

Text to be lien SEC. 42. That the tax thus levied shall be a lien on real estate from the time of the first advertisement of the treasurer.

Authority of trustees SEC. 43. That the trustees of said village be, and they are hereby authorized and directed to appropriate all of the money raised in pursuance of the law to aid in the construction of a certain bridge as contained in section thirty-eight of this act, and for no other purpose, in such manner as the said trustees may deem expedient.

SEC. 44. This act shall be considered a public act, and may be altered, amended or repealed by any future Legislature, and shall take effect at such time as the voters who shall reside within the corporate limits of the village of Sheboygan at the time of voting, and for one month previous to the passage of this law, shall by a majority of their votes accept this charter.

APPROVED, February 3d, 1846.

AN ACT to incorporate the Village of Madison.

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin:

Limits of corporation. SECTION 1. That all that district of country included in the town plat of Madison, in the county of Dane, and Territory of Wisconsin, shall hereafter be known and distinguished by the name of the village of Madison, and the inhabitants residing, or who may hereafter reside within the limits of said town plat, are hereby constituted a body corporate by the name of "the President and Trustees of the village of Madison," and by that name, they and their successors forever hereafter shall and may have perpetual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places and in all suits whatever.

SEC. 2. It shall be lawful for all free white male inhabitants

of said village, over the age of twenty one years to meet at the supreme court room, on the first Monday of March next, at ten o'clock A. M. of said day and choose *viva voce* two judges of election and one clerk, and elect by ballot, one president, who shall be ex-officio a trustee, six trustees, one treasurer, one assessor, one clerk, and one marshal. Election when held.

SEC. 3. On the first Monday of March, in each year thereafter, there shall be an annual election of the officers of said village above specified, and the trustees shall give twenty days' notice of the time and place of holding the same; and they, or any two of them, shall preside at the same.

SEC. 4. No person shall be eligible to any of said offices, unless he is a voter in said village.

SEC. 5. At all elections by the voters of the village, held under this act, the polls shall be opened at ten o'clock A. M., and continue open until four o'clock P. M., and the election shall be conducted in a similar manner, as far may be, to the election for delegate to Congress. A plurality of votes shall in all cases decide the election. Polls when opened and closed.

SEC. 6. In case such officers, or any of them, shall not be chosen on the day herein appointed for the same, the corporation shall not thereby be dissolved, but vacancies in the office of president or trustees shall be filled at a special election to be called by the remaining trustees, and vacancies in all other offices shall be filled by the trustees. Vacancies how filled.

SEC. 7. All of said officers shall hold their offices until the first Monday of March next, after their election, and until others are elected and qualified in their stead.

SEC. 8. Every officer elected under this act, before he enters upon the duties of his office, and within ten days after his election, shall take an oath faithfully to discharge the duties of his office, and to support the constitution of the United States and the laws of this Territory; and if any person shall not take such oath within ten days after his election, his office shall thereby become vacant. Officers to qualify.

SEC. 9. The treasurer and marshal, before they enter upon the duties of their respective offices, shall severally give bonds to the trustees in such sum with such conditions and with such sureties as said trustees, or a majority of them shall direct, which bond shall be filed with the clerk. Treasurer and constable to give bond.

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

Duty of clerk. SEC. 11. It shall be the duty of the clerk to keep a record of the doings of the board of trustees, especially of the passing of by-laws, ordinances and regulations, and also a faithful record of all the doings and votes of the inhabitants of said village, at their annual and other legal meetings, and to keep on file all papers which may be ordained by the trustees. The records kept by the clerk, shall be evidence in all legal proceedings, and copies of all papers duly filed in his office and transcripts from the records of proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of the contents of the same.

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

SEC. 13. The marshal elected under this act shall have the same powers that constables now have or may hereafter have by law.

SEC. 14. The trustees shall have the following powers, to ^{Power of trustees.}
wit:

I. To have a common seal and to alter the same at pleasure.

II. To purchase, hold or convey any estate real or personal for the use of the corporation; but the said trustees shall not in any case purchase any real or personal estate other or more than shall be necessary to carry on the proper business of the corporation for ordinary purposes; except in the case of the purchase of property sold for taxes according to the provisions of this act

III. To keep in repair, grade or improve streets, avenues, lanes, alleys, sewers and side walks, to keep them free from incumbrances and to protect them from injury; also to protect shade or ornamental trees on the public square or in the streets of the corporation.

IV. To organize fire companies and hook and ladder companies, to regulate their government, and the times and manner of their exercise, to provide all necessary apparatus for the extinguishment of fire, to require the owners of buildings to provide and keep suitable ladders and fire buckets which are hereby declared to be appurtenances to real estate, and exempt from seizure, distress or sale in any manner, and if the owner refuse to procure suitable ladders or fire buckets after reasonable notice, the trustees may procure and deliver the same to him, and in default of payment thereof, may bring an action of debt against said owner, and be entitled to recover in such action the value of such ladders or fire buckets, or both, with costs of suit; to regulate the storage of gun powder and other dangerous materials; to direct the safe construction for the deposits of ashes, and severally to enter into, or appoint one or more officers to enter into, at reasonable times, and examine all dwelling houses, lots, yards, enclosures and buildings of every description in order to discover whether any of them are in a dangerous condition, and cause such as may be dangerous to be put into a safe condition; to regulate the manner of putting up stoves and stove pipes; to prevent fires and the use of fire arms and fireworks within the limits of said corporation or any part thereof; to com-

pel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down and raze such building or buildings in the vicinity of fire as shall be directed by the trustees or any three of them who may be present at a fire, for the purpose of preventing its communication to other buildings, and any building so destroyed shall be paid for by the corporation; to construct and preserve reservoirs, pumps, wells and other water works, and to regulate the use thereof, and generally to establish such other measures of prudence for the prevention or extinguishment of fires as they shall deem proper.

Ib.

V. To clear out and remove vegetable matter and nuisances from the lakes, outlet, and other waters in said corporation, and prevent their accumulation in said waters, and generally to take such other measures for the public health as they shall deem proper.

VI. To prevent, remove, or abate nuisances.

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

VIII. To protect monuments in said corporation.

IX. To purchase, hold, inclose, lay out, ornament, and regulate a burial ground in said village, and to sell lots therein, and regulate the burial of the dead.

Ib.

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

XI. To suppress disorderly, and gaming houses, gambling and devices for the purposes of gaming.

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

XIII. To prescribe the compensation of all officers of the corporation except their own.

Ib.

XIV. To tax every male resident of said village above the age of twenty-one years, and under the age of fifty-five years, two days labor or in lieu thereof, two dollars, to be appropriated in improving the streets of said village, under the direction of such persons as they may appoint.

XV. Upon the application of the owners of two-thirds of the lots on any street, or on one side of any street or block, to levy and collect a special tax on the owners of the lots on such street,

or part of street, according to the respective parts, for the purpose of making a cross walk or side walk along the same.

XVI. To organize school districts, to receive the money coming from the county for the benefit of scholars in said village, and generally to have full control over all public schools in said village, and take such measures for the benefit of public instruction as they may deem proper.

XVII. To make, pass, ordain and establish such by-laws ordinances and regulations not repugnant to the laws of this Territory or to the laws and constitution of the United States, for the purposes of carrying into effect the provisions of this act as they may deem proper; but no such ordinance or by-law shall take effect until the same shall have been published three weeks successively, and to repeal or amend the same at pleasure.

SEC. 15. The said trustees as often as they shall make or publish any by-laws, regulation or ordinance may ordain and provide such reasonable fines, forfeitures and penalties upon the offenders against any such by-laws, regulations or ordinances as they shall deem proper, not exceeding twenty dollars for any one offence, to be prosecuted and recovered before any justice of the peace or court having cognizance of the same, in the name of the corporation, to and for the use of the corporation, and in any such action it shall be lawful to declare generally in debt for such penalty or forfeiture and to give the special matter in evidence, and the defendant may plead the general issue and give the special matter in evidence. All expenses incurred in prosecuting for the recovery of any penalty or forfeiture shall be defrayed by the corporation; and all penalties and forfeitures when recovered shall be collected with costs and paid to the treasurer for the use of the corporation; also to remit such fines or penalties or any part thereof as shall appear to the trustees to have been excessively or unjustly imposed.

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

SEC. 17. Whenever by this act the publication of any by-law,

Publication
how made.

ordinance or advertisement of delinquent town lots, is required, the same shall be published in one or more newspapers printed in said village, if there be any, for three weeks successively: *Provided*, that the trustees shall let the corporation printing to such publisher or printer of a public newspaper as shall agree to print for the lowest price: *And provided further*, that said trustees shall not pay for said printing a greater sum to any such printer than fifty cents per folio for the first insertion, and for each subsequent insertion per folio, twenty cents; but if there be no newspaper published in said village, or if there be one, and the publisher thereof shall refuse to publish such by-law, ordinance or advertisement, for the price herein specified, then it shall be lawful to publish the same by posting copies thereof in three of the most public places in said village.

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SEC. 18. Any four of said trustees shall be a quorum for the transaction of all business; but no by-law or ordinance shall pass unless four of said trustees shall concur therein.

SEC. 19. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in said village in any action or proceeding in which said corporation is a party or interested.

Who exempt
from juries.

SEC. 20. Every inhabitant of said corporation belonging to any fire company or hook and ladder company therein, shall be exempt from serving on juries and from doing military duty except in case of war, invasion or insurrection.

SEC. 21. It shall be the duty of the trustees before the annual election to publish a full and correct statement in detail of the receipts and expenditures by said trustees for said corporation during the past year.

SEC. 22. The following property shall not be taxed by virtue of any law or ordinance adopted by the trustees of said village of Madison, namely: The property of the United States, of this Territory, of Dane county, of said corporation, and of all incorporated, literary, benevolent, charitable and scientific institution, every public library, school house, house of public worship, academy, or other seminary of learning, and the lot or lots belonging to the same, and all property which is by law exempt from sale on execution.

Property sub-
ject to tax.

SEC. 23. All property real and personal, within the limits of the corporation, subject to be taxed by the county of Dane, not exempted as above, shall be subject to taxation.

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SEC. 24. The trustees shall have power to levy and collect, annually, a tax on all property subject to taxation in said corporation not exceeding the rate of fifty cents on every one hundred dollars of the assessment valuation thereof.

SEC. 25. It shall be the duty of the assessor between the first ^{Duty of asses-} day of April and the first day of May in each year, to make out ^{sors.} an assessment roll in which he shall set down the names of all the taxable inhabitants of said corporation, and the names so far as they [he] can ascertain, of non-residents who shall own real estate therein, and the description, quantity and value of all the property subject to taxation in said village, and deposit the same with the clerk, on or before the said first day of May, in each year; and the said assessor shall assess all the property subject to taxation within the said corporation at its cash value at the time of making such assessment.

SEC. 26. ³ It shall be the duty of the clerk, annually, on the ^{Duty of clerk.} first Monday of May, to lay the assessment roll before the trustees, at which time they shall meet and determine the rate per centum to be taxed on the assessment roll for the current year; at which time any person feeling aggrieved at the value the assessor may have put upon his or her property, may appeal to the board of trustees, who may alter the same as justice may require; and when the said trustees shall have determined the rate per centum to be taxed on the assessed value of property as contained in the assessment roll as aforesaid, it shall be the duty of the clerk in the month of May, to make out, in accordance with such determination a schedule of all the property, as contained in said assessment roll after the same shall have been corrected by said trustees, together with the names of the owners thereof, when known, annexing to each lot or other kind of property the amount of taxes which shall be chargeable on the same, agreeably to the assessment, and the rate per centum of taxation as fixed by the trustees, which schedule shall be called the tax list, and shall be recorded in a book to be by him kept for that purpose, and the said tax list or the record thereof, shall either of them be conclusive evidence of the amount of corporation taxes assessed for the year, for which the same shall be made out and dated.

SEC. 27. It shall be the duty of the clerk to complete and re-

cord the tax list as aforesaid, and deliver the same to the treasurer in the month of May and make a record of such delivery in the book where such list shall be recorded, which record shall be conclusive evidence of such delivery, and the tax assessed on real estate shall be a lien on the same from the first day of May, until such tax shall be paid, together with all penalties and costs which may accrue thereon agreeably to the provisions of this act.

SEC. 28. Upon the receipt of the tax list as aforesaid, it shall be the duty of the treasurer to give public notice in a newspaper printed in said corporation, if there is one, and if none, then by posting up notices in three of the most public places, that such tax list has been committed to him for the purpose of collecting the taxes thereon, and that he will receive payment for taxes at his office until the first day of September then ensuing, subject to a deduction of five per centum if paid before the said first day of September.

Treasurer to
collect taxes.

SEC. 29. If the taxes are not paid to the treasurer on or before the first day of September, he may proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving six days notice of the time and place of such sale, by written notices set up in three public places in said village.

Treasurer to
advertise.

SEC. 30. In case the tax on any lot or other piece of land shall remain unpaid on the first day of October, and there are no goods or chattels of the person charged therewith to be found, it shall be the duty of the treasurer to make out a general advertisement stating that all lots and other pieces of land upon which the taxes have not been paid will be sold by him on the third Monday of December, at a place to be therein mentioned, for the purpose of paying the taxes which may be assessed thereon, together with all costs and other liabilities which shall accrue by advertisements and sale, agreeably to the provisions of this act. Such advertisement shall be published four successive weeks, commencing in the month of October, in a newspaper printed in said corporation if there be one, and if not, by posting up the same in three of the most public places: *Provided*, that in case of assessment of taxes in gross upon any tract or lot of land, the treasurer upon the application of any claimant or owner of a part thereof, either divided or undivided, shall receive a part of the taxes, interest and charges due thereon, proportionate to the quantity of such lot or tract

Proviso.

so owned or claimed, and the balance of such taxes, interest and charges shall be a lien, only on the remainder of such lot or tract of land.

SEC. 31. On the third Monday of December, the treasurer shall commence the sale of the said lots and lands, and continue the same from day to day until all shall have been offered for sale. When a lot or tract of land shall be offered for sale, the treasurer shall designate what part or portion of the same shall be sold, if a less portion than the whole tract shall be bid, and shall give to the purchaser a certificate describing the lands sold with sufficient certainty, stating the sum paid therefor, including fees, and the time when the purchaser will be entitled to a deed for the said land, and if the person claiming title to the lots or lands described in such certificate shall not within three years from the date thereof, pay to the purchaser or to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty-five per cent per annum from the date of such certificate, the treasurer shall, at the expiration of said three years execute to the purchaser, his heirs or assigns, a conveyance of the lots or lands so sold, which conveyance shall vest in the person or persons to whom it shall be given an estate in fee simple, and the said conveyance shall be *prima facie* evidence that the sale was regular according to the provisions of this act, and every such conveyance executed by the treasurer under his hand and seal in the name and on the behalf of the village of Madison, and the execution thereof witnessed and acknowledged as by law in other cases provided, may be given in evidence, and recorded in the same manner and with the like effect as a deed regularly acknowledged by the grantor may be given in evidence and recorded: *Provided*, That no deed given in pursuance of this act, shall have any validity or force where the taxes shall have been paid previous to such sale.

SEC. 32. It shall be lawful for the trustees aforesaid, to appoint an agent to attend any sale of lands made for the purpose of collecting taxes due said corporation, and bid off lands for the taxes and charges due thereon, in the name of said trustees, and the said trustees and their successors shall acquire by such purchase, in trust for the corporation, all the rights which might have been acquired by any other purchaser: *Provided*, That the said

Treasurer to sell lands.

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Trustees may appoint agent

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agent shall not purchase any lands in the name of the trustees until the same shall have been once offered and not bid upon by other persons.

Treasurer to advertise. SEC. 33. In the month of July of each year, the treasurer shall publish in some newspaper printed in said village, if one be published therein, and if not, in some paper printed nearest thereto, for three weeks successively an advertisement stating each lot and tract of land which will be forfeited in the ensuing December, (stating the day thereof) if the taxes and charges upon the same are not paid before that day, together with the amount of such taxes and charges, and shall also post up three copies of said notice, in three public places in said village during the month of July. As soon as the treasurer shall have advertised as aforesaid, he shall make a record of the same upon some book by him kept for that purpose.

Fees of treasurer. SEC. 34. Upon all lots or tracts of land, on which the taxes shall not be paid before the first day of October, as aforesaid, and which shall be advertised for sale for non-payment of taxes, and upon all lots or pieces of land sold as aforesaid, it shall be lawful for the treasurer to demand and receive the following fees: For each tract or lot of land advertised for sale, three cents; for each certificate of sale, twelve and a half cents; for certifying the sum necessary to redeem any lot or tract of land sold, twelve and a half cents; for each deed or conveyance executed by him for one lot or tract, one dollar; for each additional tract included in one deed, by order of the purchaser, five cents. The said fees shall be paid by the person receiving the deed, except for advertising where the taxes shall be paid before sale, in which case the person paying the taxes shall be chargeable with, and pay the fees for advertising.

How to redeem lands sold for taxes. SEC. 35. If any person who shall purchase any lot or tract of land in pursuance of the provisions of this act, shall pay any tax returned subsequent to such purchase, on such lot or piece of land, the person who shall redeem such lot or piece of land, shall pay the amount of such tax with interest.

Who to license groceries, &c. SEC. 36. The trustees shall have the sole right of licensing and regulating groceries, victualling houses, taverns, shows, public exhibitions and theatrical or other entertainments, and also the sale of strong and spirituous liquors within said corporation, and shall have power to fix such rates of licenses, and enact such by-laws on the subject, with penalties for the breach thereof as

they may think proper, and to collect such penalties in the same manner provided for collecting other penalties by this act: *Provided*, that any and every person licensed by said corporation, shall be required to pay such additional tax for license as now is, or may hereafter be prescribed by law, to be paid into the county treasury, and the county commissioners of Dane county shall have power and authority to sue for and collect such additional tax for the use of the county.

SEC. 37. All persons entitled to vote as aforesaid, and who shall have resided within said corporation six months immediately previous to an election therein, shall be entitled to vote at any election or meeting authorized by this act.

SEC. 38. This act shall be considered a public act, and may be altered, amended or repealed, by any future Legislature.

SEC. 39. The trustees of said corporation shall have power and are hereby authorized to construct and maintain a dam across the Catfish river at the outlet of the Fourth Lake, and to locate and construct a canal from the third to the fourth of the Four Lakes, from such points on said lakes as a majority of them shall select, and to lease the water power created thereby for the benefit of said corporation, for such term of years as they, or a majority of them shall deem the most advantageous to said corporation. Power of trustees.

SEC. 40. The expense of erecting the dam and constructing the canal aforesaid, shall be paid by such voluntary donations as may be made to the said President and Trustees for that purpose, or by leasing the same a given number of years for the completion of the work contemplated in the preceding section of this act; but no tax shall ever be levied by the trustees of said corporation to defray any part of such expense, and the president and trustees of the said corporation are hereby authorized and empowered to use any street in the said village, for the purpose of locating and constructing the canal contemplated in the preceding section of this act. Dam how constructed.

SEC. 41. In the erection of said dam, the trustees shall cause a slide or chute to be constructed to admit the free passage of fish over the same.

SEC. 42. In the construction of said canal, the said trustees, or any person claiming under them, shall not enter upon any land or town lot owned by any other person, without first having obtained the consent of the owner thereof, in writing.

SEC. 43. The trustees shall have power to construct a lock or locks in said canal, and make such by-laws regulating the use of the same, as the public good may require.

APPROVED Feb. 3, 1846.

AN ACT to provide for the payment to John Catlin, of interest on certain liquidated Territorial Bonds.

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin:

SECTION 1. There shall be paid to John Catlin the sum of three hundred and six dollars and two cents, out of any moneys in the territorial treasury, for interest on six bonds issued on [the] 19th February, 1841, the same having been surrendered. Said bonds were issued to the following persons: One of forty-eight dollars to H. B. Townley; one of one hundred and forty-six dollars, and another of one hundred and fifty dollars to George Bennett; and one for one hundred dollars, and another [for] one hundred and four dollars; and another for six hundred and eighty-three dollars thirty-six cents, to D. H. Richards: *Provided*, That before the Auditor of the Territory shall issue any warrant for the payment of the interest on any bond, it shall be his duty to examine the records of the Secretary's and Treasurer's office, for the purpose of ascertaining if said interest has not before been paid; and shall also require the applicant of such interest to file an affidavit in his office, that the interest on such bond or bonds is justly and honestly due, and that no part thereof has been paid.— This provision shall apply to all appropriations made or to be made for the payment of interest on bonds during the present session of the Legislative Assembly.

APPROVED February 3rd, 1846.