

To execute a  
new certificate.

SEC. 2. That the commissioners for the sale of school and university lands are hereby authorized and empowered to execute to said Isaac Tompkins a new certificate of purchase for said tract of land at the reduced price mentioned in section one, and the state treasurer is hereby required to refund to said Tompkins the amount of percentage and interest paid by him over twelve dollars per acre, out of the income of the school fund.

J. McM. SHAFTER,

*Speaker of the Assembly.*

E. B. DEAN, JR.

*President pro tem. of the Senate.*

Approved, April 16, 1852.

LEONARD J. FARWELL.

### Chap 360

An Act to appropriate to Isaac Spencer the sum therein named.

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

SECTION 1. There is hereby appropriated to Isaac Spencer the sum of forty-five dollars in full for balance due for services rendered as appraiser of school and university lands in the county of Crawford, to be paid out of any moneys in the state treasury arising from the sale of the school lands comprised in the sixteenth sections of townships.

J. McM. SHAFTER,

*Speaker of the Assembly.*

E. B. DEAN, JR.

*President pro tem. of the Senate.*

Approved, April 16, 1852.

LEONARD J. FARWELL.

### Chap 361

An Act to incorporate the Village of Waukesha, in the County of Waukesha.

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

SECTION 1. The inhabitants of the district of country included within the following limits and boundaries, in township number six north, of range number nineteen east, in the county of Waukesha, to wit: beginning at the south-west corner of the east half of the south-west quarter of section number three (3;) from thence due north on said line to the town line; from thence east on said line to the north-east corner of the town plat of "Prairieville village;" from thence south on the line of said village to the centre

of Main Street, in said village; from thence westerly, following the centre of said street until it intersects the highway; (or what is now used and fenced as such, running from said street south through the lands of Henry Bowron;) from thence, following the centre of said highway until it strikes the line running north and south through the centre of the north-west quarter of section number two; (2;) from thence on said line to the south line of section two; (2;) from thence west to the place of beginning, are hereby created a body corporate and politic by the name and style of the "President and Trustees of the Village of Waukesha," and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying, and conveying real and personal estate, and shall have a common seal, and may change the same at pleasure, and shall be competent to have and exercise all the rights and privileges, and be subject to all the duties and obligations pertaining to a municipal corporation.

SEC. 2. The government of said corporation and the exercise of its corporate powers and management of its fiscal, prudential, and municipal concerns shall be vested in a president and six trustees, and such other officers as are hereinafter provided for. Government.

SEC. 3. The elective officers of said corporation shall be one president, six trustees, one marshal, one treasurer, and two assessors, to be elected by the qualified voters thereof at the annual election of said corporation, to be held on the first Tuesday of May in each year, and shall hold their respective offices for one year, and until their successors are chosen and qualified. Officers.

SEC. 4. At the first election, and at all subsequent elections of officers in said corporation, every person residing therein, qualified to vote for town officers in the town in which said corporation is situated, and shall have resided in the ward twenty days next preceding the election at which he may offer his vote, shall be entitled to vote in such ward for any officer required to be elected by this act; and the person or persons having the highest number of votes, shall be declared duly elected. Whenever any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the qualifications of an elector, or if his vote shall be challenged by an elector, the judges of election or some one of them, before receiving the vote of any such Electors

person, shall require such person to take an oath that he possesses the qualifications prescribed in this section of this act, and that he has not voted at such election. If the person offering to vote shall take such oath, his vote shall be received; and if any person shall take such oath knowing it to be false, he shall be deemed guilty of willful and corrupt perjury, and on conviction thereof, shall suffer such punishment as is now or shall hereafter be provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in the ward in which he does not reside, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding fifty dollars, nor less than twenty-five dollars, to be recovered in the same manner as other penalties are recovered under this act.

**Officers.**

SEC. 5. At the first and every subsequent election, the electors shall vote for one president, six trustees, one marshal, one treasurer, and two assessors.

**How elections conducted.**

SEC. 6. The supervisors of the town of Waukesha shall, at least twenty days previous to the first election of officers in said village, appoint the time and place of holding such election, and appoint the judges and clerks thereof, and shall give notice of such appointments ten days previous to such election, by publishing the same in a newspaper printed in said village; and after the first election, it shall be the duty of the president and trustees to provide the places of holding elections in said village, and to appoint the judges and clerks thereof, provide for making and directing the returns of elections, the time and manner of opening the returns and making an abstract thereof, and of keeping a journal of the same, and may make such other arrangements concerning said election as may be lawful and convenient for the citizens of said village.

**Supervisors to determine elections.**

SEC. 7. The supervisors of the town of Waukesha shall determine who shall have been properly elected at the first election, and the chairman of the board of supervisors of said town shall administer the oath of office to the first president, and such president shall administer the oath of office to all the trustees and other officers who have been declared to be duly elected; all subsequent elections shall be determined by the president and trustees, and the new president may in every case be sworn into office by his predecessor, and he may administer the oath of office to all newly elected officers. In case of a tie between two candidates at any election, the election of one

or the other of them shall be determined by lot, in the presence and under the direction of the president and trustees.

SEC. 8. The president shall preside at all meetings of the trustees, keep the seal of the said corporation, sign all commissions, licenses, and permits which may be granted by the trustees; he shall maintain peace and good order and see that the ordinances of the village are observed and executed. He shall have power to administer oaths or affirmations, and to take and certify acknowledgements of deeds and other instruments in writing; as a judicial officer, he shall have concurrent jurisdiction with justices of the peace of the county of Waukesha, of all cases for the violation of any ordinance of said village, and when presiding at the meeting of the trustees, he shall have a casting vote, when the votes of the members are equal.

Duty of president.

SEC. 9. The president and trustees shall prescribe the time and fix the place of holding their meetings, which shall at all times be open to the public, shall determine the rules of their proceedings, and keep a journal thereof, which shall be open to the inspection of every citizen, at all reasonable times and hours; shall have power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules, and regulations for their own government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its members.

To fix place of meeting.

SEC. 10. The president, each and every trustee, marshal, each and every justice of the peace and constable of the town of Waukesha, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior, in a manner consistent with the ordinances of said village, within the limits thereof, and for such purpose may command the assistance of all by-standers, and if need be, all citizens; and if any person shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay such fine as may be prescribed by ordinance of the village in such case provided.

Officers of the peace.

SEC. 11. The marshal shall possess all the powers and enjoy all the rights of a constable in the town of Waukesha, and be subject to the same liabilities; it shall be his duty to execute and return all writs and process to him directed by the president, and when necessary in criminal cases, or for the violation of any ordinance of said village he may serve the same in any part of the state of Wisconsin.

Duties of marshal.

sin. It shall be his duty to suppress all riots, disturbances, and breaches of the peace, to apprehend all disorderly persons in said village, and pursue and arrest any person fleeing from justice in any part of the state of Wisconsin, to apprehend any person in the act of committing any offence against this state or the ordinances of the village, and forthwith to bring such person before competent authority for examination; and for such services he shall receive like fees as are allowed to constables for like services. Said marshal shall execute and file with the clerk, a bond for the faithful performance of his duty, to be approved by the trustees.

Duties of treasurer.

SEC. 12. The treasurer of said village shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said village, all moneys raised, received, recovered, and collected by means of any tax, license, fine, forfeiture, or otherwise, under the authority of this act, or which belongs to said village, shall be paid into the village treasury, and shall not be drawn therefrom except by a written order, signed by the president and countersigned by the clerk, by order of the trustees. Such order shall specify the amount of money to be drawn and its object. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the trustees for that purpose, which shall remain the property of the village, 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: which said books at all reasonable times, shall be open to the inspection of the electors of the village; he shall, as often as the trustees shall require, render to said trustees a minute account of his receipts and payments, and at the expiration of his term of office, he shall hand over to his successor all moneys, books, and vouchers in his possession, belonging to said village; he shall, before he enters upon the duties of his office, execute to the president and trustees a bond for the faithful discharge of his duties, to be approved by the trustees; which bond shall be at least in double the amount of taxes to be raised for the year in which he was elected.

Duties of clerk.

SEC. 13. The clerk shall be appointed by the trustees: he shall perform such duties and exercise such powers as may be lawfully required of him by the ordinance or direction of the trustees, who shall fix his compensation therefor, not exceeding the sum allowed by law for like services.

SEC. 14. Every officer elected in said village, shall, within ten days after he shall be notified of his election, take and subscribe the oath of office prescribed by the constitution, and file the same with the clerk, and in case of his omission to do so, be shall be deemed to have refused to serve, and his place shall be filled in the manner prescribed in this act. Oath of office.

SEC. 15. Special meetings may be called by the clerk of said village, by order of the trustees thereof, by giving ten days' notice thereof in the newspaper of the village. Every notice of a special meeting shall state the objects for which such meeting is called. Special meeting.

SEC. 16. Any vacancy in the office of president, trustee, marshal, treasurer, or assessor, may be filled at a special meeting called in the manner prescribed in the preceding section. May fill vacancies.

SEC. 17. The president and trustees shall have power to enact, establish, publish, enforce, alter, modify, amend, or repeal all such ordinances, rules, and by-laws for the government and good order of the village, for the suppression of vice, for the prevention of fires, and for the benefit of trade and commerce, and for the health thereof, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of such ordinances, rules, or by-laws; and such ordinances, rules, and by-laws, are hereby declared to be, and to have the force of law: May make by-laws.  
*Provided*, That they be not repugnant to the constitution and law of the United States and of this state, and for those purposes, shall have authority by ordinance or by-laws, to organize fire companies, hook and ladder companies, to regulate their government and the time 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 ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress, or sale, in any manner; and if the owner shall refuse to procure suitable ladders or fire buckets, after reasonable notice, the trustees may procure and deliver the same to him, and in default of payment therefor, may recover of the said owner the value of such ladder or fire buckets, or both, with costs of suit; to regulate the storage of gunpowder and other dangerous materials, to direct the safe construction of a place for the deposit of ashes, to appoint one or more fire wardens, to enter into, at reasonable times, and examine all dwelling houses, lots, yards, enclosures, and Proviso.

General powers

buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition, to regulate the manner of putting up stoves and stove pipe, to prevent fires and the use of fire works and fire arms within the limits of said village, or such part thereof as they may think proper, to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down, and raze such building in the vicinity of the fire as shall be directed by the trustees or any four of them who may be at the fire, for the purpose of preventing its communication to other buildings, and any buildings so destroyed shall be paid for by the corporation, to construct and preserve reservoirs, pumps, wells, and other water works, and to regulate the use thereof, and generally to establish other measures of prudence for the prevention or extinguishment of fires as they may deem proper. Second, to prevent, abate, and remove nuisances, and take such measures for the public health as they may deem proper, and compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous houses or places, to cleanse, remove, or abate the same, from time to time, as often as it may be deemed necessary for the health, comfort, and convenience of the inhabitants of the village. Third, to license and regulate the exhibitions of common showmen, or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses, or theatrical performances, under the ordinances or common law. Fourth, to restrain and prohibit all descriptions of gaming, and fraudulent devices and practices and all playing of cards, dice, or other games of chance, for the purpose of gaming in said village. Fifth, to prevent any riots, noise, disturbance, or disorderly assemblages, suppress and restrain disorderly houses, or groceries, or houses of ill fame, shows, and exhibitions. Sixth, to direct the location and management of all slaughter houses and markets. Seventh, to prevent the encumbering the streets, side walks, alleys, or public grounds, with carriages, carts, wagons, sleighs, boxes, lumber, fire wood, or other materials or substance whatever. Eighth, to prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in waters within the limits of the village. Ninth, to restrain the running at large of cattle, swine, sheep, horses, and other animals, and to authorize the distraining and sale of the same, or to impose a fine not exceeding five dollars for ev.

ery such animal found so going at large in violation of the laws of the village. Tenth, to prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances, or to impose a tax on the same. Eleventh, to prevent any person from bringing, depositing, or having within said village any putrid carcass, or any unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance, or any putrid or unwholesome beef, pork, fish, hides, or skins of any kind, and in default to authorize the removal thereof by some competent officer at the expense of such person or persons. Twelfth, to establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the returns of the bills of mortality, and to exempt burying grounds, set apart for public use from taxation. Thirteenth, to provide for the security and protection of bridges. Fourteenth, to prevent all persons riding or driving any horse ox, mule, cattle, or other animal on the side walks in said village, or in any way doing any damage to such side walk. Fifteenth, to restrain drunkards, immoderate drinking, or obscenity, in the streets or public places, and provide for arresting, removing, and punishing any person or persons who may be guilty of the same. Sixteenth, to regulate the police of the village, to appoint watchmen and firemen, prescribe their duties, and punish their delinquencies. Seventeenth, to protect trees and monuments in the village. Eighteenth, to provide for cleaning out of Fox river of drift wood and other obstructions in said village. Nineteenth, To establish the grade of all streets in said corporation, and to appoint a surveyor and prescribe his duties, and fix his compensation not to exceed the pay allowed by law to others for like services.

SEC. 18. In all cases in relation to which by the provisions of this act, the president and trustees have power to enact or pass ordinances or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinances, or by-laws, not exceeding fifty dollars for any one offence, in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such term as they may by such ordinance direct, not exceeding forty days, for which purpose the said village shall have the use of the jail of Waukesha county, for the imprisonment of any person liable to be imprisoned, and all persons committed

Penalties.



to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county.

Process.

SEC. 19. On all suits for the violation of any ordinance of the village, the process may be by warrant; and it shall be sufficient without setting forth the special matter, to declare generally in debt with reference to the ordinance under which the action is brought; the defendant may plead the general issue, and give the special matter in evidence, and a printed copy of an ordinance published in a newspaper or pamphlet by authority of the trustees, shall be *prima facie* evidence of the passage and publication of such ordinance.

Execution to contain clause for imprisonment.

SEC. 20. Every execution issued upon judgment for the violation or non-observance of any ordinance or by-law of said village, shall contain a clause directing in the event of non-payment of the judgment, the imprisonment of the defendant in the county jail for such term as shall have been provided for by the ordinance under which the judgment shall have been rendered; all fines, penalties, and forfeitures when collected, shall be paid into the treasury of said village.

What ordinances to be published.

SEC. 21. Any ordinance, regulation, rule, or by-law imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper printed in said village, before the same shall be in force, and proof of such publication by affidavit of the printer or foreman in the office of such newspaper where such publication may have been made, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation, rule, or by-laws, in all courts and places.

Inhabitant not incompetent juror.

SEC. 22. No person shall be an incompetent judge, justice, witness, or juror, by reason of his being an inhabitant of said village, in any action or proceeding in which said village is a party or interested.

Powers of trustees.

SEC. 23. The trustees shall have power to appoint one street commissioner; to lay out, open, and keep in repair, grade, pave, or otherwise improve streets, avenues, lanes, alleys, sewers, and side walks and cross walks; to insure the public property of the village; to direct in the prosecution and defence of suits in which said village may be a party; to procure the necessary blank books for records, and such other stationery as may be required for village purposes; to audit and allow all lawful accounts against said village, and to draw an order on the treasurer for the payment of the same; to determine the compensation of the president, clerk, marshal, treasurer, assessors, and

street commissioner, subject to the provisions of this act ; to levy and collect taxes on all such property as shall be subject to town and county taxes: *Provided*, That in any one year the taxes for corporation purposes shall not exceed one per cent. on the assessed valuation of taxable property in said village, unless two-thirds of the electors of said village voting at a meeting legally called for that purpose, shall vote to allow a larger sum to be raised ; but in no case shall the electors be allowed to raise more than two per cent. on the assessed valuation as aforesaid.

SEC. 24. No account or claim against said village shall be paid until it shall have been presented to the trustees thereof, and audited and allowed by them, and when any such account shall be so audited, the trustees so auditing the same shall endorse thereon or annex thereto, a certificate subscribed by them, of such auditing, and of allowing or disallowing the same, in which the sum allowed, if any, and the charges for which the same was allowed, shall be specified.

SEC. 25. No such account or claim shall be audited or allowed by the trustees until it shall be made out in items, and shall be accompanied with an affidavit of the person claiming to have done the services or made the disbursements therein charged, that the several items of the account or claim are correct, that the services therein charged have been rendered, that the disbursements therein charged have been made, and that no part thereof has been paid ; such affidavit shall be endorsed on, or annexed to such account or claim, and presented and preserved therewith. Any one of the trustees, when such account or claim shall be presented to them, may administer the oath required in this section ; and the said trustees may examine the claimant on oath, as to the items in such account or claim.

SEC. 26. Nothing in the last preceding section shall be construed to prevent the trustees from allowing any account or claim in whole or in part, when so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof.

SEC. 27. Every account or claim against said village presented to the trustees in any year shall be numbered from number one upwards, in the order in which it shall be presented, and a memorandum of the time of presenting the same, the name of the person in whose favor it shall be made out, and of the person by whom it shall be presented, shall be entered in the records of the proceedings of the trustees.

Accounts to be audited.

Affidavit attached to account.

How last section construed.

Record of claims

Of warrants.

SEC. 28. Every warrant drawn by the trustees to pay any account or claim, shall refer to such account by its number, the name of the person in whose favor it was made out, and the time when it was presented; and a memorandum of such reference, and of the amount of the warrant, shall be entered in such records before such warrant shall be delivered to the claimant.

Trustees not to allow claims.

SEC. 29. No trustee shall allow or subscribe a certificate of the allowance of any item in any account or claim against said village, which said village shall not be legally bound to pay, or for the payment of which it could not lawfully raise money therein by tax; nor shall any trustee sign any warrant for the payment of any such account or claim, or any part thereof.

How account paid.

SEC. 30. No such account or claim shall be paid except by the treasurer, on the warrant of the trustees, endorsed on or annexed to the account or claim for which it shall be drawn.

Account to be filed

SEC. 31. Whenever any such account or claim shall be paid, it shall, together with the affidavit presented therewith to the trustees, the certificate of auditing and allowing the same, and the warrant drawn for the payment thereof, be filed and preserved in the treasurer's office.

Not to borrow money.

SEC. 32. Said village shall have no power to borrow money, nor shall it be liable to pay money borrowed on its account or advanced in its behalf, by its officers or any other person, nor shall any of its money or property be applied to any such purposes, nor shall said village incur any debt or liability in any year, greater than the amount of tax allowed by this act to be raised in said village, in the year in which such debt or liability was incurred.

May provide for paving streets.

SEC. 33. Whenever two-thirds of all the resident owners of real estate bounding both sides of any street or part of street, not less than sixteen rods in length, in said village, shall desire to have such street graded, paved, or otherwise improved, they may make and sign an application in writing to the board of trustees of said village, specifying in such application the sum necessary to be raised for that purpose; and the said trustees shall levy and cause to be collected, such sum by tax on all the owners of real estate, on lots on such street or part of street; said tax shall be levied on the last assessed valuation of the real estate and lots, exclusive of improvements, respectively, as the same shall appear in the assessment roll of said village.

Side walks.

SEC. 34. When two-thirds of all the resident owners of real estate and lots bordering on one side of any such street or part of street, shall desire to have a side walk

built or repaired, the application for that purpose shall be made to the trustees by such owners, and the tax for building or repairing such side walk shall be levied as prescribed in the preceeding section.

SEC. 35. Whenever the trustees shall levy any tax for the purpose of grading, paving, or otherwise improving any street, or for the building or repairing of any side walk, they shall make out and deliver to the street commissioner such tax to be collected and expended, a list of persons, and a description of the property taxed; and thereupon the said street commissioner shall notify the persons named in such tax list, by publishing a notice in some newspaper published in said village, and shall specify in such notice a time or times not less than twenty days nor more than forty days from the date thereof, when the persons charged with taxes in such list, may pay their taxes in labor, materials, or money; and the persons charged with such tax may at such time and place as may be required by such street commissioner, pay their taxes in labor or materials: *Provided*, The labor and materials offered in payment for such taxes are suitable, and such as may be required by said street commissioner.

SEC. 36. At the expiration of forty days from the time the said street commissioner shall have received such tax list, he shall return the same to the trustees, accompanied by a statement verified by his affidavit subscribed thereon, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was expended, and the items of expenditures; also the taxes which remain unpaid, and the persons and descriptions of real estate or lots, to which such unpaid taxes stand charged.

SEC. 37. The trustees, in making out the duplicate assessment roll of said village, next thereafter, shall enter such unpaid taxes therein in a separate column, with twelve per cent. interest added thereto, opposite the names of the persons and description of property against which the taxes so remain unpaid; and such taxes shall be collected in the same manner as the general taxes of said village are collected; and when so collected shall be paid over to a street commissioner on the order of the trustees, to be expended on the street or side walk for which they were originally assessed.

SEC. 38. The trustees shall, between the first Tuesday in May and the second Monday in June in each year, determine the amount of general tax necessary to be assessed and collected in said village the current year. The as-

assessors shall, within the time above limited, assess all property subject to taxation, and shall on or before the first Monday of June in each year, deliver to the board of trustees of said village a full and complete roll thereof; which roll shall exhibit the description and value in separate columns, of the lands, lots, and all other property chargeable with tax, in the said village respectively, together with the names of the owners thereof, so far as the same can be ascertained. The assessor shall receive for his services a compensation to be fixed by the by-laws of said village, which shall not exceed the compensation allowed to town assessors for similar services.

Appeal from assessment.

SEC. 39. Whenever the said assessment roll shall have been delivered to the board of trustees as mentioned in the preceding section, such board of trustees shall forthwith direct their clerk to give public notice, by publishing the same in some newspaper published in said village, of the completion of such roll by the assessor, and shall specify in said notice the time when, and the place where the said trustees will meet to hear appeals from the proceedings of such assessor; on any such appeal being made to said trustees, they shall have power to alter and correct such assessment roll, and the said trustees shall have power to equalize the taxes in such assessment roll.

Trustees to levy tax.

SEC. 40. When such assessment roll shall be finally completed, the trustees shall cause to be levied, such amount of tax as shall have been determined to be raised, and shall set opposite to each description and valuation of taxable property, the amount of tax charged upon such property, and to each person respectively, and when such tax list shall have been so completed, they shall forthwith cause a true copy thereof to be made, and a warrant annexed thereto, and deliver such tax list and warrant to the marshal of said village as hereinafter provided, and the original assessment roll and tax list shall be deposited with the treasurer of said village.

By whom warrant signed.

SEC. 41. The warrant annexed to any tax list delivered to the marshal as aforesaid, shall be signed by the president and countersigned by the clerk of said village, or in the absence of the president, such warrant shall be signed by a majority of the trustees; such warrant shall command the marshal to collect the taxes mentioned in such tax list, in sixty days, and pay over the same to the treasurer of said village, and make return of said warrant to the said treasurer; the trustees may renew the warrant annexed to any tax list, for thirty days, when they shall deem it necessary, but any such warrant shall be so renewed but once.

SEC. 42. Upon the receipt of the tax list aforesaid, it shall be the duty of the marshal to give public notice in a newspaper published said in village, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office for the term of forty days next ensuing such notice; and all taxes paid during said forty days, shall be subject to a deduction of five per centum upon the amount paid.

Marshal to give notice.

SEC. 43. If the taxes are not paid to the marshal within the said term, he may then proceed to collect the same by distress and sale of the goods and chattels of the person charged, giving six days' notice of the time and place of such sale, by written notices, set up in three public places in said village.

When to collect tax by sale of goods

SEC. 44. It shall be the duty of such marshal within the time prescribed in any such warrant for the return thereof, to pay over all sums collected by him to the treasurer of said village, and to return such warrant to the said treasurer with his return thereon written, subscribed by him, and specifying any such sum or sums of money not collected by him, by reason of his being unable to find property in said village, out of which he could collect the same; and if any sum be returned, not collected by him, his return shall be accompanied by his affidavit that the facts therein stated are true.

Marshal to pay money to treasurer.

SEC. 45. In case the tax on any lot or other parcel of land shall remain unpaid on the first day of October, it shall be the duty of the treasurer, within ten days thereafter, to make out a general advertisement, stating that all lots or other pieces of land, upon which the taxes have not been paid, will be sold by him at a certain time and place therein mentioned, for the purpose of paying the taxes which may be assessed thereon, together with all costs and other liabilities which may accrue by advertisement and sale agreeable to the provisions of this act. Said advertisement shall be published three weeks successively in a newspaper published in said village.

When to sell lands.

SEC. 46. On the day and at the time and place mentioned in the notice, the treasurer shall commence the sale of lands and lots, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes, interest, and charges due, assessed, and charged thereon, agreeably to this act, and the treasurer shall give to the purchasers of any lot or lots of land, a certificate of the lots or lands purchased, stating the sum paid therefor, including fees and the time the purchaser or purchasers will be entitled to a deed.

How sale conducted.

**To file statement** SEC. 47. Said treasurer shall immediately after the close of any such sale of lots or lands for taxes, deposit in the office of the clerk of said village, all affidavits, notices and papers in relation to such tax sale, to be filed in the office of said clerk; also a statement containing a particular description of each lot or parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner, if known; and the said treasurer and clerk shall record such statement in a book kept for that purpose by each of them, in their respective offices.

**When to make conveyance of land.** SEC. 48. If the person claiming the title to the lots or parcels of land so sold and described in said certificate given by the treasurer, shall not, within two years from the date thereof, pay to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon, at the rate of twenty-five per centum per annum, from the date of such certificate, the treasurer shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lots or parcels of land so sold, which conveyance shall vest in the person or persons to whom the same shall be given, an absolute estate in fee simple; and the said conveyance shall be evidence that the sale was regular according to the provisions of this act, and any such conveyance executed by the treasurer, under his hand and the seal of said corporation, in the name and on behalf of said village, and the execution thereof witnessed and acknowledged as by law in other cases provided, may be given in evidence and recorded in the same manner and with like effect as a deed regularly acknowledged by the grantor may be given in evidence and recorded: *Provided*, That in case of assessment of taxes in gross upon any lot or piece of land, the treasurer, upon the application of any claimant or owner of a part thereof, either divided or undivided, shall receive the taxes on such part, either in payment or redemption, with the interest and charges thereon, proportionate to the quantity of such lot or tract so claimed or owned, and the remainder of such taxes, interest, and charges, shall be a lien only on the remainder of such lot or piece of land.

**Lands to be advertised.** SEC. 49. In all cases, before lands shall be conveyed as aforesaid, the treasurer shall advertise the same by a correct description thereof, for three months, in some newspaper published in said village, stating that all such lots

or parcels of land will be forfeited, if the taxes, interest, or charges upon the same are not paid before the day mentioned in such notice.

SEC. 50. All lots or lands which shall be advertised for sale for non-payment of taxes, shall be subject to a charge of three cents for each lot or piece of land so advertised, for the first advertisement, and each lot or piece of land which shall be sold as aforesaid, shall be chargeable with the following fees: for each certificate to be given to a purchaser of any lot of land at such sale, twelve and one-half cents; for certifying the amount necessary to redeem any lot or piece of land, twelve and one-half cents; and one dollar for each conveyance executed in pursuance of this act; the said fees to be paid by the person receiving such instrument. The charge for advertising the forfeiture of a piece of land, shall be ten cents for each lot or parcel.

SEC. 51. If any person who shall purchase any lot in pursuance of this act, shall pay any tax returned subsequent to such purchase, on such lot or piece of land, shall pay to the treasurer the amount of tax with interest, at the rate of twenty-five per centum per annum, for the benefit of the purchaser.

SEC. 52. All taxes levied and collected by the trustees of said village for the purpose of repairing, grading, or improving roads, streets, or alleys in said village, shall be expended within the limits of each ward respectively in which the same has been assessed and collected.

SEC. 53. The street commissioner of said village shall, under the direction of the president and trustees, superintend the grading, paving, and improving of streets, and the building and repairing of side walks, and the expenditures of taxes levied and collected for such purposes, and shall receive such compensation for his services as shall be allowed by the trustees under the provisions of this act.

SEC. 54. Within ten days next preceding every annual election, the trustees of said village shall cause to be published in some newspaper published in said village, a statement which shall show the name of every person who shall have had an account or claim allowed by them, the amount of such account or claim as presented, the amount allowed, and a brief statement of the nature of the demand. The first statement so published, shall embrace all accounts allowed to the time of publishing, from the time of the incorporation of said village, and each subsequent statement shall embrace all accounts allowed to the time of publish-

Fees.

Interest on taxes

Where road taxes expended.

Street commissioner to superintend grading of streets.

Statement of expenditures.



ing, from the time of publishing the last preceding statement.

**Proof of publication.** SEC. 55. The affidavit of the printer or of the foreman in his office, of the publication of any notice required by the provisions of this act to be published, shall be received as proof of the publication of such notice in all courts and places.

**Neglect not to suspend corporation.** SEC. 56. If any election provided for in this act, shall not be considered a sufficient reason for arresting, suspending or absolving the said corporation, but such election may be held at any time thereafter, by order of the supervisors of the town, otherwise by order of the trustees of said village, of which time ten days' public notice shall be given; and further, if any of the duties enjoined by this act, at a time herein specified, or specified by any ordinance of said village, are not then done, the trustees of said village may appoint another time upon which the said duties may be done: *Provided*, That the officers so failing to execute such duties at the time required, shall be liable to the same actions, fines and penalties, as they would have been had not said power been conferred upon or exercised by the trustees.

**May appoint officers.** SEC. 57. The trustees shall have power to appoint, and at their pleasure to remove, the following officers, to wit: One chief engineer of the fire departments, two fire wardens, and as many assistant wardens as they shall from time to time deem necessary, one surveyor, one sealer of weights and measures, sextons and keepers of burial grounds and a street commissioner, and prescribe their duties and fix their compensation, under the provisions of this act, and to impose and enforce in law such penalties as to the said trustees may seem proper, for any malfeasance or improper conduct of any of said officers, and to require bonds for the faithful performance of the duties of such of them as may be deemed expedient and necessary by the trustees: *Provided*, That trustees shall have no power to pay themselves any compensation for their services.

**Quorum.** SEC. 58. A majority of the trustees shall be a quorum for the transaction of business, but a less number may meet and adjourn from time to time, until a quorum shall be present, but shall do no other business; and in the absence of the president, five trustees being present, one of their number may be appointed chairman, *pro tem*.

SEC. 59. This act may be altered, amended or repealed by the legislature.

J. McM. SHAFER,  
*Speaker of the Assembly.*

E. B. DEAN, JR.,  
*President pro tem. of the Senate.*

Approved April 16, 1852.

LEONARD J. FARWELL.

[Published May 27, 1852.]

An Act to incorporate the Northern Wisconsin Mutual Insurance Company.

Chap 362

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

SECTION 1. Lucas M. Miller, Joseph Jackson, John Bannister, George F. Wright, J. H. Kimberly, and their associates and all such persons as shall hereafter have property insured by the said company, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Northern Wisconsin Mutual Insurance Company."

Created a body corporate.

SEC. 2. The said corporation hereby created shall have power and authority to make contracts of insurance with person or persons or any body corporate or politic, against losses by fire of any houses, stores, or other buildings whatsoever, or of any goods, chattels, or personal estate whatsoever, for such term or terms of time and for such premium or consideration, and under such modifications and restrictions as may be agreed upon between the said corporation and the person or persons agreeing with them for such insurance.

Power to make insurance.

SEC. 3. Every person who shall at any time become interested in said company by insuring therein, and also his heirs, executors, administrators, and assigns, continuing to be insured therein, as hereinafter mentioned, shall be deemed and taken to be members thereof for and during the terms specified in their respective policies and no longer, and shall at all times be included and bound by the provisions of this act, and the property and concerns of said corporation shall be managed and conducted by a board of thirteen directors, and that L. M. Miller, Joseph Jackson, Theodore Conkey, Owen Hughes, D. B. Whitacre, David P. Mapes, David Evans, John Bannister, J. H. Kimberly, Walter H. Weed, Edward Eastman, George F. Wright, and John Smith, shall be the first directors of said corporation and shall continue in office for the term of one year and until others shall be chosen, and no longer. The

Members.