

receive said boat, the said company shall become liable to all such debts remaining unpaid.

SEC. 11. Any future Legislature of the territory or state of Wisconsin, may alter, amend, or repeal this act: *Provided*, The title to any property shall not be affected thereby. This act subject to legislative control.

SEC. 12. The stock owned by any individual in said company, shall be deemed personal property, and shall be liable to execution in the same manner as other personal property is, or may be liable to execution for the payment of debts. Stock deemed personal property.

SEC. 13. The stockholders of said corporation shall be liable in their private capacities for all debts of the company, and for all losses and damages incurred in the transportation of property, in proportion to the amount by each respectively subscribed: *Provided*, That the property and effects of said company shall be liable in the first instance for any losses or damages incurred through negligence or default of its agents or officers. Stockholders liable in their private capacities, &c.

SEC. 14. This act shall take effect, and be in force from and after its passage.

Approved, February 17th, 1841.

No. 44.

AN ACT to incorporate the town of Potosi, in the county of Grant, and for other purposes.

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

SEC. 1. That the towns of Lafayette and Van Buren in the county of Grant, as laid out and platted by the proprietors of said towns, maps or plats of which have been duly recorded in the office of the register of deeds of said county, together with all additions that have been, or may hereafter be made, to the said towns, or either of them, shall, hereafter, constitute one town, by the name of Potosi, to all intents and purposes whatsoever; and to the same effect as if the said towns and additions Towns of La Fayette and Van Buren organised into one town by the name of Potosi.

thereto, had been originally laid out, as one town; and the same shall hereafter be named, called and known, by the said name of Potosi; and this section shall take effect from and after its passage.

SEC. 2. The said town of Potosi, and all additions that may be hereafter made thereto, and the inhabitants residing, or who may hereafter reside within the same, are hereby constituted a body corporate, by the name of "The Trustees of the Town of Potosi;" 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. 3. It shall be lawful for the inhabitants of said town, having the qualifications of electors, to meet at some convenient place in said town of Potosi, on the first Monday of April 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, three constables, one treasurer, one clerk, and one collector.

SEC. 4. On the first Monday of April in each year thereafter, there shall be held within the corporate limits of said town, an annual election of the officers of said town 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. 5. No person shall be eligible to any of said offices, unless he is a voter in said town; and no person shall be eligible to the office of trustee, unless he is also a freeholder in said town.

SEC. 6. At all elections by the voters of the town, held under this act, the polls shall be opened at ten o'clock, A. M., and continued open until four o'clock, P. M.; and the elections shall be conducted in a similar manner, as far as may be, to the election of delegate to Congress. A plurality of votes shall in all cases decide the election.

SEC. 7. 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 town, and vacancies in all other offices by appointment by the trustees.

Corporation not dissolved by failure to elect officers.

SEC. 8. 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.

Tenure of office.

SEC. 9. 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.

Oath of office.

SEC. 10. The treasurer, collector and constables, before they enter upon the duties of their office, shall severally give bonds to the trustees in such sum, with such conditions, and with such sureties as said trustees, or a majority of them shall direct.

Bonds of certain officers.

SEC. 11. It shall be the duty of the president to preside at all meetings of the trustees, to see that all bye-laws and ordinances are duly observed, and to prosecute all suits which may be necessary, in the name of the corporation.

Duties of president.

SEC. 12. 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 bye-laws, ordinances and regulations, and also a faithful record of all the doings and votes of the inhabitants of said town 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.

Duty of clerk.

SEC. 13. The treasurer of said town shall receive all moneys which may be collected for the use of the corporation, by virtue of this act, or by virtue of any bye-law or ordinance of the corporation 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

Duty of treasurer.

How moneys
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 said corporation in no other way whatsoever; 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, wherein he shall note the time when, the person from whom, the amount of the several sums received, and the source from whence the said sums respectively arose; and in a manner equally accurate and specific, in the same book, he shall duly enter an account of all sums paid out, which books shall at all reasonable times, be open to the inspection of the voters of said town; he shall, as often as they shall require, render to the board of trustees a minute account of all his receipts and payments.

Powers of con-
stable.

SEC. 14. The constables elected under this act, shall have the same powers as the constables elected in towns.

Trustees' pow-
ers and duties.

SEC. 15. The trustees shall have the following powers, to-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 sidewalks, to keep them free from incumbrances, and to protect them from injury;
- IV. To clear out and remove vegetable matter and nuisances from the creeks, rivers, and other waters in said town, and prevent their accumulation in said waters, and generally to take such other measures for the public health as they shall deem proper;
- V. To prevent, abate, or remove nuisances;
- VI. 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;
- VII. To protect trees and monuments in said town:

- VIII. To regulate the burial of the dead; Same.
- IX. To suppress disorderly and gaming houses and devices for the purpose of gambling;
- X. To call regular and special meetings of the voters of said town;
- XI. To prescribe the compensation of all officers of the corporation except their own;
- XII. To levy and collect taxes on all such property as is now, or shall hereafter be subject to county taxes, and also on improvements on real estate in said town: *Provided*, That all taxes, in any one year, exclusive of those hereafter mentioned, shall not exceed one per centum on the property assessed;
- XIII. 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, three dollars, to be appropriated in improving the roads and streets of said village, [town] under the direction of such person as they may appoint;
- XIV. Upon the application of the owners of three fourths of the lots on any street, or on 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 sidewalk along the same;
- XV. To make, pass, ordain, and establish such bye-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 bye-law shall take effect until the same shall have been published three weeks successively; and to repeal or amend the same at pleasure.

Sec. 16. The said trustees, as often as they shall make or publish any bye-laws, regulations, or ordinances, may ordain and provide such reasonable fines, forfeitures and penalties, upon the offenders against any such bye-laws, regulations or ordinances, as they shall deem proper, not exceeding twenty dollars for

Fines, how col-
lected.

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. The first process, in any such action, shall be by warrant, and execution may be issued thereon, as provided by law in other cases. 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.

Proof of publication of bye-laws.

SEC. 17. The affidavit of the printer of the publication of any bye-laws or ordinances, or the affidavit of the clerk of the corporation of the putting up notices, bye-laws, or ordinances, as required by this act, shall be sufficient proof in all courts and elsewhere, that such bye-laws, notices and ordinances were properly published or posted up.

Bye-laws, &c. how published

SEC. 18. Wherever in this act the publication of any notice, bye-law or ordinance is required, the same shall be published in a newspaper printed in said town, 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 town three weeks, which shall be a sufficient publication.

Four trustees a quorum.

SEC. 19. Any four of said trustees shall be a board for the transaction of all business; but no bye-law or ordinance shall pass unless four of said trustees concur therein.

Inhabitants to be competent jurors, &c.

SEC. 20. No person shall be an incompetent judge, justice, witness, or juror, by reason of his being an inhabitant or free holder in said town, in any action or proceeding in which said town is a party, or interested.

Receipts and expenditures, account of.

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 town during the past year.

SEC. 22. The trustees shall, between the first Monday of April and the first Monday of June in each year, determine the amount of general tax to be assessed and collected for the current year. The assessor shall, within such time as above limited, assess all property subject to taxation within the corporate limits of said town, and shall deliver to the trustees, on or before the first Monday of June, a full and complete assessment roll thereof; which roll shall exhibit the description and value of the lands, town lots and all other property specifically, chargeable with tax in said town, together with the names of the owners thereof, whether residents or non-residents, so far as the same can be ascertained. The assessors shall assess such taxable property at its full and fair cash value; the trustees shall lay such taxes, previously determined to be by them raised, on such assessment roll, as soon as may be, after the same shall be filed, compared, corrected and completed as provided by this act.

Amount of tax
—when to be
determined.

The assessm't
roll—what to
exhibit.

SEC. 23. Whenever said assessors shall have completed and returned their assessment roll, they shall deliver the same to the president, or in case of his absence, to the clerk; such president, or clerk, shall forthwith give public notice of the completion, and return thereof, by the assessors, and shall specify in such publication the time and place at which the said trustees will meet to hear appeals from the doings of the assessors. Said trustees, on receiving any such appeal, shall have power to alter and correct such roll.

Notice of com-
pletion of roll.

SEC. 24. Whenever such roll shall be finally completed, and corrected, the trustees shall, forthwith, require the clerk to apportion, calculate, and carry out the amount of taxes opposite to the specified property, lots or lands charged with tax in such roll, and to make two copies thereof, one of which shall be delivered to the treasurer of said town, and the other with the warrant of the trustees, attested by the clerk, thereto annexed, shall be delivered to the collector of said town.

Clerk to appor-
tion tax and
to deliver war-
rant to collec-
tor.

SEC. 25. The collector shall have the same powers in collecting the taxes, both general and special, as the collectors of county taxes now have, or may hereafter have; and the taxes shall be collected, and return of such warrant and roll, made at the same time, and in the same manner, so far as may be, as

Powers of col-
lector.

Notice of sale
of land—how
published.

county taxes are collected, and returns of county tax lists and warrants are made, except it shall be sufficient publication of the notice of any sale of land, to publish the same in a newspaper in said town, or if there be no newspaper, to post up notices in four public places in said town. The board of trustees shall have the same powers with reference to the taxes which the county commissioners now have with respect to county taxes.

SEC. 26. This act may be altered, amended, or repealed by any future Legislature; and this act shall be a public act.

When electors
shall adopt or
reject this act.

SEC. 27. On the third Monday of March next, the qualified electors within the corporate limits of said town, shall hold an election at the house of Celestine Kathenback, to ascertain whether a majority of the electors of said town are in favor of the adoption of this act; and such election shall be held in the manner prescribed by law for holding general elections in this territory. The votes in favor of such adoption shall be written thus, "adoption," those opposed to such adoption, thus, "no adoption." If a majority of the votes polled at such election, shall be in favor of such adoption, then this act shall take effect and be in force from and after the said third Monday of March next; but if a majority of such votes shall be cast against such adoption, then this act, except the first section, shall not take effect or be of any force whatever.

Approved, February 19th, 1841.

No. 45.

AN ACT supplementary to the act to incorporate the village of Racine.

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

SEC. 1. That the electors residing in the corporate limits of the village of Racine, as the said limits are defined by the act, entitled "an act to incorporate the village of Racine," approved

Electors may
vote for or a-
gainst accept.