

## No. 3.

AN ACT to provide for the support of Illegitimate Children.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

**SEC. 1.** That on complaint made to any justice of the peace in this territory, by any woman resident therein, who shall be hereafter delivered of a bastard child, or being pregnant with a child, which if born alive may be a bastard, accusing any person of being the father of such child, the justice shall take such complaint in writing, under oath of such woman; and thereupon issue his warrant, directed to the sheriff, or any constable of his county, commanding him forthwith to bring such accused person before the justice, to answer such complaint; and on return of such warrant, the justice, in presence of the accused person, if he shall have been arrested, and if not, then in his absence, shall proceed to examine the complainant under oath, respecting the cause of the complaint; and such accused person shall be allowed to ask the said complainant, when under oath, any question he may deem necessary for his own justification; and such questions and answers, with every part of the proceedings, shall be reduced to writing by said justice.

*Complaint of bastardy, how made.*

*Putative father arrested.*

*Examination, how conducted.*

**SEC. 2.** If upon the examination of such accused person, he shall pay, or secure to be paid, to the woman complaining, such sum or sums of money, or other property, as she may agree to receive, in full satisfaction, and shall further enter into bonds with sufficient sureties, to the county commissioners of the said county in which such woman shall reside, and their successors in office, or assigns, conditioned to secure such county free from all charge towards the maintenance of such child: in such case the justice shall discharge such person on his paying the cost of prosecution.

*Putative father may give bonds.*

**SEC. 3.** That when any woman has a bastard child, and commences a suit and fails to prosecute to final judgment, the county commissioners of the proper county, or any person interested in the support of any such bastard child, when suffi-

*Others may prosecute suit in certain cases.*

cient security is not offered and given to save the county from expense, may take up and prosecute the suit begun by the mother of the child.

SEC. 4. That in case any person accused as aforesaid, does not comply with the provisions of the first section of this act, the justice to whom such complaint was made, shall bind such person in a recognizance to the next district court, with sufficient security, in a sum not less than one hundred dollars, nor more than five hundred dollars, to answer such accusation, and to abide the sentence of the court thereon; and on neglect or refusal to find such security, the justice shall cause him to be committed to the jail of the county, there to be held to answer to such complaint at the next term of the proper district court.

Justice may bind accused in a recognizance to the district court.

SEC. 5. That if at the term of such court the woman be not delivered, or be unable to attend, the court shall order the renewal of the [bonds of] recognizance, that the accused person shall be forthcoming at the court after the birth of the child, at which the mother of the child shall be able to attend; and the continuance of said bond shall be entered by order of said court, unless the security shall object thereto, and shall have the same effect as a recognizance taken in court for that purpose.

Court may order accused to recognise anew in certain case.

SEC. 6. That when such accused person shall plead "not guilty" to such charge, before the court to which he is recognized, the court shall order the issue of the cause to be tried by a jury; and at the trial of such issue, the examination before the justice shall be given in evidence; and the mother of the bastard child shall be admitted as a competent witness, and her credibility be left to the jury: *Provided, always,* That no woman shall be admitted as a witness who has been convicted of any crime which would by law disqualify her from being a witness in any other cause.

Trial of cause by jury.

Complainant a competent witness.

SEC. 7. That in case the jury find the defendant guilty, or such person before the trial shall confess in court that the accusation is true, he shall be adjudged the reputed father of such child; and shall stand charged with the maintenance thereof, in such sum or sums as the court may order and direct, with the payment of costs of prosecution; and the court shall require the reputed father to give security to perform the aforesaid order;

Accused when guilty, to support the child, pay costs, &c.

and in case the reputed father shall neglect or refuse to give the security as aforesaid, and pay the costs of prosecution, he shall be committed to the gaol of the county, there to remain till he shall comply with the order of the court, or until he shall be discharged by due course of law.

**SEC. 8.** This act shall take effect from and after its passage.

Approved, February 17th, 1841.

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### No. 4,

**AN ACT** to amend an act entitled an act for assessing and collecting County Revenue.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Additional pro-  
perty subject  
to taxation.  
\*Revised stat-  
utes, page 44.

**SEC. 1.** That in addition to the property\* which, by the first section of the act to which this act is amendatory, is subject to taxation, the following property shall be taxed for county purposes, viz: All goods, wares, or merchandise, owned [and] kept for sale by any merchant or trader; and in case that any goods, wares or merchandise shall be kept for sale in this territory, which may be owned by any person who shall not be a resident of this territory, the tax may be assessed in the name of the owner of such goods, wares, or merchandise, or in the name of the person who shall keep the same for sale.

Further ex-  
tension in ec-  
tain counties.

**SEC. 2.** That in the counties of Milwaukee, Racine, Crawford, Jefferson, and St. Croix, in this territory, in addition to the property now subject to taxation by law, the following property shall also be taxed for all purposes, to wit: All the improvements on lands, town lots and real estate, and all personal property. The term personal property, as used in this section, shall be construed to include moneys, goods, chattels, chattels real, debts due from solvent debtors over and above the amount of debts owed by the owner thereof, whether due on account, con-