

## AN ACT to incorporate the village of Geneva.

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

§ 1. That all that district of country included in fractional section number thirty-six, in township number two, north of range number seventeen, east of the fourth principal meridian, and also five acres of land in a square form in the southwest corner of the north west quarter of section thirty-one in township two north of range eighteen east, in the county of Walworth, shall be hereafter known and distinguished by the name of the village of Geneva, 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 Geneva," 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 whatsoever.

§ 2. It shall be lawful for the inhabitants of said village qualified to vote, to meet at the Inn of Manning and Thompson, in said village, on the first Monday of April next, at 10 o'clock, A. M. choose viva voce, two Judges of election, and one clerk who together shall form the election board; and elect by ballot one President, who shall be ex-officio a trustee, four trustees, three assessors, two constables, one treasurer, and one clerk.

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

§ 4. No person shall be eligible to any of said offices unless he is a voter in said village, and no person shall be eligible to the office of trustee, unless he is also a free holder in said village.

§ 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 elections shall be conducted in a similar manner as far as may be to the election for delegate to Congress.

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

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

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

**Oaths.** § 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 support the Constitution of the United States, and the laws of this Territory.

**Bonds.** § 9. The Treasurer 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.

**Presidents duty.** § 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.

**Clerk's duty.** § 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 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.

**Moneys.** § 12. The Treasurer of the 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 signed by the President by order of the trustees and coun-

tersigned 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 Treasurers 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, which shall remain the property of said corporation wherein he shall note the time when the persons from whom the amount of the several sums received, and the source from whence the said sums respectively arose, and in a manner equally accurate and specific, in the same book he shall duly enter an account of all sums paid out, which book shall at all reasonable times be open to the inspection of the voters of said village. He shall as often as they shall require, render to the board of trustees a minute account of all his receipts and payments.

Keep accounts

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

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

Constables.

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

Trustees to have seal.

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

Real estate.

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

Streets, Alleys &c.

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

Fire companies.

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 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-

Ladders, buckets.

powder, and other dangerous materials, to direct the safe

Gun powder.

- construction of buildings for the deposite of ashes, and severally to enter into, or appoint one or more officers to enter into at all reasonable times, and examine all dwelling houses, lots, yards, enclosures and buildings, of every description in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put into a safe condition, to compel the owners of houses and buildings to have scuttles on the roofs of said houses and buildings, to regulate the manner of putting up stoves and stovepipes, to prevent fires, and the use of fire-works and fire-arms within the limits of the said village, to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down and raze such buildings in the vicinity of 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 :
- Examine buildings.**
- Stove pipes.**
- Pull down building.**
- Nuisances.** V. To clear out and remove vegetable matter and nuisances from the races, outlets and other waters in said village, and prevent their accumulation in said waters and generally to take such other measures for the public health as they shall deem proper :
- Animals.** VI. To prevent, remove or abate nuisances :
- Animals.** VII. To restrain the running at large of cattle and all other animals, to establish pounds and appoint pound masters and fence viewers, and prescribe their powers and duties :
- Trees, &c.** VIII. To protect trees and monuments in said village :
- Burial ground.** 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 :
- Markets.** 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 grass commodities :
- Gambling.** XI. To suppress disorderly and gaming houses and devices for the purpose of gambling :

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:

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 roads and streets of said village, under the direction of such persons as they may appoint. Poll tax.

XV. 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 respective parts for the purpose of making a cross walk or a side walk along the same. Side-walks.

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

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 purpose 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. By-laws and Ordinance.

§ 15. The said trustees, as often as they shall make or publish any by-laws, regulations or ordinances, 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 Fines how collected. Pleadings.

penalty or forfeiture, shall be defrayed by the corporation, and all penalties and forfeitures, when collected shall be paid to the Treasurer for the use of the village, also to remit such fines or penalties or any part thereof.

Proof of notice.

§ 16. The affidavit of the printer of the publication of any by-laws or ordinances, 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.

Ordinance how published

§ 17. Whenever by this act the publication of any by-law or ordinance is required, the same shall be published in a newspaper printed in said village, 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 three public places in said village three weeks, which shall be sufficient publication.

Quorum.

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

Competency.

§ 19. No person shall be an incompetent Judge, Justice, witness or juror, by reason of his being an inhabitant or freeholder in the said village, in any action or proceeding in which said village is a party or interested.

Who exempt.

§ 20. Every inhabitant of said village 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.

Finance.

§ 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 village, during the past year.

Not taxable.

§ 22. The following property shall not be taxed by virtue of any law or ordinance adopted by the authority of said village of Geneva, namely: the property of the United States, of this territory, of Walworth county, of said village, and of all incorporated literary, benevolent, charitable and scientific institutions, every public library, school house, and house for public worship, every academy or other seminary of learning, and the lots on which any of such buildings are situated, and all property which is by law exempt from sale on executions.

§ 23. All property, real and personal, within the limits

of the village, not exempted as above, shall be subject to **Taxable prop-**  
 taxation. Personal property shall be construed to include **erty.**  
 all goods, chattels, moneys and effects, all stocks in any  
 moneyed corporation, and debts due from solvent debtors.  
 over and above the amount of debts owed by the owner of  
 personal property as above specified.

§ 24. The trustees shall have power to levy and col-  
 lect annually a tax on all property subject to taxation in  
 said village, not exceeding the rate of one dollar on every **Rate of tax.**  
 one hundred dollars of the assessment valuation thereof.

§ 25. It shall be the duty of the assessors during the  
 month of January and February of each year, to make  
 out an assessment roll, in which they shall set down the **Tax roll how**  
 names of all the taxable inhabitants of said village, and **made out.**  
 the names, so far as they can be ascertained, of non resi-  
 dents who shall own real estate therein, and the descrip-  
 tion, quantity and value of all the property subject to  
 taxation in said village, and then to give one weeks no-  
 tice of the time and place at which they will meet to  
 equalize and correct said assessment roll, and when said  
 assessment roll shall have been completed, it shall be  
 certified by at least two of the assessors as a true assess-  
 ment roll of all the property subject to taxation in said  
 village, and immediately deposited with the clerk of the  
 said village.

§ 26. It shall be the duty of the Clerk annually upon  
 receiving the assessment roll as aforesaid, to lay the same  
 before the trustees for their consideration, relative to the **Rate per cent**  
 rate per centum of tax to be levied for the current year,  
 and when the said trustees shall have determined the rate  
 per centum to be taxed, on the assessed value of proper-  
 ty, as contained in the assessment roll as aforesaid,  
 it shall be the duty of the clerk, in the month of March,  
 to make out, in accordance with such determination, a  
 schedule of all the property as contained in said assess-  
 ment roll together with the names of the owners thereof  
 when known annexing to each lot or other kind of prop-  
 erty the amount of tax which shall be chargeable on the **Tax list.**  
 same agreeably to the assessment as returned, and the rate  
 per centum of taxation as fixed by the trustees, which  
 schedule shall be called the tax list, and shall be recorded in  
 a book to be by him kept for that purpose. And said tax  
 list or the record thereof, shall either of them be conclu-  
 sive evidence of the amount of corporation taxes assessed **Recorded.**

for the current year, in which the same shall be made out and dated.

§ 27. It shall be the duty of the clerk to complete the tax list as aforesaid, and deliver the same to the Treasurer in the month of March, 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 April next after the assessment of any tax, until such tax shall be paid, together with all penalties and costs which may accrue thereon, agreeably to the provisions of this act.

Clerk to deliver tax list.

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

Tax how collected.

§ 29. If the taxes are not paid to the treasurer on or before the said last day of August, 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.

May sell.

§ 30. In case the tax on any lot or other piece of land shall remain unpaid on the said last day of August, and there are no goods or chattels of the person charged therewith to be found in said village, 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 at a certain time and place to be therein mentioned, for the purpose of paying the taxes which may be assessed thereon together with all costs and other liabilities which shall accrue by advertisement and sale agreeably to the provisions of this act. Said advertisement shall be published four successive weeks, commencing in the month of September, in a newspaper printed in said village, if there be one, and if not, then, by posting up in three public places in said village: *Provided*, that in case of assessment of

Delinquent on lots.

How and when sold for.



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, 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. Part tax lien.

§ 31. The time fixed by the said treasurer for the sale of lots or other pieces of land for taxes, shall be at some time which he may designate within the month of December, next ensuing the publication of the advertisement thereof. And on the day mentioned in the said notice, the treasurer shall commence the sale of the said lots and lands, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes, interest, and charges due, assessed and charged thereon, agreeably to this act. Sale of lots and land. And the treasurer shall give to the purchaser or purchasers of any such lots or lands a certificate describing the lots or lands purchased, stating the sum paid therefor, including fees, and the time when the purchaser will be entitled to a deed for the said lots or lands, and if the person claiming the title to said lots or lands described in said certificate, shall not within two years from the date thereof, pay 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 per cent, per annum, from the date of such certificate, the treasurer shall at the expiration of said two 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 absolute estate in fee simple. Redemption. And the said conveyance shall be conclusive evidence that the sale was regular according to the provisions of this act. Interest. And every such conveyance executed by the treasurer, under his hand and seal, in the name and on the behalf of the village of Geneva, 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. Shall convey by deed.

§ 32. It shall be lawful for the trustees of said village

**Agent to buy lots.** to appoint an agent to attend any sale of lands, made for the purpose of collecting taxes due said village, and bid off said 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 said village, all the rights which might have been acquired by any other purchaser.

**Forfeited land and lots.** § 33. In the month of July of each year, the treasurer shall publish in the manner mentioned in the 31st section of this act, 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.

**Charge for advertising.** § 34. All lots or lands, the taxes on which shall not be paid before the last day of August, as aforesaid, and which shall be advertised for sale for non-payment of taxes, shall be subject to a charge of three cents for each lot or piece of land so advertised, for the first advertisement, and for each lot or piece of land which shall be sold as aforesaid, it shall be lawful for the treasurer to demand and receive the following fees. For each certificate to be given to a purchaser at such sale, of any lot or piece, twelve and a half cents; for certifying the sum necessary to redeem any lot or piece of land held for taxes, twelve and a half cents, and one dollar for each conveyance executed by him, in pursuance of this act. The said fees to be paid by the person receiving such instrument of writing. The charge for the second advertisement shall be ten cents for each lot or piece of land.

**Pay for deed.** § 35. If any person who shall purchase any lot or piece of land in pursuance of this act, shall pay any tax returned subsequent to such purchase, on such lot or piece of land, the person who shall redeem such lot or piece of land shall pay the amount of such tax with interest at the rate of twenty per centum per annum, for the benefit of such purchaser.

**Tax and interest on redeeming lot.** § 36. Whenever the trustees shall desire to lay out, open, widen, extend or discontinue any street, avenue, lane or alley, they shall cause to be summoned six inhabitants of said village, who are freeholders of property therein, not directly interested, who being first duly sworn for that purpose, shall enquire into, and take into consideration, the benefit and advantages that may ac-

**Alter or vacate street how done.**

crue, and estimate and assess the damages that would be sustained thereby, and shall moreover estimate the amounts which individuals will be directly benefitted thereby: all of which shall be returned to the trustees under their hands and seals: whereupon the trustees shall levy and assess a special tax on the persons so benefitted, which tax shall be a lien on the property benefitted, until paid: and the trustees shall have power to issue their warrant to any individual commanding him to collect such tax by a distress upon and sale of personal property, and such individual shall have the same power that the treasurer has in collecting the general tax out of personal property, and in default of personal property such individual may sell the property benefitted absolutely without redemption, first giving three months notice of the time and place of such sale, in the same manner that notice of other sales are herein required to be given.

Tax by dis-  
tress.

§ 37. 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 village, 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 deem proper, and to collect such penalties in the same manner provided for collecting other penalties by this act: *Provided*, That any person licensed shall be required to pay such additional tax for license as may be prescribed by any law for the collection of county revenue, or providing for the granting of licenses, and the Board of county supervisors of the county of Walworth shall have authority to collect such additional tax for the use of the county.

License how  
granted.

§ 38. In order to raise a tax in said village for the year 1844, the assessors shall, during the months of April and May of that year, make out an assessment roll, the per centum whereon shall be fixed by the Trustees, and the clerk shall make out and record the schedule or tax list, and deliver the same to the Treasurer in the month of June of that year, whereupon the Treasurer shall in that month proceed to give public notice as required in the twenty-eighth section of this act. And all proceedings in relation to taxes to be collected for the year 1844,

Tax for 1844  
how raised.

shall be agreeable to the provisions of this act, for the collection of taxes in other years.

Who shall  
vote.

§ 39. All persons entitled to vote at general elections, and who shall have resided in said village six months immediately previous to any election therein, shall be entitled to vote at any village election or meeting, authorized by this act.

§ 40. This act shall be considered a public act and may be altered, amended or repealed by any future legislature.

APPROVED, January 27, 1844.

### AN ACT to amend an act to incorporate the trustees of the Prairieville Academy.

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

Trustees how  
many.

§ 1. That the corporate affairs of said Academy shall hereafter be managed by seven trustees, a majority of whom shall constitute a quorum for the transaction of business.

1st election  
when held.

§ 2. The first election for trustees under this act shall be on the first Monday of March next, in the manner and for the term prescribed in the act to which this is amendatory.

APPROVED, January 27, 1844.

### AN ACT to change the name of Cyrus Manchester Hussey Burgess, to Cyrus Manchester Hussey Lay.

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

§ 1. That Cyrus Manchester Hussey Burgess of the town of Southport in the county of Racine and Territory aforesaid shall hereafter be known and recognized by the name of Cyrus Manchester Hussey Lay.

APPROVED, January 27, 1844.