed by the treasurer, under his hand and (the) seal of the corporation, in the name, and on behalf of the village of Fond du Lac, and the execution thereof witnessed and acknowledged as by law in other cases provided, may be given in evidence, and recorded in the same manner, and with like effect, as a deed regularly acknowledged by the grantor, may be given in evidence.

Deed when to be given.

SEC. 27. In all cases before lands shall be conveyed as aforesaid, the treasurer shall advertise the same by correct description thereof, for three months, in some paper published in said village, or by written notices, as prescribed by section twenty-seven of this act, stating therein that all such lands or lots will be forfeited if the taxes and charges upon the same are not paid before the day mentioned.

Notice to be published of the forfeiture of lots.

SEC. 28. That all lots or lands which shall be advertised for sale, for the non payment of taxes, shall be subject to a charge of three cents for each lot or piece of land so advertised, for the first advertisement, and for each lot or piece of land which shall be sold as aforesaid, it shall be lawful for the treasurer to demand, and receive the following fees: For each certificate to be given to a purchaser, of any lot of land at such sale, twelve and a half cents. For certifying to amount necessary to redeem any lot or piece of land, twelve and a half cents; and one dollar for each conveyance executed in pursuance of this act. The said fees to be paid by the person receiving such instrument. The charge for advertising the forfeiture of a piece of land shall be ten cents for each lot or parcel.

Fees for advertising.

Fees of treasurer.

SEC. 29. That if any person who shall purchase any lot in pursuance of this act, shall pay any tax returned subsequent to such purchase, on such lot or piece of land, the person who shall redeem such lot or piece of land, shall pay to the treasurer the amount of tax, with interest, at the rate of

Rates of interest on taxes paid.

twenty-five per cent. per annum, for the benefit of such purchaser.

Public act,

SEC. 30. This act shall be deemed a public act, and may be amended, altered or repealed by the legislature of the territory or state of Wisconsin, and shall take effect after having been adopted by a vote of two-thirds of the legal voters of said village of Fond du Lac, and for this purpose the said voters may assemble at the court house in said village on the day, and in the manner prescribed by the second section of this act, and having organized, according to the provisions of said section, shall first vote for or against this act, by casting a ballot, on which shall be written, or printed, "for corporation," or "against corporation," which ballot shall be kept open from the hour of eleven o'clock, A. M., to the hour of one o'clock, P. M., when the votes shall be openly canvassed and counted by the moderator and clerk, and if it shall appear that two-thirds of the legal votes there cast shall be "for corporation," the same shall be entered with the proceedings of such meeting, to be certified to by the moderator and clerk as before provided, after which the voters may forthwith proceed to choose all officers authorized by this act: *Provided, however,* if the votes shall be against such corporation, it shall be lawful for any ten legal voters of such village to notify a subsequent meeting at said court house, for the same purpose, and after having given two weeks' notice, in some paper published in said village, of the time and place of such meeting the said voters may again meet and proceed to organize under the provisions of this act, in the same manner as provided for herein, on the first Monday of March next.

WILLIAM SHEW,

Speaker of the House of Representatives.

MASON C. DARLING,

President of the Council.

APPROVED, February 8, 1847.

HENRY DODGE.