

across the Grant river, opposite the town of Potosi, and across the Mississippi river from the south bank of the island opposite the town of Potosi, to the south bank of the Mississippi river, subject to such regulations as other ferries are or may by law be subject; fixing the rates of toll and the manner in which licensed ferries shall be kept and attended to.

SEC. 2. This act may be amended or repealed by any future legislature of the Territory or State of Wisconsin.

APPROVED January 31, 1846.

AN ACT to incorporate the Village of Sheboygan.

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

SECTION 1. That all that district of country included in sections to wit: the whole of fractional section twenty-three, the east fractional half of section twenty-two, the northeast fractional quarter of section twenty-seven, and the north fractional half of section twenty-six, in township fifteen north, of range twenty-three, in the county of Sheboygan, shall hereafter be known and distinguished by the name of the village of Sheboygan, 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 Sheboygan," 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 said village, qualified to vote, to meet at the court house, or if there shall be no court house, at one of the most public places in said village, on

the second Monday of February next, at ten o'clock A. M. [and] choose *viva voce* two judges of election and one clerk, and elect by ballot, one president, who shall be ex-officio a trustee, four trustees, three assessors, two constables, one treasurer and one clerk.

SEC. 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.

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

Polls when
opened and
closed.

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

Vacancies
how filled.

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 village, and vacancies in all other offices by appointment by the trustees.

SEC. 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.

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, and to support the constitution of the United States and the laws of this Territory.

Treasurer and
constable to
give bond.

SEC. 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 conditions and with such sureties as said trustees, or a majority of them shall direct.

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:

SEC. 11. It shall be the duty of the clerk to keep a record ^{Duty of clerk.} of the doings of the 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.

SEC. 12. The treasurer of said village shall receive all moneys which may be collected for the use of the corporation by virtue ^{Duty of treasurer.} 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 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 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, whenever [wherein] he shall note the time when, the person from whom the amount of the several sums received and the source from which the said sums respectively are, 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 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 constables elected under this act shall have the same powers as the constables elected in towns.

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.

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.

1b.

IV. To organize fire companies and hook and ladder companies, to regulate their government, and the time 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 such 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 deposites 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 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 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 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 clear out and remove vegetable matter and nuisances

from the creeks, rivers 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.

VI. To prevent, abate, or remove nuisances.

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.

VIII. To protect trees and monuments in said village.

IX. To regulate the burial of the dead.

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 [gross] commodities.

XI. To suppress disorderly, and gaming houses and devices for the purposes 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 years, two days labor or in lieu thereof, two dollars, to be appropriated in improving the roads and streets in said village, under the direction of such person as they may appoint. Said labor to be in lieu of the county poll tax.

XV. Upon the application of two-thirds of the resident owners of the lots on any street, or 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 side walk along the same.

XVI. To organize school districts in said village, and to take such measures for the benefit of public instruction as they may deem proper.

XVII. To make and 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.

SEC. 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 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 collected shall be paid to the treasurer for the use of the village; also to remit such fines or penalties or any part thereof.

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

Publication
how made.

SEC. 17. Whenever in this act the publication of any notice, 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 four public places in said village, three weeks, which shall be a sufficient publication.

SEC. 18. Any three of said trustees shall be a board for the transaction of all business. No by-law or ordinance shall pass unless three 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 village of Sheboygan, in any action or proceeding in which said village is a party or interested.

Who exempt
from jurier.

SEC. 20. Every inhabitant of said village belonging to any fire company or hook and ladder company therein, shall be exempted from serving on juries and from doing military duty except in cases of war, invasions 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 village during the past year.

SEC. 22. The following property shall not be taxed by virtue of any ordinance or law adopted by the authority of the said village, in the village of Sheboygan, namely: The property of the United States, of this Territory, of Sheboygan county, and of all incorporated, literary, benevolent, charitable and scientific instruments [institutions] and all property which is by law exempted from sale on execution.

SEC. 33. [23.] All property real and personal, within the limits of the village, not exempted as above, shall be subject to taxation. Personal, shall be construed to include all goods, chattles, ships and vessels, and all stocks in any monied corporation. ^{Property subject to tax.}

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

SEC. 25. It shall be the duty of the assessors during the month of February of each year, to make an assessment roll in which they shall set down the names of all the taxable inhabitants of said village, 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 village, and when the said roll shall have been completed, it shall be certified to by at least two of the assessors as a true assessment roll of all the property subject to taxation in said village, and immediately deposited with the clerk of said village. ^{Duty of assessors.}

SEC. 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 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 March to make out, in accordance with such determination a schedule of all the property, as contained in said assessment roll together with the names of the owners thereof, when known, annexing to ^{Duty of clerk.}

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, and 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.

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SEC. 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 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 April, until the 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, 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, or 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.

Treasurer to collect taxes.

SEC. 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 chattles of the person 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 said last day of August, and there are no goods and chattles of the person charged therewith to be found in the 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 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. P. proviso.

SEC. 31. The time fixed by 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 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, 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 time when the purchaser will be entitled to a deed for the said lots or lands, and if the person claiming the title to the 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 said certificate, together with the interest thereon, at the rate of twenty-five per centum per annum from the date of such certificate, the treasurer shall, at the expiration of the 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, 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 seal in the name and on the behalf of the village of Sheboygan, 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. Treasurer to sell lands.

Treasurer to advertise. **SEC. 32.** In the month of July in each year, the treasurer shall publish in the manner mentioned in the last section 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.

Fees of treasurer. **SEC. 33.** 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 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.

How to redeem lands sold for taxes. **SEC. 34.** 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.

How to assess damages. **SEC. 35.** The board of trustees shall cause to be summoned six freeholders, inhabitants of said village not directly interested, who being first duly sworn for that purpose shall enquire into and take into consideration the benefits and advantages that may accrue, and estimate and assess the damages that would be sustained by the reason of opening, extension or widening of any street, avenue, lane or alley, and shall moreover estimate the amount which the person shall be 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, and the residue of such damages, if any, shall be paid out of the village 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. 36. It shall not be necessary for the trustees to publish any notice required to be published, except by-laws or ordinances, for any longer time than one week.

SEC. 37. The trustees shall have the sole right of licensing ^{Who to license groceries, &c.} and regulating groceries, victualling houses, taverns, shows, public exhibitions and theatrical or other entertainments, and also the sale of spirituous or strong 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 in this act: *Provided*, that any person licensed shall be required to pay such additional tax for license as may be prescribed in the act for the collection of the county revenue and the board of county commissioners of the county of Sheboygan shall have authority to collect such additional tax for the use of the county.

SEC. 38. The trustees of the village of Sheboygan shall have ^{Power of trustees to levy a tax.} power to levy a special tax not exceeding the sum of five hundred dollars to aid in the construction of a certain bridge authorized by a certain act of the Legislature and styled "an act to authorize the construction of a free bridge across the Sheboygan river," and approved Feb. 8th, 1845.

SEC. 39. That the said tax shall be levied on the following property and no other, to wit: All lands, town lots and out lots ^{What property taxable.} which are not exempted from taxation by the laws of the United States or of this Territory, and not including any improvements thereon either in building or otherwise.

SEC. 40. That after the said trustees shall levy such a tax the clerk of said village shall, as soon as he shall be notified thereof, make out tax lists of the same and deliver the same to the treasurer within one month in the same manner as it is his duty to make out tax lists, by the twenty-sixth and twenty-seventh sections of this act. ^{Clerk to make out tax list.}

SEC. 41. That upon the receipt of said tax list and within ^{Treasurer to advertise and collect taxes.} one month thereafter, the treasurer of said village shall proceed to advertise and collect said taxes in the same manner as it is his duty to advertise and collect taxes by this act, except that they shall be levied on lands and lots exclusive of improvements as aforesaid.

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