

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

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 Section forty of said act is hereby repealed.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

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

Approved March 14, 1860.

[Published April 2, 1860.]

## CHAPTER 112.

AN ACT to incorporate the village of Pepin.

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

### CHAPTER 1.

#### VILLAGE AND WARD BOUNDARIES.

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

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

CHAPTER 112. number twenty-three (23), north of range number fifteen (15) west, and all territory lying in a direct line between all of said sections and the channel of Lake Pepin, shall constitute the village of Pepin.

Ward boundaries.

§ 3. The village shall be divided into two wards, as follows: The first ward shall be all that part of said village lying east of the west line of the village plat of North Pepin. The second ward shall constitute all that part of said village lying west of the west line of the village plat of North Pepin.

## CHAPTER II.

### ELECTIONS.

Annual election.

SECTION 1. The annual election for village and ward officers shall be held on the last Tuesday of March, of each year, at such place, in each ward, as the trustees of each ward, or a majority thereof, shall designate; and the polls shall be kept open from nine o'clock in the forenoon, until twelve o'clock meridian, and from one o'clock, in the afternoon, until five o'clock, in the afternoon, and ten days notice shall be given by the trustees of each ward, or a majority thereof, of the time and places of holding such election, and the village and ward officers to be elected. The elective officers of said village shall be a president, a clerk, a treasurer, a marshal, an assessor, two trustees in and for each ward, and one county supervisor in and for each ward, who shall also act as a trustee for his ward.

Officers.

Other officers appointed.

All other officers, necessary for the proper management of the affairs of said village, shall be appointed by the board of trustees of said village. All elective officers of the village and wards shall hold their respective offices for the term of one year, and until their successors are elected and qualified. The board of trustees shall have power to expel any of their own number, by a vote of two-thirds of such body, due notice being first given to the member complained of. When a vacancy shall occur in the office of president, trustee, or county supervisor, such vacancy shall be filled by a new election, which shall be ordered by the board of trustees, and held within fifteen days after such vacancy shall be made known to the board of trustees, and the notice of such election shall be from the same authorities and for the same length of time,

Terms.

Power of board to expel.

Vacancies—how filled.

and be conducted in the same manner as annual elections; any vacancy happening in any other office shall be filled by the trustees. The person elected, or appointed to fill a vacancy, shall hold his office, and discharge the duties thereof, for the unexpired term, and with the same rights, and subject to the same liabilities, as the person whose office he may be elected or appointed to fill. All the elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an office shall receive an equal number of votes for the same office, then the same shall be determined by the casting of lots, in the presence of the board of trustees; at such time, and in such manner, as they shall direct.

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Term and liabilities.

Tie vote.

§ 2. All persons entitled to vote for county officers, who shall reside within the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office thereby created.

Voters.

§ 3. The elections in said village, after the first, shall be held and conducted by the trustees of each ward, who shall be inspectors of elections, and shall take the usual oaths or affirmations, as prescribed by the general election laws of this State, to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths; such elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof, filled as required by the laws of this State regarding elections.

Elections after the first—how conducted.

§ 4. If either of the inspectors shall suspect that any person, offering to vote, does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspectors, before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age, that you are a citizen of the United States, (or have declared your intentions to become a citizen conformable to the laws of the United States, on the subject of naturalization), that you have resided in the State one year, in this village ten days, and within the ward five days next preceding this election, and that you have made no wager depending on the result of this election;" and if the person offering to vote, shall take

Challenge of votes.

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such oath, his vote shall be received, and if such person shall take an oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the penalty, provided by law, for persons guilty of perjury. If any person, who is not a qualified voter, shall vote at any election, or if any person duly qualified shall vote in any other ward, than the one in which he resides, or shall vote more than once at any one election, he shall be liable to an indictment, and upon conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged; as aforesaid, and who shall swear in their votes, and if any inspector shall knowingly and corruptly receive the vote of any person not duly authorized to vote, or shall make out false returns of an election, or any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue or incorrect counts and tallies of votes, each and every such inspector and clerk shall be liable to indictment, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars and not less than one hundred dollars. All such indictments shall be tried in the circuit court of the county of Pepin.

Penalty for illegal voting.

Inspectors to keep a list of voters challenged.

Liabilities of Inspectors and Clerks.

Votes—how returned.

§ 5. When any election under this chapter, after the first, shall be closed and the number of votes for each candidate or person voted for, shall be counted and ascertained, the said inspectors shall make return thereof, stating therein the number of votes for each and every officer, and shall deliver, or cause to be delivered, such returns to the clerk of the village of Pepin, who shall forthwith give notice to each of the officers elected, of their respective elections. Within twenty days after any election, the board of trustees shall meet and canvass said returns and declare the result as it appears from the same.

Canvass.

Special elections.

§ 6. Special elections, to fill vacancies, or for any other purpose, shall be held and conducted by the trustees of each ward, in the same manner, and the return thereof shall be made in the same form as general or annual elections, and within such time as provided in section four of this chapter.

When office vacated.

§ 7. Any officer removing from the village, or any ward officer removing from the ward for which he was

elected, or any officer who shall refuse or neglect, for ten days, after written notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the board of trustees shall proceed to fill such vacancy as provided by section one of this chapter. CHAPTER 112.

§ 8. The term of every officer elected under this law shall, after the first election, commence on the first Tuesday of April, of the year for which he was elected, and shall, unless hereafter otherwise provided, continue for one year, and until his successor is elected and qualified. Term of officers.

§ 9. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the board of trustees may order a new election to be held, ten days notice of the time and place of holding the election being first given; and said election shall be conducted in all respects, so far as practicable, in the same manner as annual elections are herein provided. On failure to elect.

§ 10. The board of supervisors of the town of Pepin shall, at least five days previous to the second Tuesday of April, 1860, appoint a place in each ward, for holding the first election of officers in said village, and appoint three inspectors and one clerk of election in each ward, and give notice thereof, at least five days previous to the election, by posting up notices of the same in three public places of each ward, or by publishing said notice in a newspaper in the county of Pepin, such inspectors shall, at such first election, have the powers and duties conferred by this chapter on the trustees of each ward acting as inspectors of elections, said elections shall be held at the same time of day and conducted in the same manner as the annual elections provided for in this act, so far as practicable, and when the first election under this act shall be closed, the number of votes for each candidate or person voted for, shall be counted and ascertained by said inspectors, who shall make return thereof, stating the number of votes for each person for each and every office, and shall deliver, or cause to be delivered, such returns to the town clerk of Pepin, within two days after such election. The board of supervisors of the town of Pepin, shall meet and canvass the said returns, and determine who shall have been properly elected officers of said village and wards, and shall cause such determination Super visors town of Pepin to provide for holding first election.  
Board of Supervisors to canvass returns.

CHAPTER 112. to be filed and recorded in the office of the town clerk of said town; and the said town clerk shall notify each of said officers of his election, within the said ten days.

First election. § 11. The first election of officers under the provisions of this act, shall be held on the second Tuesday of April, A. D. 1860.

### CHAPTER III.

#### OFFICERS—THEIR POWERS AND DUTIES.

Oath of office. SECTION 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, before some proper person authorized to administer oaths, and file the same, duly certified by the officer taking it, with the clerk of the village; and the treasurer, clerk, marshal, and such other officer as the board of trustees may direct, shall severally, before they enter upon the duties of their respective offices, execute to the village of Pepin, a bond, with at least two sureties, who shall swear they are each worth the penalty specified in the bond, over and above all debts, executions or liabilities, and such bond shall contain such penal sum and such conditions as the board of trustees may deem proper; and they may, from time to time, require new or additional bonds, and remove from office any officer who shall neglect or refuse to give the same.

Board of office.

Duties and powers of President. § 2. The president, when present, shall preside over the meetings of the board of trustees, and take care that the laws of the State and the ordinances of the village are duly observed and enforced; and that all other executive officers of the village discharge their respective duties. He shall, from time to time, give the board of trustees such information and recommend such measures as he may deem for the prosperity and advantage of the village. He shall be the chief executive officer, and the head of the police of the village, and in case of a riot, or other disturbance, he may appoint as many special or temporary constables as he may deem necessary. He shall have a vote in the board of trustees only in case of tie.

Temporary President. § 3. In case the president of the village shall be absent at any meeting of the board of trustees, they shall elect a temporary presiding officer, who for the

time being, shall discharge all the duties of the president of the corporation. The temporary presiding officer, while presiding over the board, or performing the duties of president of the village, shall be styled acting president, and any act performed by him shall have the same force and effect as if performed by the president of the village. CHAPTER 112.

§ 4. The clerk shall keep the corporate seal, and all papers and records of the village, and keep a record of the proceedings of the board of trustees, whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced, and countersign all orders drawn by the president on the treasury, in pursuance of an order or resolution of the board of trustees, and keep a full and accurate account thereof in books provided for that purpose, and he shall have power and authority to administer oaths and affirmations. Of the Clerk,  
his powers and  
duties.

§ 5. The treasurer shall receive all moneys belonging to the village, and keep an accurate and detailed account thereof, in such manner as the board of trustees may, from time to time, direct. The treasurer shall exhibit to the board of trustees, at least fifteen days before the annual election, and sooner, if required by them, a full and detailed account of all receipts and expenditures, after the date of the last annual report, and also of the state of the treasury, which account shall be filed with the clerk; the treasurer shall in addition have the same powers and duties, and be subject to the same liabilities, and be entitled to the same compensation as treasurers in towns. Of the Treasurer,  
his powers,  
duties, liabilities  
and compensation.

§ 6. The marshal shall perform such duties as shall be prescribed by the board of trustees, for the preservation of the public peace, and the collection of license money and fines. He shall possess the powers of constable, at common law, or by the laws of this state, and receive like fees. Of the Marshal,  
his powers, du-  
ties and fees.

§ 7. The county supervisor elected in each ward shall be a member of the county board of supervisors, with all the rights, duties, liabilities, of the chairman of the board of supervisors of a town; *Provided*, that each county supervisor, may substitute either of the trustees of his ward in his place in said county board, for such County Super-  
visor.  
  
Supervisor  
may deputize  
Trustees.

CHAPTER 112. time as may be named by him in writing, and in case of the absence of such supervisor, and his failure to substitute such trustee, the two trustees of said ward shall, by lot, decide which shall serve in the county board as such supervisor.

**Publication of village ordinances.** § 8. The board of trustees, at their first meeting in each year, or as soon thereafter as may be, shall designate, not more than one weekly newspaper, printed in said village, in which shall be published all ordinances of the board of trustees, to be published in a newspaper, and in case of the publication of any ordinance, resolution or other matter, which is required to be published, the editor or publisher of said paper shall file, with the clerk of the village, a copy of such publication, with the affidavit of the editor, publisher or foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of such publication.

**Affidavit of publication to be filed.**

**Penalties for neglect of certain duties.** § 9. If any person having been an officer in said village shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects, of every description, in his possession, belonging to said village, or appertaining to the office he may have held, he shall forfeit, and pay for the use of the village, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may receive the possession of such books, papers and effects in the manner prescribed by the laws of this State.

**Trustee nor President shall be a party in any contract with the village** § 10. No trustee, nor the president shall be a party to, or interested in, any job or contract with the village or any of its wards, and any contract in which any such trustee or president shall be so interested, shall be null and void, and in case any money shall have been paid on any such contract, the board of trustees may sue in the name of the village for, and recover the amount so paid from the party to such contract, and the trustee or president interested in the same: *Provided*, The money shall be received from no innocent party, who was ignorant of the interest of such trustee or president at the time of his receipt of such money.

**Proviso.**

**Peace officers.** § 11. The president, or acting president, the sheriff or any deputy sheriff of Pepin county, and each and every trustee and marshal shall be officers of the peace, and may command the peace and suppress, in a summary manner, all rioting and disorderly behavior,



within the limits of the village, and for such purpose may command the assistance of all by-standers, and if need be, of all citizens and military companies, and if any person, by-stander, military officer or private shall refuse to aid in maintaining the peace when so required, any such person shall forfeit and pay a fine of fifty dollars, unless such individual so refusing shall be so sick or infirm as to render it impracticable for him to comply with such command, which sickness or infirmity may be shewn in defence.

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Penalty for neglect of duty.

## CHAPTER IV.

## THE BOARD OF TRUSTEES—ITS POWERS AND DUTIES.

SECTION 1. The president and board of trustees shall constitute the board of trustees, and the style of all ordinances shall be: "The President and Trustees of the village of Pepin do ordain as follows." The board shall meet at such time and place as they by resolution, shall direct, but they shall hold stated meetings on the first Saturday of January, April, July and October. The president may call special meetings by notice to each of the members, left at their usual place of residence. A majority of the board of trustees shall constitute a quorum.

Board of Trustees.

Stated meetings.

Special meetings.

Quorum.

§ 2. The board of trustees shall determine the rules of its proceedings, and be the judges of election and qualifications of its own members, and have power to compel the attendance of said members.

Authority of Trustees.

§ 3. The board shall have the management and control of all the property and the finances of the village, and shall, likewise, in addition to the powers herein granted, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the village, for the suppression of vice, for the prevention of crime, and for the benefit of the trade and health thereof; and as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of law: *Provided*, That they be not repugnant to the constitution and laws of the United

General powers and authority of Trustees.

- CHAPTER 118.** States, or of this State, and for these purposes shall have authority by ordinances, resolutions or by-laws :
- Licenses.** 1st. To license and regulate the exhibition of common showmen and shows of any kind, the exhibition of caravans, circuses, and theatrical performances, the keeping of billard tables and bowling saloons, and to provide for the abatement and removal of all nuisances, under the ordinances or at common law, and to grant licences and regulate groceries, tavern, victualing houses, and also to license and regulate the sale or dealing in spirituous, vinous, fermented or malt liquors, and grant license for the same for such sum, for such time, and upon such reasonable conditions and restrictions as the board may deem for the best interests of the village, and not inconsistent with the laws of this State.
- Nuisances.**
- Sale of liquors.**
- Prohibit gambling.** 2d. To restrain and prohibit all descriptions of gaming, and fraudulent devices and practices, and all playing at cards, dice, or other games of chance for the purpose of gaming in said village.
- Prevent riots, &c.** 3d. To prevent any riots, noises or disturbances, or disorderly assemblages, suppress or restrain disorderly houses or groggeries, or houses of ill-fame, and to authorize the destruction of all instruments of gaming used for such purpose.
- To abate nuisances.** 4th. To compel the owner or occupant of any grocery, brewery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseus [nauseous] house or place, to cleanse, remove, or abate the same, from time to time, as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said village.
- Location of slaughter houses, &c.** 5th. To direct the location and management of slaughterhouses and markets, and to establish rates for and license venders of gunpowder or other combustible materials.
- Keep streets clear.** 6th. To prevent the encumbering of streets, sidewalks, lanes, alleys, or public squares with carriages, carts, wagons, sleighs, boxes, lumber, stone, brick, firewood, or any other materials or substances whatever.
- Prevent horse racing, &c.** 7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the times and places of bathing and swimming in the waters within the limits of the said village.
- Running at large of cattle, &c.** 8th. To regulate the running at large of cattle, and to restrain the running at large of swine, sheep, horses,

poultry, and geese, and to authorize the distraining and sale of the same; to prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large, or contrary to the ordinance, and to levy an annual tax on every dog owned or kept in said village. CHAPTER 112.

9th. To prevent any person from bringing, depositing or having within said village, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises, any such substance, of putrid or unwholesome or rancid beef, pork, fish, hides or skins of any kind, and in default of such person, to authorize the removal thereof by some competent officer, at the expense of such person or persons. To prevent the bringing in, &c. of unwholesome substances, &c.

10. To make and establish public pounds, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of the village, in case of fires, or for public use, and to regulate and license hacks, drays, carts, and the charges of hackmen, draymen, and the cartmen in the village. Pounds, wells, cisterns, &c.

11th. To establish and regulate boards of health, provide hospitals for those infected with small pox or other contagious diseases, and order and regulate the removal of such persons from the village, when the health and safety of the village require; to provide for the burial of the dead, and to regulate the burial of the dead, and to exempt burial grounds set apart for public use, from taxation. Boards of health, hospitals, &c.

12th. To prevent all persons riding or driving any animal on the sidewalks in said village, or in any way doing any damage to said sidewalk, and to direct and regulate the setting of suitable hitching-posts along the side-walks in said village. Keep sidewalks clear.

13th. To prevent the shooting of fire-arms, or the exhibition of any fireworks in any place which the trustees may consider dangerous to the village, or any property therein, or annoying to any person thereof. Prevent discharge of fire-arms.

14th. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Restrain drunkenness, &c.

15th. To regulate the police of the village. Police.

16th. To regulate place and manner of selling and weighing hay, and measuring and selling fuel, either wood or coal, and to appoint suitable persons to superintend and conduct the same. Weighing hay, fuel, &c.

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17th. To license and regulate butchers' stalls, shops, and stands, for the sale of game, poultry, butchers' meat, butter, fish, and other provisions.

Auctions.

18th. To regulate the time, place and manner of holding public auctions or vendues.

Weights and measures.

19th. To provide by ordinance for a standard of weights and measures, and for the punishment for the use of false weights and measures.

Compel owners or occupants of buildings to remove obstructions, &c.

20th. To compel the owners or occupants of buildings or grounds, to remove dirt or other rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.

Set out shade trees, &c.

21st. To compel the owners of lots to set out shade trees, and to prevent or punish [persons] damaging or destroying the same.

How ordinances, &c., passed and published.

§ 4. All laws, ordinances, regulations, resolutions, and by-laws shall be passed by an affirmative vote of a majority of the trustees, and shall be signed by the president, and published in one newspaper in the village, if there be one, and if there be no newspaper, then the same shall be posted in three public places of said village, before the same shall be in force, and, within two days thereafter, they shall be recorded by

Recorded.

the village clerk, in books to be provided for that purpose, but before any of said laws, ordinances, regulations, resolutions, or by-laws shall be recorded, the publication thereof, respectively, within said time, shall be proved by the affidavit of the editor, publisher, or foreman of said newspaper, or of the clerk of the board, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication; no appropriation shall be made without a vote of a majority of the members of the board of trustees in its favor, which vote shall be taken by ayes and noes, and entered upon the proceedings of the board.

Affidavit of publication.

Appropriations, how made.

Suits, &c., at law not barred.

§ 5. The powers conferred upon the said board to provide for the abatement and removal of nuisances, shall not bar or hinder suits, prosecutions, or proceedings in the courts according to law.

§ 6. The board shall examine, audit and adjust the

accounts of the clerk, treasurer, and other officers and agents of the village, at such times as they shall deem proper, and also at the end of each year, and before the terms for which the officers of said village are elected or appointed, shall have expired, and the board shall require each and every officer and agent to exhibit his books, accounts and vouchers, for such examination and settlement, and if any officer or agent shall refuse to comply with the orders of the said board in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his account or present his books and vouchers to said board, it shall be the duty of the board to declare the office of such person vacant, and the board shall order suits and proceedings at law, against any officer or agent of said board who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

CHAPTER 112:  
Accounts to be examined and audited, and powers and duties of board in connection.

§ 7. The officers of said corporation shall not receive any salary, pay, per diem or fees for services, except such fees as are now provided by general statute, or as are herein provided, and it shall not be lawful for the board of trustees, by ordinance or otherwise, to appropriate to any officer of said corporation, any pay for official services, except as now provided by said general statute, or as herein provided.

Compensation.

## CHAPTER V.

### FINANCES AND TAXATION.

SECTION 1 All funds in the treasury shall be under the control of the trustees, and shall be drawn out upon the order of the president and clerk, duly authorized by a vote of the board of trustees.

Funds, how controlled.

§ 2. The board may annually levy a tax upon all property in said village, subject to taxation, not exceeding three mills on a dollar of the assessed value of said property, to defray the current expenses of the village.

Taxation.

§ 3. Special taxes for purchasing fire engines, and fixtures, cemetery grounds, public squares or buildings, roads or bridges, fire engine buildings, or a city hall, or for the repairing or improving any road, bridge, public ground or square, or cemetery grounds, when a sum exceeding one hundred dollars shall be required for any

Special taxes may be voted.

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How vote to be taken.

such purposes, may be voted at any regular or special meeting of the voters in said village, but no such vote shall be taken, unless such vote shall be first recommended by the trustees, and a notice of the same specifying the purpose for which such tax is to be raised, and the time and place for voting be published at least two weeks before such meeting, in some newspaper in said village, by notices posted in three or more public places of the village.

Duties of Assessor.

§ 4. The assessor elected, by virtue of this act, shall, in all things pertaining to his office, so far as practicable, be governed by the same laws as assessors in towns, except as soon as he has completed his assessment rolls, he shall return it to the village clerk.

Duties of Clerk with tax list.

§ 5. The tax list, before being delivered to the treasurer, shall be compared, by the clerk, with the assessment rolls as confirmed; to it he shall append his certificate that the same has been compared by him; and that the assessment rolls and the whole thereof, has been copied into such tax list, and the said tax list, when so certified, shall be *prima facie* (*facie*) evidence, in any court, that the land and persons therein named and described, were subject to taxation, and that the said assessment was just and equal.

Village may purchase lands sold for taxes, and proceedings in connection.

§ 6. If at any sale of real or personal estate for lands or assessments, no bid shall be made for any parcel of land or any goods or chattels, the same shall be struck off to the village, and thereupon the village shall receive, in its corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the village shall become the purchaser of any personal property, by virtue of this chapter, the city treasurer shall have power to sell the same at public sale, and in case the village shall become the purchaser of any real estate at any tax sale, the city treasurer is authorized to sell the certificate issued therefor for the amount sold, and interest, and costs and to endorse and transfer such certificate to the purchaser.

Lands omitted in assessment roll, to be subsequently assessed.

§ 7. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either, or both, of the preceding years, and that the same was then liable to taxation, he shall, in addition to the assessment for that year, assess upon the tract or lot so omitted, for such year or years that it shall be so omitted, the just value thereof, noting the year when such omissions were made, and such assessments shall

have the same power and effect as it would have had if made the year it was omitted, and the board of trustees shall direct, in addition to the tax for the current year, such tax to be levied upon such tract or lot as the same would have been chargeable with, had not the same been so omitted, and such shall by ordinance direct: *Provided*, That if the defect was in the assessment, the same shall again be assessed at such time as the common council may direct, and the said tax or assessment so reassessed or re-levied, shall be and continue a lien upon said lot or tract, and shall be collected as other taxes and assessments are collected under this act. CHAPTER 172.  

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Provide.

§ 8. All deeds purporting on their face to be executed on account of sale for taxes or assessments, under this act, shall be, in all cases, *prima facie* [*facie*] evidence of the validity of such tax, and if the title conveyed by such deed shall come in question, shall be *prima facie* [*facie*] evidence of all facts in such deed, so far as they affect the validity of the title conveyed by such deed. Tax deeds,  
their force and  
effect.

§ 9. All of the directions hereby given for the assessment of lands, and the levying and collecting of taxes, and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate, or in [any] wise affect the validity of such tax or assessment. Informality in  
assessing and  
collecting taxes

§ 10. The clerk of the board of supervisors of Pepin county shall give the same notice of the time when the redemption of lands sold for village taxes will expire, as is required in case of other lands in said county. He shall receive all moneys legally tendered to him for the redemption of lands sold for taxes, and he shall keep an account thereof, and pay the same over, on demand, to the persons entitled to receive the same. He shall annul all certificates so redeemed, and preserve the same in his office, and at the expiration of his term of office he shall deliver over to his successors all redemption moneys in his hands, with a statement of the amount so received. Clerk of county  
board to  
have the same  
control and du-  
ties over vil-  
lage lands sold  
for taxes as  
other county  
lands.

§ 11. Whenever any person shall bid off any lot or tract offered for sale for taxes, which lot shall have been bid off in the name of the village for taxes of any previous year, and shall at the time of any subsequent sale, remain the property of the village, such Person buying  
lands for taxes  
must purchase  
previous certifi-  
cate owned by  
village.

CHAPTER 112.

persons shall, before being entitled to his certificate of sale, purchase of the village its certificate, by paying the amount of principal, interest and charges thereon, and receive from the village treasurer an assignment thereof.

When different persons purchase the same lands in different years.

§ 12. When there shall be sales by the county treasurer of any piece or parcel of land situate in said village, for taxes, for two or more successive years, to different persons, the purchaser of such piece or parcel who may be first in point of time, may redeem the same from the subsequent purchaser, and in case he shall not redeem, the right of the last purchaser shall be held paramount in case of the execution of any tax deed thereof. If the first purchaser in point of time shall so redeem, it shall be the duty of the proper officer to make an entry in the sale book, and also in the redemption record of the character in which such person may redeem, and the person so redeeming shall be substituted to all the rights of the holder of the certificate so redeemed.

Persons commencing suit in certain cases, shall first pay or tender taxes and assessment.

§ 13. No person shall be permitted to institute any proceeding to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land, or to set aside any deed executed in consequence of the non-payment of such taxes, and of the sale of the premises therefor, unless such person shall first pay, or tender to the proper party, or deposit, for his use, with the treasurer, the amount of all state, county, special, or village taxes, and assessments, that may remain unpaid upon such lot or tract, together with the interest and charges thereon.

Laws of State to govern.

§ 14. In making up the assessment rolls, equalizing the same, collecting and returning the taxes of said village, the trustees, clerk, assessor, treasurer and other officers of said village, and the county officers of Pepin county, shall be governed by, and act in compliance with the laws of this State now in force, relating to the return of taxes, as far as the same are practical.

## CHAPTER VI.

## OPENING OF STREETS, ETC.

Proceedings in taking lands for public use.

SECTION 1. The board of trustees shall have power to lay out public grounds, squares, streets and alleys, and widen the same, as follows: Whenever ten or



more freeholders, residing in any ward, shall by petition, represent to the board that it is necessary to take certain lands within the ward, where said petitioners reside, for public use, for the purpose of laying out squares, grounds, streets or alleys, or for widening or enlarging the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the board shall thereupon cause notice of such application to be given to the owner or owners, or occupant or occupants of such lands, if any portion of such lands are not in the actual occupation of any person, or the owner is not known to the board, or if known, does not reside within the village, then the board shall cause such notice, describing as near as may be, the premises proposed to be taken, to be published in some newspaper published in said village, for three weeks, once in each week, or to be posted in three public places of the village.

Notice to be given.

§ 2. Such notice shall state, on a certain day there- in to be named, not less than ten days from the serving or posting of such notice, or the expiration of such publication, as the case may be, that application will be made to one of the justices of the peace of the town of Pepin, naming such justice, for the appointment of twelve jurors to view such premises, and to determine whether it will be necessary, for the interest of the village, to take the same for the purposes specified in the petition.

Nature of notice.

§ 3. Upon the presentation of such application and proof of the publication, or posting and serving of the notice hereinbefore required, the said justice of the peace shall thereupon appoint twelve respectable freeholders and residents of the village, but not residents of the ward in which such premises may lie, nor interested in the result of such application, the said justice shall thereupon issue his precept directed to said jurors requiring them within ten days to view said premises, to be specified in said precept, and to make return under their hands, to the board of trustees, whether in their judgment it is necessary for the interest of said village, to take such premises for the purposes specified in such application.

Jurors to be appointed to view premises.

§ 4. In case any of the jurors, so appointed, shall be disqualified from acting, or shall refuse to act, said

In case of vacancy in board of jurors.

**CHAPTER 112** justice shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Proceedings of jury in view of premises.

§ 5. The said jurors, at such time as they may agree upon, shall proceed, in a body, to view the premises in question, and shall hear such testimony as may be offered by any interested party, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to the witnesses: after viewing the premises, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgement, it is necessary to take the premises in question for the public use, having in view the best interest of the village; which said report, testimony, and precept, shall be returned to the trustees within the time limited therein.

Shall make report of proceedings.

Proceedings in case deemed necessary to take the premises.

§ 6. Should the jurors report that it is necessary for the interest of the village to take said premises, the trustees shall enter an order, among their proceedings, confirming said report and directing the same jurors, within ten days thereafter, in such future time as may be deemed proper, again to view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefited by such taking and to assess and return, within the time limited, such damages and benefits to the trustees.

Value of building, if any, to be estimated.

§ 7. If there should be any building standing in whole or in part, upon land to be taken, the jurors before making their assessment, shall first estimate and determine the whole value of such building to the owner, besides the value of the land, and the injury to him for having such building taken from him; and secondly, the value of such building to him to remove.

Notice to resident.

§ 8. At least five days personal notice shall be given to the owner, or his agent if known, and resident of the village, or left at his usual place of abode; if not known, or a non-resident, notice to all persons interested shall be given, by publication in some newspaper, published in said village, three successive weeks, or by posting the same in three public places of the village, for three weeks, and such notice shall specify the building and the award of the jurors. It shall also require

Notice to non-resident.

the parties interested to appear, by a day therein named, or give notice of their election to the board of trustees, either to accept the award of the jurors and to allow such building to be taken, with the land appropriated, or of their intention to remove such building at the value set thereon by the jurors. If the owner shall agree to remove such building, he shall have such reasonable time for such purpose as the trustees may allow; if the owner refuse to take the building at the value, to remove, or fail to give notice of his election, as aforesaid, within the time prescribed, the trustees shall have the power to direct the sale of such building at public auction, for cash, giving ten days public notice of such sale; the proceeds of such sale shall be paid to the owner or deposited to his use.

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Nature of notice.

Sale of building may be directed.

§ 9. The said jurors, within the time limited, shall view and examine the premises to be taken, and all such other premises as will, in their judgment, be injured or benefitted thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by some one of said jurors, they shall proceed to make their assessment, and to determine, and appraise to the owner or owners, the value of the real estate proposed to be taken, and the injury arising to them, respectively, in consequence of the taking thereof, which shall be awarded to such owners, respectively, as damages, after making due allowance therefrom, for any benefit which such owner may respectively derive from such improvement. In the estimate of damages to the land, the jurors shall include the value of the building or buildings, (if the property of the owner of such lands) as estimated by them, as aforesaid, less the proceeds of the sales thereof, or if taken by the owner, at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Jurors to view premises.

Make assessment.

How damages to land to be estimated.

§ 10. If the damage to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the jurors shall strike a balance, and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners, respectively, and the difference only shall in any case be collectable of them or payable to them.

Balance only of damages to be received or benefits paid.

§ 11. If the land or buildings belong to different

**CHAPTER 112.**

To whom damages may be awarded.

Damages and expenses to be assessed on property benefitted.

Damages to be paid or tendered before land taken.

Covenants, &c. to cease on appropriation of land.

When covenants and lease not discharged.

persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it, less than an estate in fee, the injury done to such person or interest, respectively, may be awarded to them by the jurors, less those benefits resulting to them respectively, from the proposed improvement.

§ 12. Having ascertained the damages and expenses of the proposed improvement, as aforesaid, the jurors shall, thereupon, apportion and assess the same, together with costs of the proceedings upon the real estate, by them deemed benefitted, in proportion to the benefit resulting thereto, from the proposed improvement, as nearly as may be, and shall describe the real estate upon which their assessment may be made. The award of said jurors shall be signed by them and returned, together with the testimony taken, to the trustees, within the time limited in their order of apportionment [appointment.]

§ 13. The land required to be taken, for the purpose mentioned in this act, shall not be appropriated, until the damages awarded therefor, to the owner thereof, shall be paid, or tendered to the owner or his agent, or in case such owner or agent cannot be found, or is unknown, deposited to his or their credit in a safe place of deposit, and then and not before, such land may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the village in the same manner as streets, alleys and public grounds heretofore opened or laid out.

§ 14. When the whole of any lot or tract of land or premises under lease, or other contracts, shall be taken by virtue of this act, all the covenants, contracts or engagements, between landlord and tenants, or other contracting parties, touching the same, or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged.

§ 15. When only a part of a tract or lot of land, or other premises, so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged, as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for, or in respect to the same, shall be so proportioned, so that the part thereof, justly and equitably

for such residue, and no more shall be paid or recovered in respect to the same. CHAPTER 112.

§ 16. The damages assessed shall be paid, or tendered, or deposited, as herein required, within six months from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in such case shall be void. The benefit so assessed, from the confirmation of such report, shall become and remain a lien upon the premises, so determined by the jurors to be benefited by the opening or widening of such street, alley or public ground. When damages to be paid or tendered.  
Benefits a lien on premises.

§ 17. When any known owner of any lands or tenements, affected by any proceedings under this act, shall be an infant, or labor under legal disability, the judge of the county [court] for Pepin county, or a court commissioner for said county, may, upon the application of the board of trustees, or such party, or his next friend, appoint a guardian for such party, and all notices required by this act, shall be served upon such guardian. When party interested an infant.

§ 18. After the jurors shall have made their report, as to the necessity of taking any lands under this act, and the same shall have been confirmed, the board of trustees shall have power to appoint new jurors, in the place of any who shall neglect or refuse to serve, and the jurors before entering upon the discharge of their duties shall, severally, take an oath, before some competent officer, that they are freeholders of said village, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them. New jurors may be appointed  
Qualifications.

§ 19. Any person whose property is taken, or against whom an assessment is made, may, within ten days from the return of the jurors to the trustees, appeal from said assessment of damages, or benefits, to the circuit court of Pepin county, where such appeal shall be tried by the court and jury, as in ordinary cases and the board of trustees shall have the same right of appeal. Appeal may be made to Circuit Court.

§ 20. Whenever any public square, ground, street, or alley, shall be laid out, widened or enlarged, under the provisions of this act, the board of trustees shall cause an accurate survey and profile thereof, to be made and filed in the office of the clerk. Survey to be made in certain cases

§ 21. All public squares, public buildings, and public grounds, within the limits of said village of Pepin, Public property under control of village.

CHAPTER 112. not be done within such time, the said commissioners shall enter into contract for the doing thereof.

Proceedings in case of parties aggrieved by deep cutting, excavation, &c.

§ 7. Whenever the general interest of the village, or any ward, requires deep cutting, or excavation, or extraordinary filling, in any street, and the owner or occupant of the lots or lands fronting on such deep cutting, or filling, shall deem themselves aggrieved thereby, and shall represent to the commissioners in writing, that the expense of such excavation or filling will exceed the benefit the same will be to such lot or parcel of land assessed therefor, the street commissioner shall require the marshal to summon the freeholders, not owners, or interested in such lots or lands, who, after being duly sworn faithfully and impartially to discharge the trusts imposed [reposed] in them, shall examine the premises, and if in their opinion the cost of such work will exceed the benefit to be derived therefrom, it shall be their duty to report thereof to said street commissioners in writing, and they shall state therein what portion of such work shall be chargeable to the village fund, and such proportion as shall be properly chargeable to the lots or parcels aforesaid, shall be assessed upon the same, and levied and collected as other taxes and assessments, and the remainder shall be paid out of the village funds: *Provided, however,* That the petition of no owner feeling himself aggrieved by any act of the street commissioners, shall be received unless the same shall be presented within fifteen days after the first publication of the notice requiring the same to be done: *Provided, further,* That when it shall appear to the street commissioners that lands belonging to non-residents, infants, or persons laboring under any disability, who shall not be represented by any agent or guardian, are not benefitted by the making of streets in front of such lots or lands, to the amount of the costs and expenses thereof, it shall then be the duty of said commissioners to cause to be summoned a jury as herein provided.

Petition, when to be presented.

In case of land belonging to non-residents or infants.

Nuisance, how abated.

§ 8. The street commissioners shall give notice to all owners or occupants of lots, which may be deemed injurious to health, by reason of stagnant waters remaining thereon, in a paper printed in said village, at least five days, or by notice posted five days in three public places of the village, to abate such nuisance, by draining or filling such lot, within a reasonable time therein to be specified, and if the same is not so done,

then the street commissioners shall cause the same to be abated and removed at the expense of the property upon which the same shall exist. CHAPTER 112

§ 9. After the completion and performance of any contract entered into by street commissioners for work chargeable to lots or land, by virtue of this act, they shall give to the contractor, or contractors, a certificate, under their hand, stating therein the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon, and if the amount thereof shall not be paid before the making out the annual assessment roll, the same shall be assessed upon the said lots or parcel of land, respectively, and collected for the benefit and use of the holder of such certificate, as other taxes on real estate are collected, by virtue of this act, and if the notice to do the work required shall have been given as herein provided, no informality or error in the proceedings shall vitiate such assessment: *Provided*, That in no event, where work is ordered to be done at the expense of any lot or parcel of land, shall the village be held responsible for the payment thereof. Proceedings in the collection of costs for work done, against lots assessed.  
Village not responsible.

§ 10. In all cases where work is ordered to be done by the owner of any lot, under the provisions of this chapter, such owner may make his appeal as hereinbefore provided, at any time within fifteen days after the publication of notice required to be given, and, until the expiration of said fifteen days, no such order shall be executed. Appeal, when it may be made in certain cases

§ 11. All work for the village, amounting to a sum of twenty-five dollars or more, shall be let by contract to the lowest responsible bidder, who shall get good sureties, and due notice shall be given of the time and place of letting such contract. Contract.

## CHAPTER VIII

### FIRE DEPARTMENT.

SECTION 1. For the purpose of guarding against fire, the board of trustees shall have power to prescribe the limits within which buildings, not considered fire-proof, shall not be erected, or repaired, and to direct or prohibit the repairing of wooden buildings within such Power of Trustees in erection of wooden buildings.

CHAPTER 112 limits, where the same shall have been damaged by fire to an extent exceeding fifty per cent. on the value thereof, and to prescribe the manner of assessing such damage: *Provided*, The trustees shall not prohibit the building of any building, within the limits aforesaid, not considered fire-proof, without a vote of two-thirds of the board of trustees thus to prohibit.

**Proviso.**

**Power of Trustees to regulate the construction of chimneys, &c.**

**Ashee.**

**Fire-arms.**

**Scuttles.**

**Extinguishing fires.**

§ 2. The board of trustees shall have the power to prevent the dangerous construction and condition of chimneys, fire places, hearth stones, stove pipes or ovens, boilers and apparatus used in or about any building, and to cause the same to be removed, or placed in a secure and safe place or condition, where considered dangerous; to prevent the deposit of ashes in unsafe places, to regulate the carrying on of any manufactories dangerous in causing or promoting fires; to prevent the use, or regulate the use of fire-works and fire-arms; to compel the owners or occupants of buildings situated in the business part of the village, to have scuttles in the roofs of such buildings, or ladders leading to the same; to authorize the president and trustees, fire wardens and other officers of the village, to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention of fires, and the extinguishment of the same as the trustees may deem expedient.

**Fire engines and fire companies.**

§ 3. The trustees shall have power to purchase fire engines and fire engine houses, apparatus for fire engines, and to authorize the formation of fire companies, and to provide for the due and proper regulation of the same, and to order such companies to disband, and their meetings to be prohibited, and their apparatus to be delivered up. Each company may elect its own officers and form its own by-laws, not inconsistent with the laws of the State or the ordinances and regulations of said village, and said companies shall be formed only by voluntary enlistments, and every member shall be exempt from poll tax and highway work, and from military duty, during the continuance of such membership.

**Meeting of fire companies to nominate officers.**

§ 4. There shall be a meeting of the members of such company, or companies, on the first Monday of July of each year, at such place as the president may



designate, when they may nominate, and recommend CHAPTER 112.  
to the board of trustees for appointment, one engineer,  
and the board shall thereupon confirm such nomination,  
and the person so appointed shall perform such duties as  
the board may prescribe; at the same time the said com-  
pany shall nominate and the board shall appoint the  
same, three fire wardens, one of whom shall reside in  
each ward, and who may, from time to time, as they  
may deem proper, enter into or open any house, store-  
house or other building or inclosure, for the purpose of  
inspecting the same, and with a view to guard against  
fire.

§ 5. Whenever any person shall refuse to obey any  
lawful order of any engineer, fire warden or trustee, at  
any fire, it shall be lawful for the officer giving such  
order, to arrest, or to direct, orally, the marshal, con-  
stable, watchman, or any citizen, to arrest such person,  
and to confine him, temporarily, in some safe place,  
until the fire shall be extinguished; and in the same  
manner, such officers, or any of them, may arrest, or  
direct the arrest and confinement of any person at such  
fire, who shall be intoxicated or disorderly, and any  
person who shall refuse to obey any such lawful order,  
shall be liable to such penalty as the board of trustees  
may prescribe, not exceeding ten dollars.

Persons refus-  
ing to obey or-  
ders of Engi-  
neer may be  
arrested.

Intoxicated or  
disorderly per-  
sons may be  
arrested.

§ 6. The members of such fire company or compa-  
nies are hereby authorized, collectively, or individual-  
ly, at the time of any fire, to take charge of all property  
which may be exposed or endangered, and shall, as far  
as may be in their power, preserve the same from des-  
truction.

Members an-  
thorized to take  
charge of prop-  
erty.

## CHAPTER IX.

### MISCELLANEOUS PROVISIONS.

SECTION 1. No money shall be appropriated for any  
purposes whatever, except such as are expressly author-  
ized by this act.

Appropriations  
of money.

§ 2. All actions brought to recover any penalty or  
forfeiture under this act or the ordinances, by-laws, or  
police or health regulations, made in pursuance there-  
of, shall be brought in the corporate name of the vil-  
lage. It shall be lawful to declare, generally, in debt,  
for such penalty or forfeiture, stating the clause of the  
charter, or by-laws, or ordinance under which the pen-  
alty or forfeiture is incurred.

How actions to  
be brought.

CHAPTER 112.

alty or forfeiture is claimed, and to give the special matter in evidence under it.

First process,  
summons.

§ 3. In all prosecutions for any violation of the provisions of this act, or any by-law or ordinance, the first process shall be a summons, unless oath be made for a warrant as in other cases.

Execution.

§ 4. Execution shall issue forthwith, on the rendition of the judgment, unless the same be stayed or appealed, according to the laws of this State: the execution shall require the defendant in such action, in case no goods or chattels, lands or tenements, whereof the judgment can be collected, be found, be imprisoned in the jail of Pepin county, for a time not exceeding six months, in the discretion of the justice or judges rendering judgment, unless the same be sooner paid.

Nature of exe-  
cutions.

Qualification of  
Judge, Justice,  
&c.

§ 5. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said village, in any proceeding or action in which the village shall be a party or interested.

Neglect of du-  
ties not to dis-  
solve corpora-  
tion.

§ 6. If any election by the people, or the board of trustees, shall, for any cause, not be held at the time or in the manner herein prescribed, or if the board shall fail to organize as herein provided, it shall not be considered a reason for arresting, suspending or dissolving said corporation, but such election or organization shall be had on any subsequent day, by order of the board of trustees; and if any of the duties enjoined by this act or the ordinances or by-laws of the village to be done by any officer, at any specified time, and the same are not then done, or performed, the board of trustees may appoint another time at which the said acts may be done or performed.

Preservation of  
trees and  
bridges.

§ 7. The general laws for the preservation of trees and bridges, and punishment by such laws provided, for the wilful and malicious injuries done to the same, are hereby extended to, and shall include all trees belonging to said corporation and all bridges that are now built, and may be hereafter built in said village, and shall apply to any wilful or malicious damage which may be done to the same by any person or persons whatever, and the board of trustees may, from time to time, make such by-laws, or ordinances, as they may deem necessary, for the preservation of such trees and bridges, and enforce the same by adequate penalties.

How service of  
process made.

§ 8. When any suit or action shall be commenced against said village, the service thereof may be made,

by leaving a copy of the process, by the proper officer with the president or clerk, whose duty it shall be forthwith to inform the board of trustees thereof, or take such other proceedings as by the ordinances or resolutions of said board of trustees may be in such case provided. CHAPTER 115.

§ 9. The said village may lease, purchase, or hold real or personal estate, sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation. May hold real estate.

§ 10. No general law in this state, contravening the provisions of this act, shall be considered as repealing, amending, or modifying the same, unless such purpose be expressly set forth in such law. When only General Law shall repeal this act.

§ 11. The incorporation of the village of Pepin, and its organization, shall, in no manner, effect [affect] the organization, government, or boundaries of the present town of Pepin, which shall continue its existence as a town, with all its present rights and privileges, save and except those relating to streets and roads within said corporation. The taxes levied in the village of Pepin, by the trustees of said village; shall be for village purposes only, and the electors of the village of Pepin shall not in consequence of the organization of said village, lose any rights as electors of said town. Town of Pepin not affected by this act.

§ 12. This act shall be considered a public act, and shall be construed favorably in courts and places, and shall take effect and be in force from and after its passage and publication by the State Printer. Rights of electors of village.

Approved March 15, 1860. Public act.

[Published March 21, 1860.]

## CHAPTER 115.

AN ACT to amend an act to incorporate the Borough of Fort Howard and the act amendatory thereto, Approved October 13, 1856.

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

SECTION 1. All that district of country in the town of Howard, and county of Brown, described in the second section of this act, shall be, and is hereby annexed to the borough of Fort Howard, in said county, Territory annexed.