

AN ACT to incorporate the town of Potosi.

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

SECTION 1. That all that district of country in the west half ^{Limits of cor-} of section number three (3) the east half of section number four, ^{poration.} (4) the northeast quarter and the east half of the northwest quarter of section number nine, (9) all in township number two (2) north, range number three (3) west, also, the southeast quarter of section number thirty-three, (33) and the whole of section number thirty-four, (34) in township number three north of range number three, west of the fourth principal meridian, in the county of Grant, in the said Territory, shall be hereafter known and distinguished by the name of the town of Potosi, and the inhabitants now residing, or who may hereafter reside within the said limits, are hereby constituted a body corporate by the name "the trustees of the town of Potosi," 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.

SEC. 2. It shall be lawful for the inhabitants of the said town, ^{Election when} who are qualified by law to vote, to meet at the Wisconsin House ^{held.} in said town, on the third Monday of March next, at ten of the clock in the forenoon of that day, and choose *viva voce* three judges of election and one clerk, and then and there to elect by ballot, one president, who shall be *ex-officio* a trustee, four trustees, one assessor, two constables, one treasurer and one clerk.

SEC. 3. On the third Monday of March, in each year thereafter, there shall be an annual election of the officers of the said town 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.

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

Polls when
opened and
closed.

SEC. 5. At all elections by the voters of the town, held under this act, the polls shall be opened at ten of the clock in the forenoon, and continue open until four of the clock in the afternoon, and the election shall be conducted in the same manner, as far as may be, as the election for delegate to Congress. A plurality of votes shall in all cases decide the election, and in case of a tie vote, a new election shall be called by the trustees as soon as may be.

Vacancies
how filled.

SEC. 6. In case such officers, or any of them, shall not be chosen on the day appointed for the same, and in case any act or proceeding required by this act to be done or had, on any particular day, or within any particular time, shall not be done or had on such day, or within such time, the same may be done or had as soon thereafter as may be, and 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 elected and qualified in their stead.

Officers to
qualify.

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, which shall be filed in the office of the clerk of the corporation, and be sufficient evidence of his having accepted said office.

Treasurer and
constable to
give bond.

SEC. 9. The treasurer and constables, before they enter upon the duties of their offices, shall severally give bonds to the corporation, by its corporate name, in such sum and with such sureties as the trustees, or a majority of them shall direct, conditioned for the faithful discharge of their offices respectively.

Duty of presi-
dent.

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 town, at

their annual and other legal meetings, and to keep on file all papers which may be required by law or ordered by the trustees.— The records and files 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.

SEC. 12. The treasurer of said town shall receive all moneys ^{Duty of treasurer.} which may be collected for the use of the corporation by virtue of this act, or by virtue of any by-laws or ordinances of the corporation, or which may arise from any other source and belong to the corporation, and give to the person keeping 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 countersigned by the clerk, who shall keep an abstract 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 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 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 reasonable times be opened to the inspection of the voters of said town. He shall render to the board of trustees a minute account of all his receipts and payments as often as they shall require.

SEC. 13. The constables elected under this act shall have the same power, rights, duties, liabilities, and emoluments, as the constables elected in the different precincts of said county of Grant, and hereafter no constable shall be elected at the Potosi precinct for said county, except as is provided in this act.

SEC. 14. The trustees shall have the following powers, ^{Powers of trustees.} 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.

1b.

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

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 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 powder and other dangerous materials: to direct the safe construction for the deposit 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 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 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, and to pull, break and raze such buildings in the vicinity of fires 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 buildings 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.

1b.

V. To provide hospitals or their [other] asylums for the sick: to appoint a board of health when in their opinion it shall be necessary, who shall possess all necessary power to prevent the taking of

spreading of any infections, innoxions, contagions or pestifential disease or epidemic within said town: to remove any person who shall be affected with any such disease or epidemic to any such hospital or asylum.

VI. To prevent, abate, or remove nuisances.

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

VIII. To protect trees and monuments in said town.

IX. To purchase, hold and own grave yards or cemeteries and regulate the burial of the dead.

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

XI. To suppress disorderly, lewd or gaming houses and devices for the purpose of gambling.

XII. To call regular and special meetings of the voters of aid town.

XIII. To prescribe the compensation of all officers of the corporation except their own, and they shall receive no compensation or emolument for their services as trustees.

XIV. To license and regulate groceries, victualling houses, Ib. taverns, shows, public exhibitions and theatrical and other entertainments, and also the sale of spirituous or strong liquors within said town, and 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 manner hereinafter provided: *Provided*, That the board of county commissioners of Grant county may have authority, if in their opinion the interest of the county require it, to exact a tax to the county from any person who may be licensed by said trustees to keep a tavern or grocery, and so much of any law of the Territory as requires such person to pay a license to the county and conflicts with the provisions of this section, is hereby repealed.

XV. To tax every male resident of said town above the age Ib. of twenty-one years, and under the age of fifty years, two days labor annually, or in lieu thereof, three dollars, to be appropriated in improving the streets and roads in said town, under the direc-

tion of such person or persons as they may appoint, and if any such person shall neglect, after being notified, or shall refuse to perform such labor, or pay said money, the trustees may recover said money in the same manner as is provided in this act, for the recovery of fines and forfeitures.

1b.

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

1b.

XVII. To make, ordain and establish such by-laws ordinances and regulations not repugnant to the laws of the Territory and 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. 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 offense, to be prosecuted and recovered before any justice of the peace or court having cognizance of the same, in the name and 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 any special matter in evidence, and the defendant may plead the general issue and give any special matter in evidence, and after final judgment in such action execution may be issued thereon as provided by law in other cases. 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 collected shall be paid to the treasurer for the use of the corporation, also to remit such fine or penalty or any part thereof.

SEC. 15. The affidavit of the printer of the publication of any by-law or ordinance, or the affidavit of the clerk of the corporation of the putting up of 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. 16. Whenever in this act the publication of any by-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. ^{Publication how made.}

SEC. 17. Any three of said trustees shall be a board for the transaction of all business, but no by-law or ordinance shall pass unless three of said trustees concur therein.

SEC. 18. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of, or owner of taxable property in said town in any action or proceeding in which said corporation is a party or interested.

SEC. 19. 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 preceding year.

SEC. 20. All property, real and personal, and all mineral lots except property belonging to the county of Grant, to any school district or to any religious society, and property which is by law exempt from sale on execution within the limits of the town shall be subject to taxation. Personal property shall be construed to include all goods, chattels, moneys and effects, and all stock paid into any corporation. ^{Property subject to tax.}

SEC. 21. The trustees shall have power to levy and collect, annually, a tax on all property subject to taxation in said town not exceeding the rate of one dollar on every one hundred dollars of the assessment valuation thereof. ^{Power of trustees.}

SEC. 22. It shall be the duty of the assessors during the months of March and April, 1846, and annually thereafter during the months of January and February to make an assessment roll in which they shall set down the names of all the taxable inhabitants of said town, and the names so far as they can be ascertained of non-residents who shall own real estate therein, and the description, quantity and value of all the property subject to taxation in said town, and when said roll shall have been completed, it shall be certified to by the assessors as a true assessment roll of all the ^{Duty of assessors.}

properly subject to taxation in the said town, and immediately deposited with the clerk of said town.

Duty of clerk. SEC. 23. 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 correction and consideration relative to the 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 property as contained in the assessment roll as aforesaid, it shall be the duty of the clerk in the month of May, 1846, and thereafter annually in the month of March to make out, in accordance with this determination a schedule of all the property, as contained in said assessment roll together with the name of the owners thereof when known, annexing to each lot or other kind of property the amount of tax which shall be chargeable on the 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. Said tax list or the record thereof, shall either of them be conclusive evidence of the amount of corporation taxes assessed for the current year, in which the same shall be made out and dated.

Ib. SEC. 24. 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 May, in the year 1846, and thereafter annually in the month of March and make a record of such delivery in the book where said 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 June, A. D. 1846, and thereafter annually from the first day of April, until the tax shall be paid, together with all penalties and costs which may accrue thereon agreeably to the provisions of this act.

Duty of treasurer. SEC. 25. Upon the receipt of the tax list as aforesaid, and during the month of June, A. D. 1846, and thereafter annually during the month of April, it shall be the duty of the treasurer to give public notice in a newspaper printed in said town, or by posting up notices in three public places in said town, that such 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.

SEC. 26. If the taxes are not paid to the treasurer on or before the said last day of August, 1846, and thereafter annually during the month 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 town. Treasurer to collect taxes.

SEC. 27. 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 and chattels of the person charged therewith to be found in the town, 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 town if there be one, and if not, then by posting up in three public places in said town: *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 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. Treasurer to advertise.

SEC. 28. The time fixed by the said treasurer for the sale of lots or other pieces of land for taxes, shall be at the same time which he may designate within the month of November 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, and the treasurer shall give to the purchaser or purchasers of any such lots or lands a certificate describing the lots or lands pur- Treasurer to sell lands.

chased, 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 three years from the date thereof, pay to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon, at the rate of thirty per centum per annum from the (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 absolute estate in fee simple, and the said conveyance shall be conclusive evidence that the sale was regular according to the provisions of this act, and every such conveyance to be executed by the treasurer under his hand and in the name and on the behalf of the town of Potosi, and the execution thereof witnessed and acknowledged as by law as in other cases provided may be given in evidence, and recorded in the same manner and with like effect as a deed regularly acknowledged by the grantor may be given in evidence and recorded.

Treasurer to
advertise.

SEC. 29. In the month of July of each year, the treasurer shall publish in manner mentioned in last section an advertisement stating each lot and tract of land which will be forfeited in the ensuing November, (stating the day thereof) if the taxes and charges upon the same are not paid before that day, together with the amount of such tax and charges.

Fees of treas-
urer.

SEC. 30. That 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 [of land] 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 re-

ceiving such instrument of writing. The charge for the second advertisement shall be ten cents for each lot or piece of land.

SEC. 31. That 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-five per centum per annum for the benefit of such purchaser.

SEC. 32. The board of trustees shall cause to be summoned six freeholders, inhabitants of said town not directly interested, who being first duly sworn for that purpose shall enquire into and take into consideration the benefit and advantages that may accrue and estimate and assess the damages that would be sustained by the reason of the opening, extension or widening of any street, ^{Streets how} avenue, lane or alley, and shall moreover estimate the amount ^{opened, &c.} which other persons shall be affected 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 benefited, and the residue of such damages, if any, shall be paid out of the town treasury, and no street, avenue, lane or alley shall be opened, extended or widened until the damages thus assessed shall be paid to the person entitled thereto.

SEC. 33. This act shall be considered a public act, and may be amended, altered or repealed by any future legislature, and shall take effect from and after its passage, and an act entitled "an [act] to incorporate the town of Potosi, in the county of Grant, and for other purposes," approved February 19th, 1841, be, and the same is hereby repealed.

APPROVED February 2nd, 1846.