

for the sale of real estate is required to be made in a newspaper, and if there should not be a newspaper printed in the county it shall be published in the newspaper nearest to the seat of justice of the county where the land is situated.

SECTION 11. Section fourth of "an act concerning judgments and executions of the legislative council of Michigan and all other parts of said act and other acts inconsistent herewith are hereby repealed."

Approved January 19, 1838.

No. 86.

AN ACT to incorporate the town of Fort Madison.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That all that portion of territory which is included in a survey made by and under the authority of the United States, and which is known and designated as the town of Fort Madison, containing about six hundred and forty acres of land, in the county of Lee, in said territory, be, and the same is hereby constituted a town corporate, and shall hereafter be known by the name or title of the town of Fort Madison.

SECTION 2. It shall be lawful for the free male inhabitants of said town over the age of twenty-one years, and being citizens of the United States and resident within the limits as described in the preceding section, to meet at some convenient place in said town of Fort Madison on the first Monday of May next, and on the first Monday of May annually thereafter, and then and there proceed, by plurality of votes, to elect by ballot a president, recorder and five trustees, who shall hold their offices one year, and until their successors are elected and qualified. And any five of them shall be a board for the transaction of business, but a less number may adjourn from time to time: *provided*, that if an election of president, recorder and trustees shall not be made on the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but

it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice to be given in the manner hereinafter prescribed.

Election, how conducted.

SECTION 3. At the first election to be holden under this act there shall be chosen, *viva voce*, by the electors present, two judges and a clerk of said election, who shall each take an oath or affirmation faithfully to discharge the duties required of them by this act. And at all subsequent elections to be held under this act the polls shall be opened between the hours of nine and ten o'clock in the forenoon and close at four o'clock in the afternoon of said day; and at the close of the polls the votes shall be counted and a true statement thereof proclaimed to the electors present by one of the judges, and the clerk shall make a true record thereof. And within five days after such election the said clerk shall give notice to the persons elected of their election. And it shall be the duty of the said president and trustees at least five days before each and every annual election, to give notice in three places in said town.

Duties of president and recorder.

SECTION 4. It shall be the duty of the president, to preside at all meetings of the president and trustees, and it shall also be the duty of the recorder, to attend all meetings and keep a fair and accurate record of their proceedings.

Corporate name and powers.

SECTION 5. The president, recorder and trustees of said town shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of "the president and trustees of the town of Fort Madison," and shall be capable in law in their corporate name, to acquire property, real and personal, for the use of said town, may sell and convey the same, and may have a common seal, which they may alter at pleasure, may sue and be sued, defend and be defended, in any court having competent jurisdiction. And when any suit shall be commenced against said corporation, the first process shall be by summons, and an attested copy thereof shall be left with the recorder, at least eight days before the return day thereof.

Oath of office.

SECTION 6. The officers elected by virtue of this act, shall each, before entering upon the duties of his office, take an oath or affirmation to support the con-

stitution of the United States, and also faithfully to discharge the duties of his office.

SECTION 7. The president and trustees shall have ^{Corporate Powers} power to ordain and establish ordinances and regulations for the government of said town and the same to repeal or re-ordinat at pleasure; and provide in said ordinances for the election of a treasurer, two assessors, a town marshal and other subordinate officers, which may be thought necessary, for the good government and well being of said town; to prescribe their duties, declare qualifications, and determine the period of their appointment, and the fees they shall be entitled to receive for their services, and to require of them to take an oath or affirmation, faithfully and impartially to discharge the duties of their respective offices, and may require of them such security, for the performance of the duties of their respective offices, as shall be thought necessary.

SECTION 8. The president and trustees of said town, at their regular or special meetings, shall have power, to assess upon real and personal estate within the town, not exceeding the one-half of one per centum upon the assessed value thereof, except as is hereafter excepted; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to restrain and prohibit gaming houses, and other disorderly houses; to build market houses, construct wharves, grade streets, establish and regulate markets; to open and keep in repair, streets, avenues, lanes, alleys, drains and sewers; to keep the river free and clear from all incumbrances; to establish a fire department, and provide for the extinguishment of fires; to regulate the storage of gunpowder, and from time to time to pass such ordinances, to carry into effect the ordinances of this act, and the powers herein granted, as the good of the inhabitants may require, and to impose and appropriate fines and forfeitures for the breach of any of said ordinances, and to provide for the collection thereof.

SECTION 9. That the said board shall cause to be summoned twelve good and lawful men, freeholders and inhabitants of said town, not directly interested, who, being first duly sworn for that purpose, shall enquire into and take into consideration, as well the benefits as the advantages that may accrue, and esti-

<sup>Estimation of
damages on
opening streets.</sup>

mate and assess the damages which would be sustained by reason of the opening and extension or widening of any street, avenue, lane or alley; and shall moreover estimate the amount which other persons will be benefitted thereby, and who shall contribute towards compensating the persons injured; all of which shall be returned to the board of trustees under their hands and seals. And the person or persons, who shall be benefitted and so assessed, shall pay the same in such manner as shall be provided; and the residue, if any, shall be paid out of the town treasury.

Amount of tax. SECTION 10. That the said president and trustees, shall, between the first Monday of May and June in each year, determine the amount of tax to be assessed and collected the current year; and all ordinances shall, within ten days after they are passed, be published in a newspaper printed in said town, or written in a fair legible hand and posted up in two of the most public places in said town. And the said president and trustees shall, at the expiration of each year, cause to be made out the receipts and expenditures of the preceding year.

Collection of taxes. SECTION 11. It shall be the duty of the president and trustees to make out a duplicate of taxes, charging each individual therein an amount or tax in proportion to the real and personal estate of such individual, within said town, which duplicate shall be signed by the president and recorder, and delivered to the marshal, or such other person as shall be appointed collector, whose duty it shall be to collect the same within such time and such manner as the ordinance shall direct. And the said collector shall have power to sell personal estate, and for the want thereof, to sell real estate, for the non-payment of taxes within said town, and in the case of real estate, the said collector shall prosecute the sale in the same manner, and with the same effect, in all respects as is provided by law for the sale of real estate by sheriffs; and all real estate so sold shall be liable to be redeemed in the same manner as lands sold by sheriffs may by law be redeemed.

Real estate. SECTION 12. That said board of trustees, shall have power to assess on each and every male inhabitant above the age of twenty-one years, and under fifty, within the limits of said town, two days' la-

Labor on the highways.

bor on the roads or streets aforesaid, under the direction of such persons as they may appoint annually; and they may appropriate such other sums raised on the taxable property, as they deem necessary for that purpose.

SECTION 13. The recorder shall receive such fees compensation. for his services as the ordinances of said corporation shall prescribe; but the president and trustees shall receive no compensation.

SECTION 14. This act shall be favorably construed and received, in all courts of justice, as a public act, and copies thereof, provided under the authority of the legislative assembly, shall be received as evidence without further proof.

SECTION 15. This act may be altered, amended or repealed by any future legislature.

Approved January 19, 1838.

87.

AN ACT to prevent disasters on steamboats navigating the water s within the jurisdiction of Wisconsin territory.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That it shall be the duty of the owners of steamboats navigating on the rivers and lakes within the jurisdiction of this territory, to have a competent master, officers, and crew on board, and to have a substantial and sufficient engine, boiler or boilers, and to have the same at all times in good and safe order and condition, and have the vessel supplied with all necessary boats, tackle and furniture, and in every respect sea worthy.

SECTION 2. In ascending and descending navigation, the said boats shall conform to the following regulations: the descending boat shall keep the shore, or bar, she may be on, until the ascending boat passes, and when both boats are running, the descending boat shall keep the middle of the channel, or in the deepest water, and in all cases, when it is practicable, leave room for the ascending boat to pass on either side.

SECTION 3. When two boats meet in a contracted

Rules for as-
cending and de-
scending boats.