

Sec. 8. The powers and duties of said commissioners shall expire when the revised laws as aforesaid shall be published.

N. F. WHITESIDE,

Speaker of the Assembly.

HENRY M. BILLINGS,

President of the Senate pro tem.

Approved, July 13, 1848.

NELSON DEWEY.

### AN ACT to Incorporate the Village of Port Washington.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that district of country included in fractional section number twenty-eight in township number eleven, north of range number twenty-two east of the first principal meridian in the county of Washington, shall be hereafter known and distinguished by the name of the village of Port Washington, and the inhabitants residing or who may hereafter reside within said limits are hereby constituted a body corporate, by the name of "The President and Trustees of the Village of Port Washington" 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 at any general election to meet at the school house in said village on the fourth Tuesday of July instant at two o'clock P. M. and choose viva voce two judges of election and one clerk who together shall form the election board and elect by ballot a president (who shall be ex officio a trustee) four trustees, three assessors a clerk and a treasurer.

SEC. 3. On the third Tuesday 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 at least one weeks notice of the time and place of holding the same, and they or any two of them shall preside at such election.

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

SEC. 5. At all elections held under this act, the polls shall be opened at two o'clock P. M. and continue open until four o'clock P. M. and as much longer as the presiding board shall think necessary for the convenience of voters: a plurality of votes shall in all cases decide the election.

SEC. 6. All of said officers shall hold their offices until the third Tuesday of April next after their election and until others are elected and qualified in their stead.

SEC. 7. Vacancies in the office of President, or of any trustee or trustees shall be filled at a special election to be called by the clerk by giving at least ten days notice thereof, and vacancies in all other offices by appointment by the trustees.

SEC. 8. Every officer elected under this act before he enters upon the duties of his office shall take and subscribe an oath faithfully to discharge the duties of his office and to support the constitution of the United States, and the constitution and laws of this state, and file the same with the clerk of said village.

SEC. 9. Before entering upon the duties of his office the treasurer shall give bonds to the president and trustees, in such sum, with such conditions, and with such sureties as said trustees shall direct.

SEC. 10. It shall be the duty of the president when present to preside at all meetings of the trustees, at which meetings he shall have the right to vote—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 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.

SEC. 12. The treasurer of said village shall receive all monies 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 board of trustees, or which may arise from any other source and belong to the corporation, and he shall give his receipt therefor to the person paying the same: No money shall be drawn from the treasury except upon an order of the trustees, signed by the president and attested by the clerk, in which order shall be set forth for what purpose the same is to be paid: The treasurer shall keep a full and particular account of all monies received and disbursed by him, with the time when, and the person paying or receiving the same which account shall at all reasonable times be open to the inspection of the voters of said village: At the expiration of his term of office he shall make a full report of the receipts and disbursements of the office to the regular meeting for charter election.

SEC. 13. The trustees shall have the following powers, to wit: First: To have a common seal and to alter the same at pleasure: Second, To purchase hold and convey any estate real and personal for the use of the corporation within the limits of the same: Third, To make, open, keep in repair, grade, improve, vacate and discontinue any streets, avenues, lanes, alleys, sewers, bridges, cross or side walks, in the manner hereafter prescribed, and to keep the same free from incumbrances and to protect them from injury: Fourth, To organize fire companies, and hook and ladder companies (whenever a majority of the votes of said village at any legal meeting be in favor of such measures) 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 fire buckets which are hereby declared to be appurtenances to the real estate and exempt from seizure and distress, and forced sale, and if the owner after reasonable notice, neglects or refuses to procure such fire buckets, 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 the value of such fire buckets so furnished with costs of suit: to regulate the storage of gun-powder, and other dangerous materials: to compel the inhabitants of said village to aid in the extinguishment of fires: to pull break down and raze such buildings in the vicinity of fire, as shall be directed by any three of their members for the purpose of preventing its communication to other buildings: to construct and preserve reservoirs and pumps and wells, and generally to establish such other

measures of prudence for the prevention or extinguishment of fires as they shall deem proper: Fifth, To clear out and remove vegetable matter and nuisances, from the 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 and convenience as they shall deem proper: Sixth, To purchase hold enclose lay out ornament and regulate a burial ground in said village and to sell lots therein, and to regulate the burial of the dead: Seventh, To establish and regulate a public scale and appoint or cause to be elected a weigher to attend the same: Eighth, To call all regular and special meetings of the voters of said village not otherwise provided for in this act: Ninth, To prescribe the compensation of all officers of the corporation except their own: Tenth, Upon the application in writing of two-thirds of the owners or residents of the lots on any street to lay and collect a special tax on the lots on such street in just proportion for the purpose of grading, making walks in or otherwise improving such street and upon a similar application of residents or owners of one side of any block, to lay and collect a special tax on such block in just proportion for the purpose of making a cross walk or a side walk along the same; and upon the application in writing of all the owners of lots fronting any street, lane, alley, avenue or way, may be vacated and discontinued: provided the trustees think the public convenience will not thereby be infringed; and upon a similar application of all the owners of lots through which a new street lane alley avenue or way is proposed to be opened, the trustees may cause such new street lane avenue alley or way to be opened: provided that any expense for such opening shall be defrayed by the persons making such application: Eleventh, To make pass ordain and establish such by-laws ordinances and regulations not repugnant to the constitution and laws of this state or of the United States for the purpose of carrying into effect the provisions of this act as they deem proper: but no such by-laws ordinances or regulations shall take effect until the same shall have been published for three weeks successively or three copies thereof have been posted up in as many public places in said village and for the length of time aforesaid: at or before the expiration of which three weeks, if any fifteen freeholders of said village in writing ask the trustees to call a special meeting of the voters of said village to consider such by-law ordinance or regulation, the trustees shall call such special meeting; and if a majority of the voters then present at such special meeting shall decide against the adop-

tion of such by law ordinance or regulation then the same shall not be in force, but if a majority do so decide then the same shall be in force: Twelfth, To repeal or amend any by-law ordinance or regulation subject the same to restrictions or limitations as contained in the eleventh clause of this section: Thirteenth, To impose a general poll tax upon every male resident of said village above the age of twenty-one years and under the age of fifty-five years, of two days labor, or in lieu thereof one dollar and fifty cents to be appropriated in improving the roads and streets of said village under the direction of such persons as they may appoint: provided, however that such poll tax shall not be imposed without the previous consent of a majority of the persons subject to pay such poll tax present at some regular or special meeting.

SEC. 14. The said trustees may ordain and provide such reasonable fines forfeitures and penalties upon the offenders against the by-laws regulations and ordinances of said village as they shall deem proper not exceeding twenty dollars for any one offence, to be prosecuted and recovered before any justice of the peace or court having cognizance of the same, in the name of the corporation, to and for the use of the corporation: and in any such action it shall be lawful to declare generally in debt for such penalty or forfeiture and to give the special matter in evidence: and the defendant may plead the general issue and give the special matter in evidence: all expenses incurred in prosecuting for the recovery of any penalty or forfeiture shall be defrayed by the corporation, and all penalties and forfeitures when collected shall be paid to the treasurer for the use of the village.

SEC. 15. 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 posting up notices by-laws or ordinances as required by this act shall be sufficient proof in all courts and elsewhere that such notices by-laws or ordinances were properly published or posted up.

SEC. 16. Any three of said trustees shall be a quorum for the transaction of all business, but no by-law ordinance or regulation shall pass unless three of said trustees concur therein.

SEC. 17. No person shall be an incompetent judge justice juror or witness by reason of his being an inhabitant or freeholder in said village in any action or proceeding in which said village is a party or interested.

SEC. 18. Every inhabitant of said village belonging to any fire company or hook and ladder company therein shall be exempt from serving on ju-

ries and from doing military duty except in case of war invasion or insurrection.

SEC. 19. It shall be lawful on the fourth Tuesday of July instant, and thereafter at the regular annual village meeting for all voters who own taxable property in said village to decide how much and for what purpose revenue shall be raised, but in no case shall the revenue voted to be raised in one year exceed the rate of one dollar on every one hundred dollars of the assessed value of all property subject to taxation.

SEC. 20. The following property shall not be taxed by virtue of any law or ordinance adopted by the authority of said village to wit: the property of the United States, of this state, of Washington county, of said village, of all incorporated literary benevolent charitable and scientific institutions, every public library, school house, house for public worship, academy, and seminary of learning and the lots on which such buildings are situated, and all property which is or shall be by law exempt from taxes for state and county purposes.

SEC. 21. All property real and personal within the limits of said village, not exempted above shall be subject to taxation: personal property shall be construed to include all goods, chattels, monies and effects, all stocks in any monied corporation and the debts due from solvent debtors over and above the amount of debts owed by the owner of personal property above specified.

SEC. 22. It shall be the duty of the assessors on or before the first Tuesday of August next, and thereafter on or before the last Tuesday of March of each year, to make out an assessment roll, in which they shall set down the names of all taxable inhabitants of said village, and the names so far as they can be ascertained of non-residents, who shall own real estate thereon and the description quality and value of all the property subject to taxation in said village, and then to give one weeks notice of the time and place at which they will meet to equalize and correct said assessment roll: at which time and place they shall proceed in the same manner as town assessors in like cases are now required to do, and may require the like affidavit of any person conceiving himself aggrieved by the assessment, and for that purpose either of said assessors shall have power to administer an oath and the said assessors shall cause all such affidavits to be filed in the office of the clerk of said village: when said assessment roll shall have been completed it shall be certified by at least two of the assessors as a true as-

assessment roll of all the property subject to taxation in said village, and immediately deposited with the clerk of said village.

Sec. 23. It shall be the duty of the clerk after the assessment roll is placed in his hands, and as soon as the amount of tax to be levied or the rate per cent shall be determined in accordance with the provisions of this act to complete said assessment roll by 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 amount or rate per cent determined so as aforesaid; which schedule shall be called a tax list, and shall be recorded by the clerk in a book by him kept for that purpose.

Sec. 24. The clerk shall complete the tax list as aforesaid and deliver the same to the village treasurer within one month from the time when the amount of tax shall be determined, and shall note the time of such delivery in the book where such list shall be recorded which record shall be conclusive evidence of such delivery; and the tax so assessed shall be and continue a lien on the property in the hands or possession of any resident of said corporation so assessed and taxed, from and after the day of the delivery of the tax list into the hands of the treasurer as aforesaid until such tax shall be paid together with all costs which may accrue thereon under the provisions of this act.

Sec. 25. Upon the receipt of the tax list as aforesaid it shall be the duty of the treasurer immediately to give a 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 the taxes at his office for one month thereafter next ensuing, subject to a deduction of five per centum if paid within said month.

Sec. 26. If the taxes are not paid to the treasurer on or before the expiration of said month 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 or printed notices posted up in three public places in said village.

Sec. 27. In case the tax on any lot or other piece of land shall remain unpaid for six weeks after the tax list shall have been placed in the hands of the treasurer so as aforesaid, and there are no goods or chattels subject to be taken of the person charged therewith to be found in said village, it shall be the duty of the treasurer to give notice for four weeks successively

in a newspaper printed in said village and by posting up notices in three public places in said village 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 assessed thereon, together with all costs and charges which shall accrue by advertisement and sale agreeably to the provisions of this act: when requested the treasurer shall receive the taxes on a part of any tract or lot of land.

SEC. 28. On the day mentioned in the said notice the treasurer shall commence the sale of the said lots and lands and shall continue the same from day to day between the hours of nine o'clock A. M. and four o'clock P. M. until so much shall have been sold as will pay the taxes interest and charges thereon: the treasurer shall give to the purchaser or purchasers of any such lots or lands or parts thereof, a certificate describing such lots or lands or parts thereof purchased, stating the sum paid therefor including charges, and fees, and the time when the purchaser will be entitled to a deed for the same: said certificate shall be negotiable by endorsement

SEC. 29. The treasurer shall keep a record of all such lots or lands or parts thereof so sold in the same manner as clerk of the board of supervisors are now required to do: said record to be open to inspection to all persons free of charge.

SEC. 30. For two years after such sale of lots and lands, and at any time before the recording of the conveyance provided for in section thirty-two' any person having an interest in the same may redeem any lot or tract of land so sold by paying to the treasurer for the use of the purchaser his heirs or assigns the sum mentioned in such certificate together with interest at the rate of twenty-five per centum per annum from the date of such certificate; and also by paying to the treasurer any further charge which shall have accrued thereon.

SEC. 31. Three months before the expiration of the time of redemption aforesaid the treasurer shall publish in the manner mentioned in the twenty-seventh section of this act an advertisement describing each lot and tract of land remaining unredeemed with the sums due thereon, and the day on which the same will be forfeited unless the said sums shall be paid.

SEC. 32. At the expiration of the said two years, the treasurer shall upon demand execute in the name of the Village of Port Washington 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 of the lots or lands so conveyed, and shall be presumptive evidence that the sale was regular according to the provisions of this act: every such conveyance executed by the treasurer under his hand and seal in the name and in the behalf of the village of Port Washington and the execution thereof witnessed and acknowledged as by law in other cases provided, and duly recorded may be given in evidence in the same manner and with like effect as any other deed regularly acknowledged witnessed and recorded.

SEC. 33. The trustees of said village may appoint an agent to attend any sale of lands under this act and bid off the same in the name of the village: the certificates so bid off may be transferred by the president of said village endorsing his name thereon as such president; but in no case shall the certificates so bid off for said village be sold for less than their face and the interest due on them: all deeds of purchase grant devise or otherwise shall run to the President and trustees of the village of Port Washington and their successors.

SEC. 34. If any person who shall purchase any lot or piece of land in pursuance of this act shall pay any tax subsequent to such purchase of 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. 35. For publishing all notices by-laws ordinances and regulations the trustees shall allow the printer such reasonable sum as they may deem proper.

SEC. 36. The legislature may at any time alter amend or repeal this act.

N. E. WHITESIDE,  
Speaker of the Assembly.  
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved July 20, 1848.

NELSON DEWEY.