

SECTION 3. *Be it further enacted*, That section eight ^{Road tax.} of the act, entitled an act to regulate highways, approved April 17th, 1833, is hereby so far amended that no person who shall be assessed to work any number of days on any highway, shall be allowed to commute for the same at a less sum than one dollar and twenty-five cents for each day he shall be so assessed.

P. H. ENGLE,
Speaker of the house of representatives.
 HENRY S. BAIRD,
President of the council.
 H. DODGE.

Approved Dec. 6, 1836.

No. 17.

AN ACT to incorporate the inhabitants of such towns as wish to be incorporated.

SECTION 1. *Be it enacted by the council and house of* ^{Towns, how in-} *representatives of the territory of Wisconsin*, That whenever the white male inhabitants over the age of twenty-one years, being residents of any town or village of any number of dwellings situated contiguous and convenient for such purpose in this territory, containing not less than three hundred persons, shall wish to be- ^{300 inhabitants.} come incorporated for the better regulation of their internal police, it shall be lawful for the said residents who may have resided six months therein, to assemble themselves together in public meeting at the courthouse or other place in said town, and when so assembled, they may proceed to choose a president and clerk of the meeting from among themselves, both of whom shall be sworn or affirmed by any person authorized to administer oaths, faithfully to discharge the trust reposed in them as president and clerk of said meeting: *provided, however*, that at least ten days' public notice of the time and place of holding said meeting shall have been given, in some public newspaper, or by setting up public advertisement at the most public place in such town.

TER. LAWS—5.

Residents decide by viva voce vote.

SECTION 2. The residents of any town aforesaid, having assembled as directed in the first section of this act, may proceed to decide by vote, *viva voce*, whether they will be incorporated or not, and the president and clerk, after their votes are given in, shall certify under their hands the number of votes in favor of being incorporated, and the number against being incorporated; and if it shall appear that two-thirds of the votes taken are in favor of being incorporated, the president and clerk shall deliver a certificate of the statement of the poll to the board of trustees to be elected as hereafter provided.

How trustees appointed.

SECTION 3. Whenever the qualified voters under this act, of any town, shall have decided in the manner herein provided that they wish to be incorporated, it shall be the duty of the clerk of the meeting at which they may so decide, to give at least five days' public notice to the said voters to assemble at the place of holding county elections in such town, on a day to be named in such notice, to elect by ballot, five residents of such town for trustees of the same, who shall hold their office for one year and until other trustees are chosen and qualified, at which first election the president and clerk of the first meeting shall preside, or in case of the absence of either of them, some suitable person shall be appointed by the electors present to fill such vacancies; and at every succeeding election for president and trustees, they shall direct the manner in which the same shall be conducted.

How president of board of trustees appointed.

SECTION 4. The board of trustees of any town, elected agreeably to the provisions of the act, shall choose a president out of their own body, and the president and trustees aforesaid and their successors in office shall thenceforth be considered in law and equity a body corporate and politic, by the name and style of the president and trustees of the town of —, and by such name and style be forever able and capable in law and equity to sue and be sued, to plead and be impleaded, to answer and be answered, and to defend in all matters of suits, pleas, causes and demands of whatsoever kind or nature they may be, in as full a manner as any person or persons, bodies politic or corporate, can or may do, and may have a common seal, and may alter the same at pleasure. The said

A body corporate.

Their powers and privileges.

president and trustees shall require their clerk to keep a fair journal and record of all their proceedings, and record all by-laws and ordinances which they may make, in a book to be provided for that purpose. The board of trustees, when duly organized, shall also choose a town treasurer, who shall hold his office for the term of one year, or until another shall be duly chosen and qualified. The treasurer shall be required to give bond with good sureties for the safe keeping of the monies entrusted to him, and for the paying over the same upon the requisitions of the board of trustees.

A town treasurer.

Bond and security.

SECTION 5. The president and trustees, or a majority of them, of any town incorporated as heretofore directed, shall have power to make, ordain and establish and execute such ordinances in writing, not inconsistent with the constitution and laws of the United States and of this territory, as they shall deem necessary, to prevent and remove nuisances, to restrain and prohibit gambling or other disorderly conduct, and to prevent the running of and indecent exhibitions of horses within the bounds of such town; to provide for the licensing of public shows, to regulate and establish markets, to open ditches, and to provide for drawing off water, to sink and keep in repair public wells, to keep open and in repair the streets and alleys of such towns, by making pavements or side-walks, or other improvements over the same as to them may seem needful: *provided, always*, that the lot in front of which any side-walk is made shall be taxed to pay at least one-half of the expenses of making such side-walk; the said president and trustees shall also have the power to provide such means as they may deem necessary to protect such towns from injuries by fire; and for the purpose of carrying the aforesaid powers into effect, the said president and trustees shall have the power to define the boundaries of such town, provided, that the same shall not exceed two miles square, and to levy and collect annually a tax on the real estate in such town not exceeding fifty cents on every hundred dollars of assessment valuation thereof, and also on all personal property in such town, not exceeding twenty-five cents on every hundred dollars of assessment valuation thereof.

Laws and ordinances, to what extent and how made.

SECTION 6. It shall be the duty of the said presi-

Streets, alleys and roads of said town, how regulated.

dent and trustees to cause all the streets and alleys of such town, and the public roads passing from and through such town for one mile from the centre thereof, to be kept in good repair, and to this end they are authorized to require every male resident of such town, over the age of twenty-one and under sixty years, to labor on said streets, allies and roads, at least two days in each and every year, or to pay instead thereof one dollar per day, and if such labor be insufficient, to appropriate so much of the tax levied on real estate, and of the tax levied on personal property as may be necessary to keep said streets, allies and roads in repair, and also to appoint and prescribe the duty of all such officers of such town as they may deem necessary to carry into effect the foregoing powers. The collectors of the corporation tax and the treasurer shall severally give bond made payable to the president, trustees, and their successors in office, with good and sufficient securities, in such sum as may be said president and trustees be deemed advisable, and a clause shall be inserted that if at any time additional security be required, the same shall be given, the condition of which bond shall be that the officers shall faithfully perform the duties of their office, and said officers shall remain in office one year (unless sooner removed,) and until others have given bond as herein named.

Collectors of town tax.

Qualification & term of office.

SECTION 7. The said president and trustees elected under this act shall continue in office for one year, and until their successors in office shall be elected and qualified; and it shall be their duty, before their time expires, to give at least ten days' public notice to the qualified voters under this act, to meet at such place as they may name in such town, and elect a new board of president and trustees for said town, and all vacancies which may happen in said board by resignation or otherwise, before their time of office expires, shall be filled by the other members of the board. The proceedings of said meeting shall always be public, and all their ordinances, before taking effect, shall be published for at least ten days in a newspaper of such town, or by setting up copies of the same in three of the most public places in such town. A majority of said board shall constitute a quorum.

Term of office of trustees.

Successors how elected.

Vacancies how supplied.

A quorum.

SECTION 8. All monies arising from the collection

of taxes, fines, penalties and forfeitures, shall be appropriated by said president and trustees towards the erecting and improving and regulating those objects which, by this act, are placed under their control and jurisdiction, and to none others; and it shall be their duty to have an account current of the fiscal concerns of the corporation so kept, as will at all times show the true situation of the same to such as may desire to inspect the same; and the president and trustees shall have full power to enforce their ordinances, by authorizing the person or persons by them appointed to collect any tax imposed in pursuance of this act, to collect the same by distress and sale of goods and chattels of the person chargeable with the same, on giving at least fifteen days' public notice of the time and place of such sale; and if no goods and chattels of the person chargeable with said tax can be found, it shall be lawful to sell any town lot owned by such person, or so much thereof as will pay the tax due and in arrear from any such person, upon giving at least thirty days' notice of the time and place of holding such sale, paying to the owner or owners the overplus, if any. The president and trustees may impose fines for the breach of their ordinances, but no fine shall be inflicted on any one person for any one breach of any one ordinance, of more than ten dollars and not less than twenty-five cents, which fine, together with the costs of suit, may be recovered before any justice of the peace by action of debt, in the name of the president and trustees of such town, and collected by execution as other judgments of justices of the peace. All fines collected in pursuance of this act shall, by the officer collecting the same, be paid over to the treasurer of the corporation, and for an omission to do so, such officer may be proceeded against by the president and trustees in an action of debt for the same.

How taxes appropriated.

Distress for taxes.

Fines imposed.

How recovered.

SECTION 9. Two-thirds of the qualified voters of any town incorporated according to the provisions of this act, shall have power to dissolve the same at any annual election for president and trustees, by voting against the incorporation as is directed in the second section of this act: *provided*, that notice shall be required to be given for at least thirty day in a newspaper of such town or by setting up written or printed notices for that length of time in three of the

How corporation dissolved.

most public places in such town, of an intention to vote in favor of the dissolution of such corporation.

Record of election of town officers.

SECTION 10. Whenever the president and trustees for any town shall be elected as herein directed, it shall be the duty of the president and clerk of the first meeting provided for in the first section of this act, to deliver to them a certified statement in writing of the polls at said first election, and it shall be the duty of such president and trustees to deposit the same with the clerk of the district court of the proper county, to be entered on record in his office, and before entering upon their duty to take an oath to discharge their duty according to their best abilities.

Former laws repealed.

SECTION 11. Whenever any town shall be incorporated by this act, all other laws incorporating the same, or made to regulate in any way the internal police of such town, shall be considered repealed, and whenever any town corporation shall be dissolved according to this act, all persons having any funds belonging to such corporation in their hands shall pay the same into the county treasury, and all bonds and security taken for the same by said corporation shall vest in the treasurer also, who shall have a right to sue for the same before any justice of the peace in said county, or before any court of record of this territory in said county, and that all moneys received or collected by said treasurer aforesaid, shall be considered as county funds, and may be appropriated as such.

When incorporation dissolved, what done.

SECTION 12. This act shall take effect from and after its passage.

P. H. ENGLE,

Speaker of the house of representatives.

HENRY S. BAIRD,

President of the council.

Approved Dec. 6, 1836.