

ved February 13, 1841, may meet at the court house in said village on the first day of April next, at ten o'clock, A. M.; choose viva voce, two judges of elections, and one clerk, and then proceed to vote for or against accepting the said act of incorporation; and if two-thirds of the votes thus given, shall be in favor of accepting the said act of incorporation, that fact shall be proclaimed to the meeting by one of the judges, and from thenceforth the said act shall take effect and be in force; and the certificate of the judges and clerk of the aforesaid result shall be recorded in the minutes of the said corporation; and said certificate thus recorded, or a copy of the same certified to by the clerk of said village of Racine, shall be evidence of its contents in all courts and places whatsoever. But in case two-thirds of the votes given as aforesaid, shall not be in favor of accepting the said act, the same shall not take effect.

SEC. 2. This act shall take effect from and after its passage.

Approved, February 19th, 1841.

No. 46.

AN ACT to incorporate the Village of Racine.

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

SEC. 1. That all that district of country included in sections nine and sixteen, in township three, north of range twenty three, in the county of Racine, shall hereafter be known and distinguished by the name of the village of Racine; and the inhabitants residing, or who may hereafter reside within said limits, are hereby constituted a body corporate, by the name of "The Trustees of the Village of Racine;" 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

ing the act of incorporation, April, 1, 1841,

Boundaries & name, corporate.

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 whatsoever.

SEC. 2. It shall be lawful for the inhabitants of said town, qualified to vote for delegate to Congress, to meet at the house of Ezra Adams, on the third Monday of March next, at ten o'clock, A. M.; 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, three assessors, two constables, one treasurer, one clerk, and one collector.

SEC. 3. On the third Monday of March in each year thereafter, there shall be an annual election of the officers of said town above specified; and the trustees shall give at least ten days notice of the time and place of holding the same; and they, or any three 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 town; and no person shall be eligible to the office of trustee, unless he is also a freeholder in said town.

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

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

SEC. 7. All of said officers shall hold their offices until the third Monday of March next after their election, and until others are duly 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.

SEC. 9. The treasurer, collector and constables, before they enter upon the duties of their office, 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.

Bonds of certain officers.

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

Duties of president.

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

Duty of clerk.

Copies of his records, when good evidence.

SEC. 12. The treasurer of said town shall receive all moneys which may be collected for the use of the corporation, by virtue of this act, or by virtue of any bye-law or ordinance of the corporation, or which may arise from any other source and belong to the corporation, and give to the person paying the same his receipt therefor. All moneys shall be drawn from the treasury by warrants under the corporate seal, signed by the president, by order of the trustees, and countersigned by the clerk, who shall keep a copy thereof; which warrant shall set forth for what purpose the amount specified therein is to be paid; and the said treasurer shall pay out the funds of the said corporation in no other way whatsoever; 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

Duty of treasurer.

How moneys drawn from the treasury.

whom, the amount of the several sums received, and the sources from whence the said sums respectively arose; and in a manner equally accurate and specific, in the same book, he shall duly enter the account of all sums paid out; which books shall at all reasonable times, be open to the inspection of the voters of said town; he shall, as often as they shall require, render to the board of trustees a minute account of all his receipts and payments.

Powers of constables.

SEC. 13. The constables elected under this act, shall have the same powers as the constables elected in towns.

Trustees' powers and duties.

SEC. 14. The trustees shall have the following powers,

to-wit:

- I. To have a common seal, and to alter the same at pleasure;
- II. To purchase, hold, or convey, any real or personal estate, for the use of the corporation;
- III. To make, open, keep in repair, grade, improve, or discontinue, streets, avenues, lanes, alleys, sewers and sidewalks, to keep them free from incumbrances, and to protect them from injury in said town;
- 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 fires; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress, or sale, in any manner: and if the owner refuses to procure suitable ladders or fire buckets, after reasonable notice, the trustees may procure and deliver the same to him; and in default of payment therefor, may bring an action of debt against the said owner, and be entitled to recover in such action, the value of such ladders or fire buckets, or both, with costs of suit; to regulate the storage of gunpowder and other dangerous materials; to direct the safe construction 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 Same. to cause such as may be dangerous to be put into a safe condition; to compel the owners of houses and buildings to have scuttles on the roofs of said houses and buildings; to regulate the manner of putting up stoves and stove pipes; to prevent fires and the use of fireworks and fire-arms within the limits of said town; to compel the inhabitants of said town to aid in the extinguishment of fires; to construct and preserve reservoirs, pumps, wells, and other waterworks, 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;

- V. To prevent, abate, or remove nuisances;
- VI. To protect trees and monuments in said town;
- VII. To regulate the burial of the dead;
- VIII. To suppress disorderly and gaming houses and devices of every description for the purpose of gambling;
- IX. To call regular and special meetings of the voters of said town;
- X. To prescribe the compensation of all officers of the corporation except their own;
- XI. To levy and collect taxes on all such property as is now subject to county taxes, also on all buildings except such as are exempt by law: *Provided* That all taxes, in any one year, exclusive of those hereafter mentioned, shall not exceed two and a half mills on the dollar on the property assessed;
- XII. To tax every male resident of said town above the age of twenty-one years, and under the age of fifty years, one days labor, or in lieu thereof, two dollars, to be appropriated in improving the roads and streets of said town, under the direction of such person as they may appoint;
- XIII. Upon the application of the owners of two-thirds of the lots on any street, or on one side of any block, to levy and collect a special tax on the owners of the lots on such street, or part of street, according to their res-

Same subject.

pective parts, for the purpose of making a sidewalk along the same;

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

Fines, how ordained and collected.

SEC. 15. The said trustees, as often as they shall make or publish any bye-laws, regulations, or ordinances, may ordain and provide such reasonable fines, forfeitures and penalties, upon the offenders against any such bye-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.

Publication of bye-laws, how proved.

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

Bye-laws, how published.

SEC. 17. Whenever in this act the publication of any notice, bye-law, or ordinance is required, the same shall be published in a newspaper printed in said town, if there be one, for three weeks successively; if there be no newspaper, then the same, or copies thereof, shall be posted up by the clerk in four public places in said town, three weeks, which shall be a sufficient publication.

Four trustees a quorum.

SEC. 18. Any four of said trustees shall be a board for the transaction of all business, but no bye-law or ordinance shall pass unless four of said trustees 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 the town of Plattville, in any action or proceeding in which said town is a party, or interested. Inhabitants to be competent jurors, &c.

SEC. 20. 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 town during the past year. Receipts and expenditures, account of.

SEC. 21. The trustees shall, between the first Monday of April and the first Monday of June in each year, determine the amount of general tax necessary to be assessed and collected, the current year. The assessors shall, within the time above limited, assess all property, as well non-residents as residents, subject to taxation within the corporate limits of said town; and shall, on or before the said first Monday of June, deliver to the trustees of said town a full and complete assessment roll thereof; which roll shall exhibit the description and value of the lands, town lots, and all other property, specifically, chargeable with tax in said town, together with the owners' names thereof, so far as the same can be ascertained. The trustees shall, on such assessment roll, after the same shall have been completed and filed, as hereinafter provided, levy such tax as they have previously determined should be raised, in proportion to the valuation of such property as assessed; and they shall apportion the sum or sums to be raised by such tax on such inhabitants and non-residents, in proportion to the valuation of such property. Amount of tax —when to be determined by trustees.
Assessment roll, what to exhibit.

SEC. 22. Whenever said assessors shall have completed their assessment roll, they shall deliver the same to the president, or in case of his absence, to the clerk; such president, or clerk, shall forthwith give public notice of the completion of such tax list by the assessors, and shall specify in such publication the time and place at which the said trustees will meet to hear appeals from the doings of the assessors. Said trustees, on receiving any such appeal, shall have power to alter and correct such assessment list. Notice of completion of tax list; and time of hearing appeals, to be published.

SEC. 23. Whenever such tax list shall be finally completed, the trustees shall forthwith cause a copy thereof to be delivered to the treasurer of said town, and another copy thereof, with Tax list to be delivered to treasurer, with a warrant for collecting.

their warrant thereto annexed, for the collection of the taxes therein mentioned, to the collector of said town.

SEC. 24. The collector shall have the same powers in collecting the taxes, both general and special, as the collectors of county taxes now have, or may hereafter; and the taxes shall be collected, in the same manner, so far as may be, as county taxes, except it shall be sufficient publication of the

Powers of collector; mode of procedure.

Notice of sale of land, how published.

notice of any sale of land, to publish the same in a newspaper in said town; or if there be no newspaper, to post up notices in four public places in said town. The board of trustees shall have the same powers with reference to taxes which county commissioners now have with respect to county taxes.

SEC. 25. This act of incorporation shall be submitted to the legal voters within the corporate limits of the town of Plattville, on the first Monday of March, between the hours of 10 o'clock, A. M. and 4 o'clock, P. M. at the house of Ezra Adams, when and where the said voters shall cast their votes by ballot, for or against the act of incorporation; and a majority of the votes so cast shall decide, and be conclusive in receiving or rejecting the same.

When voters may accept or reject this act.

Election, how conducted.

SEC. 26. The election for the reception or rejection of this act of incorporation, shall be conducted by two judges and one clerk, who shall be chosen by the voters from amongst themselves; and the election shall be conducted, as near as may be, as general elections are by law conducted.

Act, when to take effect.

SEC. 27. This act shall take effect and be in force from and after its reception by a majority of the legal voters of said town.

May be amended.

SEC. 28. This act may be altered or amended by any subsequent Legislature of the territory or state of Wisconsin.

Approved, February 19th, 1841.