

An Act to appropriate to Rufus King & Co. the sum of money therein named.

## Chap 130

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

SECTION 1. There is hereby appropriated to Rufus King & Co. out of any money in the treasury not otherwise appropriated, the sum of fifty-eight dollars, in full for publishing in the Milwaukee Daily Sentinel, by order of the secretary of state, advertisement, "to those owing upon canal land mortgages," and judicial election notice for the second judicial circuit, in the year 1851.

J. McM. SHAFTER,  
*Speaker of the Assembly.*

TIMOTHY BURNS,

*Lt. Governor and President of the Senate.*

Approved, March 19, 1852.

LEONARD J. FARWELL.

An Act to appropriate to William R. Smith the sum therein named.

## Chap 131

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

SECTION 1. There is hereby appropriated to William R. Smith, the sum of sixty-five dollars out of any money in the treasury not otherwise appropriated, being balance in full for services as enrolling clerk of the Senate for the year 1851.

J. McM. SHAFTER,  
*Speaker of the Assembly.*

TIMOTHY BURNS,

*Lt. Governor and President of the Senate.*

Approved, March 19, 1852.

LEONARD J. FARWELL.

An Act to incorporate the City of Fond du Lac.

## Chap 132

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

SECTION 1. That from and after the first Tuesday in April next, all that district of country included in the east half of the south-west quarter of section two, all of fractional section three, the east half of the south-east quarter of section four, the east half of the north-east quarter and the east half of the south east quarter of section nine, all of section ten, the west half of the north-west quarter and the west half of the south-west quarter of section eleven,

Boundaries.

the west half of the north-west quarter and the west half of the south-west quarter of section fourteen, all of section fifteen, the east half of the north-east quarter and the east half of the south-east quarter of section sixteen in township fifteen, north of range seventeen, east, in the Green Bay land district, shall be known and designated as the "City of Fond du Lac," and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places, and in all matters whatever, and shall be competent to exercise all the rights and privileges and be subject to all the duties and obligations appertaining to a municipal corporation.

Powers of corporation.

SEC. 2. The said city shall be divided into two wards, the boundaries of which, for the present, and until changed as hereinafter provided, shall be as follows, to wit: the line of division between said wards shall commence where the western boundary line of said city crosses the section line between sections nine and sixteen; thence east on the section line to the centre of Brooke street; thence north to the centre of Division street; thence east along the centre of Division street and in a direct line therewith to the eastern boundary of said city; the northern division to be designated as the north ward, and the southern portion as the south ward. But the city council shall have power to change said line of division as they may deem convenient and proper.

Boundary of wards.

SEC. 3. The government of said city and the exercise of its corporate powers and management of its fiscal, prudential, and municipal concerns, shall be vested in a Mayor and Council, which council shall consist of six Aldermen, three from each ward actually residing therein, and shall be denominated the "City Council," and also such other officers as are hereinafter provided for.

Government to be vested in city council.

SEC. 4. On the first Tuesday of April next, and annually thereafter on the day fixed by law for the election of town officers in the several towns in this state there shall be elected in and for said city, one mayor, one marshal, one clerk, one superintendent of schools, one treasurer, six aldermen, three from each ward, one of which aldermen in each ward, shall be designated as a supervisor, who by virtue of his office, shall represent such ward in the county board in the same manner as the several towns are represented; also one constable and one assessor in each ward, who shall each hold their offices for one year and until their successors are elected and qualified. There shall also be elected on the first Tuesday of April next in said city four

When elections to be holden.

justices of the peace, two in each ward, whose terms of office shall be determined in the same manner as justices of the several towns at the first election under the revised statutes, except that only one of said justices in each ward shall go out of office yearly; and annually after the first election, there shall be chosen but two justices of the peace.

SEC. 5. At the first election of city officers as aforesaid under this act, which shall be holden at the court house in the present village of Fond du Lac or at such other place as the president of the board of trustees of said village may appoint, the said president, together with two of the said board of trustees, to be by him selected, or in case of the absence of the said president, any three of said board of trustees to be by said president appointed, shall preside and perform all the duties and be governed by like rules and regulations as are prescribed for inspectors of elections for towns; and annually after the first election the said duties of inspectors shall be performed by the mayor and any two of the common council, to be by said mayor appointed, or in case of the absence or inability of said mayor to attend to said duties, shall be performed by three of said council to be by said mayor appointed for that purpose.

Who to act as inspectors

SEC. 6. The mayor and aldermen must be freeholders within the city limits, and each of the aldermen must reside within the ward for which they were elected, and all other officers elected by virtue of this act must be residents of the ward for which they were elected; and no person shall hold any office either by election or appointment, unless he is a qualified elector agreeable to the laws of this state. The city treasurer before entering upon the duties of his office shall execute to the city council a bond, in such penal sum as said council may direct, with two or more sureties, to be by them approved, for the safe keeping and disbursement of all moneys coming into his hands as such treasurer, and also for the faithful performance of his official duties. And each justice of the peace, superintendent, and constable elected by virtue hereof, before entering upon the duties of their offices shall execute such bonds as are prescribed by law for said offices in towns, which bonds shall also be approved by said council; and the marshal elected by virtue hereof shall also be required to give bonds with such sureties and in such sum as said council shall determine, and all officers elected or appointed by virtue hereof, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation to support the constitution of the United States and of the state

Qualification of officers

Certain officers to give bonds.

of Wisconsin, and faithfully perform the duties of their respective offices, which oath or affirmation, together with all official bonds, shall be filed in the clerk's office.

Duties and powers of mayor.

SEC. 7. The mayor shall be the chief executive officer and head of the police of the city. It shall be his duty to recommend in writing to the city council such measures as he may deem expedient; he shall keep the seal of said city, sign all commissions, licenses, and permits which may be granted by the city council, he shall endeavor to maintain peace and good order and see that the laws of the state and ordinances of the city are observed and executed, he shall have the power to administer oaths or affirmations, and to take and certify acknowledgment of deeds and other instruments in writing; as a judicial officer he shall have power, and by giving the bonds required by law, may exercise the jurisdiction of justice of the peace, and to prevent or suppress riot or other public disturbance, he may appoint as many special constables as he may deem proper.

Council to elect president.

SEC. 8. The members of the city council shall, on the first Monday after their election, or as soon thereafter as may be practicable, assemble and elect from their own body a president to preside in their meetings in the absence of the mayor; and a majority of all the members shall be a quorum for the transaction of any business; each member shall be entitled to one vote. The mayor shall preside at all meetings, if present, and shall have a casting vote and no other. In case of a vacancy in the office of mayor or of his being unable to perform the duties of his office by temporary absence or sickness, the president of the city council shall be vested with all the powers and perform all the duties of mayor, until the mayor shall resume his office, or the vacancy be filled by a new election.

Vacancies how filled.

SEC. 9. The city council shall have the power to preserve order and propriety in its proceedings, and to punish in a summary manner by fine and imprisonment all disorderly or disrespectful conduct in its presence, and also to compel by pecuniary penalties the attendance of its members. They shall determine the rules of their proceedings and keep a journal thereof, which shall be open to the inspection of any citizen at all reasonable times and hours, and prescribe the time and fix the place of holding their meetings, which shall at all times be open to the public.

Powers of city council.

Who to be peace officers.

SEC. 10. The mayor, each and every alderman, marshal, or deputy marshal, each and every justice of the peace and constable of said city, shall be officers of the peace, and suppress in a summary manner all rioting and disorderly behavior, in a manner consistent with the ordinances

of said city or the laws of this state, within the limits of said city, and for such purpose may command the assistance of all bystanders, and, if need be, of all citizens and military companies; and if any such bystander, military officer or private of such company shall refuse to aid in maintaining the peace when so required, such person shall forfeit and pay such fine as may be prescribed by ordinance of the city council or the laws of this state in such case made and provided.

SEC. 11. The marshal shall possess all the powers of a constable of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed by the mayor, and when necessary in criminal cases or for the violation of any ordinance of said city or laws of this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances, and breaches of the peace, to apprehend any person in the act of committing any offence against any ordinance of said city or laws of this state, and forthwith bring such person before competent authority for examination; and for such service he shall receive such fees as are allowed to constables for like service. He shall do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city. He shall have the power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

Duties and powers of marshal.

SEC. 12. All the justices of the peace and constables elected by virtue of this act, shall have and exercise the same powers and duties and be subject to the same liabilities and regulations as justices and constables of towns.

Duties of justices.

SEC. 13. The superintendent of schools shall have and exercise the same powers and duties and be subject to the same liabilities as the superintendent of schools in towns, except as herein otherwise provided.

Of superintendent.

SEC. 14. The clerk shall attend the meetings of the city council, and keep a record of their proceedings, and also a faithful record of all the doings and votes of the inhabitants at their regular or special meetings. He shall perform such duties as may be lawfully required of him by the city council, who shall fix and prescribe his compensation therefor; he shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, receiving therefor the same compensation as clerks of towns, and all chattel mortgages so filed, shall be as valid and legal as if the same had been filed in the town

Duties of clerk.

clerk's office of any town. It shall also be his duty to do and perform any act required to be done by clerks of towns not inconsistent with the provisions of this act, and in case of the absence of the clerk or of his inability to act, the common council may appoint a clerk to act during such absence or inability, who shall be subject to all of the regulations applicable to the elected clerk. The records kept by said clerk shall be evidence in all legal proceedings, and copies of all papers filed in his office, and transcripts from the records of the proceedings of the city council, certified by him under the corporate seal shall be evidence in all courts and places.

Duties of treasurer.

SEC. 15. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state; all moneys raised, received, recovered, or collected by means of any tax, license, penalty, fine, forfeiture, or otherwise under the authority of this act, or which belongs to said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order signed by the mayor or acting mayor, by order of the city council, and countersigned or attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the person from whom the amount of the several sums were received, which book shall at all reasonable hours be open to the inspection of any person having business therewith. He shall as often as the city council require, render to said council a minute account of the receipts and expenditures of his office, and at the expiration of his office he shall hand over to his successor all moneys, books, papers, and property in his possession belonging to said city. The said treasurer shall also be the collector of taxes, and for this service, except herein otherwise provided, he shall have the same powers and be subject to the same liabilities, be governed by the laws and receive the same compensation as treasurers of towns.

General powers of council.

SEC. 16. The city council shall have power to enact, establish, publish, alter, modify, amend, or repeal and enforce all such rules, by-laws, and ordinances for the government and good order of the city, for the suppression of vice, for the prevention of fires, for the promotion of health, and for the benefit of trade and commerce as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate the

provisions of such rules, by-laws, or ordinances as have been duly passed, adopted, and published in one or more of the papers printed in said city for three successive weeks prior to the taking effect thereof; and all such rules, by-laws, and ordinances are hereby declared to be, and have the full force of law: *Provided*, That they be not repugnant to the constitution and laws of the United States and of this state; and for these purposes they shall have authority by ordinance or by laws,

1. To license and regulate taverns, groceries, saloons, victualing houses, and all persons dealing in spirituous or intoxicating liquors, and to license and regulate the exhibitions of common showmen, or showmen of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses, or theatrical performances, and to establish the price to be paid in all cases except where they may be fixed by-law. Provide.  
Power to license.

2. To restrain and prohibit all descriptions of gaming, and fraudulent devices and practices, and all playing with cards, dice, or other games of chance for the purpose of gain, within said city. To prohibit gaming.

3. To prevent any riots, noise, disturbance, or disorderly assemblage, to suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all implements or devices used for the purpose of gaming. To prevent disturbance.

4. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, privy, sewer, or other unwholesome or nauseous places to cleanse, remove, or abate the same from time to time as often as it may be deemed necessary for the health, comfort, or convenience of the inhabitants of the city. To compel removal of filth, &c.

5. To direct the location and management of all slaughter houses and markets, to regulate the storage and keeping of gun powder and other combustible materials. To locate markets.

6. To prevent the encumbering of the streets, side and cross walks, lanes, alleys, or public grounds, with carriages, carts, wagons, sleighs, sleds, boxes, barrels, lumber, fire wood, or other materials or substances whatever. To prevent encumbrance of streets.

7. To prevent horse racing or immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the city limits. To prevent horse racing.

8. To restrain the running at large of cattle, swine, sheep, horses, and poultry, and to authorize the distraining and sale of the same. To restrain domestic animals.

9. To prevent the running at large of dogs, and to authorize their destruction in a summary manner, when at To restrain dogs

large contrary to the ordinances, or to impose a tax on the same.

**To remove rubbish, &c.** 10. To prevent any person from bringing, depositing, or having within said city any putrid carcass, or any unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or any putrid or unsound beef, pork, fish, hides, or skins of any kind, and in default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

**To establish water works.** 11. To make and establish public pounds, pumps, wells, fountains, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants of said city, or any ward therein, to erect lamps, and to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen, and cartmen, within the limits of said city.

**To provide hospitals, &c.** 12. To establish and regulate boards of health, provide hospitals and cemeteries, and regulate the burial of the dead, and the return of bills of mortality, and to exempt burying grounds and property set apart for public use, from taxation.

**To procure fire engines.** 13. To procure fire engines, buckets, hooks and ladders and other implements for suppressing fires, to prescribe and regulate the materials of which houses may be built within certain limits, and the manner of erecting chimneys and to provide for removing chimneys or stove pipes which may be deemed dangerous, at the expense of the owners or occupants thereof; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be exempt from seizure or distress or sale in any manner; to direct safe construction for the deposit of ashes; to appoint fire wardens, and prescribe their duties and compensation; and generally, to make such prudential regulations as may be deemed necessary for the prevention or for arresting the progress and extinguishment of fires.

**Wharves.** 14. To regulate the building of wharves and bridges and to provide for the security and protection of the same.

**To prevent riding on sidewalks** 15. To prevent all persons from riding or driving any horse or other animal, or leading the same on the sidewalks of said city, or in any way doing any damage to such sidewalks.

**Fire works.** 16. To prevent the shooting of fire arms or crackers, or the exhibition of fire works in every situation which may be considered by the city council to be dangerous to the property in said city, or annoying to the inhabitants thereof.



17. To restrain drunkards, immoderate drinking, or obscenity in the streets or public places, and provide for arresting, removing, and punishing any person or persons who may be guilty of the same. To restrain obscenity, &c.

18. To regulate the police of the city, to appoint watchmen and firemen, prescribe their duties and punish their delinquencies. Police.

19. To regulate the place and manner of weighing hay, of measuring and selling fire wood, lumber, timber, stone, lime, and sand, and when necessary, to appoint suitable persons to superintend or inspect the same. Weighing hay.

20. To compel the owner or occupant of any building to remove the snow, dirt, or other rubbish from any sidewalk opposite thereto. To remove rubbish.

21. To protect trees and monuments in said city. Protect trees.

22. To prevent all persons from depositing in any of the creeks or waters within said city, the carcasses of any animal, or filth of any kind, and to punish for so doing. To prevent nuisances.

23. To prescribe and regulate the manner of draining fountains made by individuals, and the construction of sewers within said city. Draining fountains, &c.

24. To regulate the compensation of all offices not provided for by law, except their own. Compensation of offices.

25. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, alleys, and sidewalks, and bridges, and to keep them from incumbrance, and to protect them from injury. To open roads.

26. To cause all out or in lots within said city of less size than ten acres each, that have not been platted and recorded by the owners thereof as required by law, to be platted and recorded by authority of their board, and to tax the charges for said service, against the lot or lots so platted and recorded, to be collected the same as other corporation or general taxes. To lay out lots.

27. To have a common seal and alter the same at pleasure. Seal.

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

SEC. 17. The affidavit of the printer of the publication of any by-laws or ordinances, or the affidavit of the clerk of the posting up of any notice required by law, shall be sufficient proof in all courts and elsewhere, that such ordinances or by-laws were properly published, or such notices properly posted up, as the case may be. Proof of publication.

SEC. 18. No person shall be an incompetent judge, justice, juror, or witness, by reason of his being an inhabitant

**Inhabitant not incompetent for juror, &c.** or freeholder within the city of Fond du Lac, in any action in which the [city] is a party, or interested.

**Form of process.** SEC. 19. On all suits for the violation of any ordinance of said city, the process may be by warrant, and it shall be sufficient without setting forth the special matter, to declare, generally, in debt with reference to the ordinance under which the action is brought; the defendant may plead the general issue and give the special matter in evidence.

**Execution may provide for imprisonment.** SEC. 20. Every execution issued upon any judgment for the violation or non-observance of any ordinance or by-law of said city, may contain a clause directing, in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail for such term as shall have been provided by the ordinance under which the judgment shall have been rendered; and for that purpose the said city shall have the use of the jail of Fond du Lac county, and all persons committed to the jail by the marshal or any other officer, shall be under the charge of the sheriff of said county. All fines, penalties, and forfeitures when collected, shall be paid into the city treasury for the use of the city.

**How process to be served.** SEC. 21. When an action or suit shall be commenced against the city, the service thereof may be made by leaving an attested copy of the process with the clerk or mayor and it shall be the duty of the person with whom such process is left, forthwith to inform the city council thereof, or take such other steps as may have been provided by any rule or regulation of said city council.

**Council to settle claims.** SEC. 22. The city council shall settle all just claims and demands against the city, and settle with the treasurer annually, and publish accounts of the receipts and expenditures of the city for the information of the citizens.

**Power to appoint officers.** SEC. 23. The city council shall have power to appoint and at their pleasure to remove by a vote of a majority of the board present and acting, the following officers, and such others as may be deemed necessary to carry out the powers conferred by this act on said municipal corporation: one chief warden of the fire department, and as many assistants as they may deem proper, and such a number of street commissioners as said council may from time to time deem expedient; and prescribe their duties and compensation, and to improve and enforce in law such penalties as to the said council may seem proper for any malfeasance or improper conduct of any of said officers.

SEC. 24. 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 arresting, suspending, or absolving the said corporation, but such election may be held at any time thereafter by order of the city council, of which time ten days' public notice shall be given, and further, if any of the duties enjoined by this act at a time herein specified, or specified by any ordinance of the city, are not then done, the city council may appoint another time upon which the said duties may be done: *Provided*, That the officer so failing to execute such duties at the time required, shall be liable to the same actions, fines, and penalties, as he would be liable to if the said council had not the power to appoint another time.

When election not held on day fixed, may be at any other time.

SEC. 25. Whenever the office of any person elected under the provisions of this act by the qualified voters of the city, shall become vacant by reason of the death, resignation, removal, refusal or neglect to qualify, or for any cause whatever, the same may be filled by special election, to be held at such time and place as may be designated by the mayor or acting mayor and city council, and the person or persons so elected shall fill the vacancy during the remainder of the term for which his predecessor was elected.

How vacancy filled.

SEC. 26. The city council shall have power to authorize the formation of fire engine, hook and ladder, and hose companies, provide for the due and proper regulation of the same, and to disband any such companies at any time, and prohibit their meetings as such, when disbanded, which companies shall be officered and governed by their own by-laws: *Provided*, Such by-laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city, and shall be formed only by voluntary enlistment. Every member of any company in said city shall be exempt from serving on juries, and from poll tax and military duty, except in case of war, invasion, or insurrection; and whenever a member of a fire, hook and ladder, bucket and hose company, shall have served therein ten years, he shall be entitled to a discharge, signed by the mayor, and shall thereafter be exempt as aforesaid.

To organize fire companies.

Proviso,

SEC. 27. Upon the application in writing of two-thirds of the owners of lots or parcels of land upon any street or part of street, the city council shall have power to cause to be graded, graveled, paved or planked, any street or part thereof, or the side-walks on any street or part of street within said city, and to levy and collect a special tax on the lots and land bounding and abutting on such street or sidewalk, in proportion to the front or size of such lots respectively, for the purpose of defraying the cost of the same, in addition to the ordinary tax authorized by this act

May provide for construction of sidewalks.

to be levied and collected in the same manner as annual taxes are collected, and it shall be the duty of the city council to provide by ordinance for the assessing, correction, and equalization of such special tax; and the property so assessed shall be liable for the payment of the same; and in case any tax mentioned in this section shall be returned delinquent, the proceedings for the sale of the lots or land so returned, shall in all respects be the same as in case of delinquency in the payment of the annual city taxes with the addition of like interest, cost, and penalty.

Power to lay out roads, &c.

SEC. 28. The said city council shall have power and authority to lay out new highways, streets, alleys, and public walks, and to vacate or alter such highways, streets, alleys and public walks as in their opinion shall not be of public utility, to regulate, grade, pave, and improve streets, avenues, lanes and alleys, and to extend, open, and widen the same, and notice of the passage by the city council of any order for laying out, vacating, changing, or altering said highway, streets, alleys, and walks, shall be given by publishing notice of said order in some newspaper printed in said city, immediately after the passage of the order aforesaid, and if any person shall claim damages by reason of the laying out or vacating, changing, or altering thereof, and shall file his notice of such claim in writing with the clerk, within thirty days after the order for laying out, vacating, or altering, shall have been made by the city council, the city council shall cause the damage, if any over and above the benefit accruing thereby to such claimant to be assessed by a jury as herein provided.

May provide for settlement of damages.

SEC. 29. The said city council shall, at the expiration of thirty days after the making and entering of any order for the opening and laying out, extending, or vacating any highway, street, alley, or public walk, cause to be summoned six good and lawful freeholders, inhabitants of said city, (and not directly interested) who, being first duly sworn for that purpose, shall take into consideration as well the benefit as the injury which may accrue, and estimate and assess the damage which would be sustained by reason of the laying out, opening, and extending or widening of any street, avenue, alley, or public walk as aforesaid, and shall return the same within six days, to the city council, under their hands and seals, which shall be paid out of the city treasury of said city.

Poll tax.

SEC. 30. There shall be two days' labor performed annually on highways, streets, and alleys, by each male person, who, by the laws of this state is subject to perform highway work, such person to perform such labor under

the direction of such street commissioners as the city council may appoint; but any such person may at his option, pay at the rate of fifty cents per day for every day he may be so bound to labor, and in default of the payment of such money, or the performance of such labor, the street commissioners, or either one of them, may sue for and collect such money by an action of debt, in the name of the city of Fond du Lac, with fifty per cent. damages on the same, together with costs of suit, before the mayor of the city, or any justice of the peace, and in all such cases the process shall be by warrant, and no stay of execution upon any judgment rendered on such suit shall be taken or allowed.

SEC. 31. For the discharge of any debt against said city, or expenditure authorized by the city council, under the provisions of this act, or ordinance of said city, or to defray the current expenses of said city, the city council shall have power to levy and collect annually a tax on all such real and personal property or capital of any kind within said city, subject to taxation by the laws for levying the taxes of this state for the time being: *Provided*, That the whole amount of said annual taxes shall not exceed five mills on a dollar of the assessed value of said property, except as in the next section provided.

SEC. 32. Special taxes for purchasing fire engines, or for the purchase of a cemetery, and improving the same, for the burial of the dead, may be voted at any regular or special meeting; but no such vote shall be taken unless said tax be first recommended by the common council, and a notice of the same, specifying the purpose for which said tax is to be raised, and the time and place for voting, be published at least one week before such meeting in some newspaper in said city.

SEC. 33. The assessors elected by virtue of this act shall, in all things pertaining to their office, be governed by the same laws as assessors in towns, except that as soon as they have completed their assessment rolls, they shall return them to the city clerk.

SEC. 34. It shall be the duty of the clerk annually upon the receipt of the assessment rolls, to lay the same before the city council for their consideration: and the said city council shall be a board of equalizers, and if they deem it necessary, may make such amendments, corrections, or alterations as will produce an equality of assessment agreeable to the value or comparative value between the several lands; and when so equalized, the said council, at any time thereafter, may proceed to levy upon the whole amount of such assessment as corrected and equalized, such a per

**Proviso.**

centage as a majority of all the board shall deem necessary for all corporation purposes for the year in which it is made: *Provided*, That such per centage shall not exceed five mills on a dollar valuation. But no county or state tax shall be levied by said council until the assessment shall have been equalized by the county board, the same as the assessment of towns; and after having been so equalized by the county board, the same rules and regulations shall be observed in levying and collecting said county and state taxes within said city as are applicable to the same in towns.

**Clerk to complete tax list.**

SEC. 35. It shall be the duty of the clerk to complete the tax lists of each ward within such time as shall be prescribed by the city council, and deliver the same together with the warrant of the said board, to the treasurer for collection, which warrant shall be substantially the same as is required by law of town clerks, and make a record of such delivery in a book where such list shall be recorded, which record shall be conclusive evidence of such delivery; and the taxes so assessed on real estate shall be a lien in preference to any other lien on the estate so taxed until the same shall be paid, together with all legal charges thereon.

**Treasurer to give notice.**

SEC. 36. Upon the receipt of any tax list by the treasurer, it shall be his duty to give public notice in a newspaper published in said city, that such tax list (describing for what purpose said tax or taxes are levied) has been committed to him for collection and that he will receive payment for taxes at his office for the term of ten days next ensuing said notices, and all persons paying taxes during said time shall be entitled to a discount of two per centum upon the amount paid; if the taxes are not paid within the said time he may then proceed to collect the same by distress and sale of the goods and chattels of the person charged, giving at least six days' notice of the time and place of such sale, by posting up not less than three written notices in as many public places in said city.

**Delinquent list.**

SEC. 37. In case no goods and chattels shall be found, out of which to collect the taxes on any lot or lots, or other pieces of land or property, it shall then be his duty to make out a list of all the property and taxes remaining unpaid on the third Monday of January next succeeding the date of his tax list and warrant, and the list so made, with his affidavit thereto attached, stating that the taxes therein contained had not been collected, and that he had been unable to find goods and chattels out of which to collect the taxes, shall be called the delinquent list, and it shall be his duty to return said delinquent list to the treasurer of the

county of Fond du Lac, on or before the fourth Monday of January then next, and he shall, at the same time, pay over to said county treasurer all moneys then collected by him, belonging to the county of Fond du Lac, and also those belonging to the state of Wisconsin in the same manner as required by law of treasurers of towns.

SEC. 38. In case any person against whom personal property shall be assessed, shall have removed out of the city of Fond du Lac after such assessment was made, and before such tax ought by this act to have been collected, it shall be lawful for said treasurer to levy and collect such tax by distress and sale of goods and chattels of the person so assessed, in any town within the county of Fond du Lac, to which said goods or property may have been removed, or in which he may reside.

Proceedings in  
case of removal.

SEC. 39. For the purpose of levying the first street or highway tax, the common council shall meet within eighteen days after the day of the first election provided for in this act at such time and place as the mayor may appoint, and proceed to assess the same on all the taxable property within the limits of section two in this act, according to the last assessment roll of the town of Fond du Lac, a certified copy of which assessment roll shall be provided from the clerk of said town and filed in the office of the clerk of said city. The said council shall cause to be made out separate lists of the names of all persons in each ward, with a description of each kind of property in such ward, together with the valuation of such property and the amount of such tax or taxes annexed to each such description, and also the amount of poll tax chargeable to each such person, which list, when so made out, shall be filed in the clerk's office as a record, and it shall then be the duty of the clerk to make a duplicate copy of each such tax list, and annex thereto his warrant, under his hand and corporate seal, commanding the street commissioner or commissioners (naming him or them) to collect the taxes therein specified, which warrant shall be substantially the same as is required to be made to overseers of highways in towns, which said street commissioners shall, in all respects, be governed by the same rules and regulations as overseers of highways of towns, except as otherwise provided by the city council; and thereafter in the same manner shall said highway or street taxes be annually levied upon the last assessment roll of the city of Fond du Lac.

How first street  
tax levied.

SEC. 40. Real estate exempted from taxation by the laws of this state, shall be subject to local taxes for the building and improving of side walks.

No exemption.

Invested with liabilities of village.

SEC. 41. The said city of Fond du Lac shall be and is hereby invested as the lawful owner and successor of all the real and personal estate, and all the rights and privileges belonging to the corporation of the village of Fond du Lac, together with all the funds, revenues, debts, and demands due and owing to the said village of Fond du Lac as a corporate body, which, by or under any former acts, ordinances, grants, donations, gifts, or purchases, have been acquired, vested, or in any manner belong to said corporation, and the same are hereby transferred to the corporate body created by this act, and all suits, judgments, rights, claims, and demands against the said village of Fond du Lac, may be continued, prosecuted, defended, and completed, in the same manner as if this act had not been passed.

Officers to continue.

SEC. 42. All the officers of the village of Fond du Lac shall remain in their respective offices and perform the several duties thereof until the officers elected by virtue of this act shall be elected and qualified; and all by-laws, resolutions, and ordinances passed and adopted by the trustees of the village of Fond du Lac, shall remain in full force until altered or repealed by the city council established under this act.

Connection between city and town dissolved.

SEC. 43. From and after the first Tuesday of April, 1852, the connection between the said city of Fond du Lac and the town of Fond du Lac, for town purposes, shall be dissolved; and the duties now or hereafter imposed upon the supervisors and other officers of towns, so far as they relate to the city of Fond du Lac, shall be imposed on the officers of said city of Fond du Lac; and so much of the town of Fond du Lac as is not included in the limits of the city of Fond du Lac, shall continue to constitute the town of Fond du Lac, for the purposes of town and county government; and they shall hold their next town meeting at such place within the original town of Fond du Lac as the present board of supervisors shall appoint, and thereafter the place of meeting shall be decided by vote of their town meeting.

How business to be settled.

SEC. 44. The town business of the present town of Fond du Lac up to the time of the passage of this act, shall be settled by the town as constituted by this act, and the amount of funds remaining, or debts due, as the case may be, shall be proportioned between the said town and city, according to the amount of taxable property belonging to each, as taken from the last assessment roll.

SEC. 45. This act may be amended, altered, or repealed by the legislature; and the act entitled "An act to incorpo-



rate the village of Fond du Lac," approved February 8th, 1847, and all acts and parts of acts inconsistent with this act, shall be, and the same are hereby repealed; such repeal to take effect at the time when this act becomes operative. Acts repealed.

SEC. 46. This act shall be considered a public act, and shall be construed favorably in all courts and places.

J. McM. SHAFTER,  
*Speaker of the Assembly.*

TIMOTHY BURNS,  
*Lt. Governor and President of the Senate.*

Approved, March 19, 1852.

LEONARD J. FARWELL.

[Published, April 1, 1852.]

An Act to incorporate the Cascade and Lake Michigan Railroad Company.

Chap 133

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

SECTION 1. E. Fox Cook and such other person or persons as may hereafter become associated with him in the manner and under the restrictions hereinafter prescribed, his and their successors and assigns, are hereby created a body corporate by the name of the Cascade and Lake Michigan Railroad Company, and by that name shall be and are hereby authorized to construct and maintain a rail road, with one or more railways or tracks, from, and beginning at or near as may be the north-east corner of section twenty-seven, town fourteen, north of range twenty-three east, in the county of Sheboygan; running thence westerly from water's edge on west shore of Lake Michigan, along the section line on the north side of said section twenty-seven, through to where said line crosses the Sank trail road; thence across the said Sank trail road along the said section line, as near as may be practicable, to the village of Cascade, in said county of Sheboygan; and the said company are hereby made capable in law, to purchase, hold and enjoy and retain to them and their successors and assigns, lands, tenements and hereditaments, so far as may be necessary to construct said rail road, and the same to sell, grant, rent, or in any manner dispose of, to contract and be contracted with, to sue and be sued, to plead and be impleaded, answer and be answered, defend and be defended, and also to make, have and use at their pleasure a common seal: *Provided*, The said company do not construct the said railroad across any public or private highway, road, Created a body corporate.

*Provide.*