

money as may be necessary to meet the expenditures of that office, authorized by law, not exceeding one hundred and fifty dollars, for the faithful expenditure of which the adjutant general shall account with the auditor of the Territory, and make report to the next Legislature.

APPROVED, February 17, 1842.

AN ACT to change the corporate limits and powers of the town of Milwaukee.

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

Trustees to appoint marshals.

§ 1. That it shall hereafter be lawful for the trustees of the town of Milwaukee to appoint one marshal within the limits of each ward: the powers, privileges and duties of each to be the same as now provided in the 19th section of the act to which this is amendatory.

Part of act repealed.

§ 2. That so much of the act to which this act is an amendment, as authorizes a deduction of five per cent from the amount of tax assessed and paid before the last day of August, as provided in the 13th section of the act to which this is amendatory, be and the same is hereby repealed.

Notice of sale for taxes.

§ 3. That it shall be the duty of the treasurer, within the month of September in each year, to give public notice by advertisement in one or more newspapers published in said town, of the time and place when and where he will sell all the lots and tracts of land upon which taxes remain unpaid, or so much thereof as will satisfy and pay all taxes which may be assessed thereon, together with all costs and other liabilities which shall accrue by advertisement and sale, agreeably to the provisions of this act and the act to which this is an amendment, shall be published eight successive weeks, commencing in the month of September; and it shall not be necessary to enumerate each lot or tract of land severally, nor the amount chargeable to each lot separately. And it shall be the duty of the trustees to direct the treasurer to add to

Advertisem't.

Duty of treasurer.

the amount of tax on all lots so advertised for sale a sum sufficient to cover all costs accruing in consequence of such advertisement.

§ 4. That six months previous to the expiration of the time limited for redeeming lands or lots sold for delinquent taxes, it shall be the duty of the treasurer of said town to publish at least four weeks successively, in some newspaper or newspapers printed in said town, a list of all unredeemed lots and lands, describing each lot or tract as the same was assessed and sold, together with a notice to all interested therein, of the time when the same will become forfeited; and the trustees of the said town shall fix and determine the amount which shall be paid for printing such advertisement, and for other expenses consequent thereon; and it shall be the duty of the treasurer to add the expense so fixed and determined, to the tax which may be levied on each of said lots for the year in which such advertisement shall be made, and to collect the same on behalf of the corporation, in the same manner as other taxes are collected, as a special tax, to pay for the expense of making such advertisement.

Shall give notice in newspaper.

Lands when forfeited.

Treasurer to collect amount to pay expenses

§ 5. The president and trustees shall have power, within the corporate limits of the town of Milwaukee, to make and establish, publish, alter, modify, amend and repeal, ordinances, regulations, rules and bye-laws, for the following purposes, and for enforcing penalties on any person or persons violating the same: *Provided*, that such ordinances, regulations, rules or bye-laws, shall not be repugnant to the Constitution and Laws of the United States or of this Territory:

Power to make and alter ordinances.

1st. To license and regulate taverns, groceries and victualing houses; and all persons retailing or dealing in spiritous, vinous and fermented liquors; and to license and regulate the exhibition of common show-men, or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses or theatrical performances.

To licensé and regulate retailers, shows, &c.

2d. To restrain and prohibit all descriptions of gaming and fraudulent device and practice, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said town.

To prevent gaming.

- To prevent riots. 3d. To prevent any riots, noise, disturbance or disorderly assemblage, suppress and restrain disorderly houses and groceries, houses of ill-fame, billiard tables, nine or ten pin alleys or tables, and to authorize the destruction of all instruments used for the purpose of gaming.
- To prevent nuisances. 4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said town.
- 5th. To direct the location and management of all slaughter houses and markets, and regulate the storage, keeping and conveying of gun-powder, or other combustible material.
- To keep streets clean. 6th. To prevent the encumbering of the streets, side-walks, lanes and alleys, with carriages, carts, sleighs, sleds, boxes, lumber, timber, fire-wood, or any other material or substance whatever.
- To prevent horse-racing. 7th. To prevent horse-racing, immoderate riding or driving in the streets, and regulate the places of bathing and swimming in the waters within said town.
- To restrain cattle, &c. 8th. To restrain the running at large of cattle, horses, swine and sheep, and to authorize the distraining, impounding and sale of the same for the penalty incurred and cost of proceeding.
- Dogs. 9th. To prevent the running at large of dogs, and to authorize the destruction of the same when at large contrary to the ordinance.
- Dead animals, how removed. 10th. To prevent any person from bringing, depositing, or having within the limits of said town, any putrid carcass, or any other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind, and on default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.
- Pumps, cisterns, &c. 11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and regulate cartment and cartage.

13th. To erect lamps and regulate boards of health; provide Board of health cemetery grounds and regulate the burial of the dead, and the return of bills of mortality; and to exempt burying grounds and grounds set apart for public use, from taxation.

13th. To regulate the procuring of fire buckets and the purchase of fire engines; and to preserve said town from injuries by fire. Fire department

14th. To regulate the size of bread, the weight and price; and regulate weights and measures.

15th. To abate and remove nuisances.

16th. To regulate the building of wharves, bridges, mill-races and canals, and to alter and lay out new streets, alleys and highways; and to regulate the planting of trees for shade, ornament and convenience, within said town. Wharves, &c.

§ 6. The penalties imposed for the breach or violation of any ordinance, regulation, rule or bye-law, made in pursuance of the provisions of this act, or of the act of which this amendatory, shall in no case exceed the sum of fifty dollars and five days imprisonment, for any offence; and penalties when collected, shall be paid into the treasury of said town, to be used for such purposes as the trustees may deem proper. Fine and imprisonment for violation.

§ 7. Any ordinance, regulation, rule or bye-law, imposing any penalty or forfeiture for violation of its provisions, shall be published for three weeks successively, in some one of the newspapers printed in the town of Milwaukee, before the same shall be in force and effect; and proof of such publication, by the affidavit of the printer or foreman in the office of the newspaper where such publication is made, shall be conclusive evidence of the promulgation of such ordinance, regulation, rule or bye-law, in all courts and places. Ordinances when to take effect.

§ 8. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of the town of Milwaukee, in any action or proceeding in which said town is a party in interest. Inhabitants not to be disqualified.

§ 9. The trustees shall have power to cause any alley, street, streets, &c.

lane or highway in said town, to be graded, levelled, paved or repaired, and to cause sewers and side-walks, drains, sewers and aqueducts, to be constructed and made, and repaired in said town, and to cause the expenses of all improvements made and dedicated under this section, (except side-walks,) to be assessed upon the real estate in any ward in said town deemed benefitted by such improvement, in proportion to the benefits resulting thereto, as near as may be; which assessment or tax, shall not exceed one per centum per annum on the cash value of the property assessed. The trustees shall determine the amount to be assessed for all improvements to be made or directed under this section, and shall appoint by a majority all the trustees of the ward in which such improvement is to be made, three respectable freeholders, residing without the said ward, to make such assessment. The said assessors so appointed, shall be sworn faithfully and impartially to execute their duties as such assessors, according to the best of their ability; and before entering upon the duties assigned them, shall give notice to all persons interested; of the time and place waiting to make such assessment, by publishing such notice, at least one week in some newspaper published in the town of Milwaukee; and they may, if necessary, adjourn from day to day. The said assessors shall assess the amount directed by the trustees to be assessed for any such improvement, on the real estate deemed by them to be benefitted thereby, in proportion to the benefit resulting thereto, as nearly as may be, and shall briefly describe in the assessment roll, to be by them made and returned, the real estate on, or respect to which, any assessment is made; and when complete, they shall give a like notice, and shall have power to make corrections of same.

§ 10. The assessors, after the completion of their assessment roll as aforesaid, shall deliver the same to the clerk of the board of trustees; and any person interested, may appeal to the board of trustees for the correction of such assessment. Such appeal shall be in writing, and shall be delivered to the clerk of said board within ten days after the said assessment roll is filed with the said clerk. In cases of appeal, the board of trustees shall give notice of the time and place of hearing those interested, and shall have

Tax assessed therefor.

Trustees to appoint freeholders to assess.

To be sworn.

Notice to be given.

Shall assess.

May appeal to the board of trustees.

power in all such cases to confirm such assessment, or amend the same, and direct a new assessment to be made in the manner hereinbefore directed, by assessors to be appointed as aforesaid. To amend assessment.

§ 11. All assessments for improvements authorized by the two preceding sections of this act, shall be made upon the real estate included in the assessment roll returned as aforesaid; a copy of which, when perfected as aforesaid, duly certified by the clerk of the board of trustees, shall be delivered to the treasurer of the town for collection, who shall proceed in the collecting thereof in the same way as in ordinary taxes. Assessment to be delivered to treasurer.

§ 12. Any assessments in compliance with the provisions of this act, shall be a lien on the property so assessed, until the same shall be paid. Shall be a lien.

§ 13. In any suit or proceeding in which the president and trustees of the town of Milwaukee are parties, or are interested, in which the cause of action shall hereafter accrue, it shall not be necessary, in order to establish the due organization of said town, that a record of the proceedings of the votes of said town, holden on the first Monday of May, A. D. 1839, in relation to the adoption of the act of which this is amendatory, be produced; said town being hereby declared to be a body corporate for all the purposes specified in the said act, and all other acts in amendment thereto. Record not necessary.

§ 14. The president and trustees shall have power to appoint all necessary officers to carry into effect any ordinance, regulation or bye-law in force. Powers.

§ 15. Sections five and twenty-one of the act to which this is amendatory, together with all other acts contravening the provisions of this act, are hereby repealed. Repealing section.

§ 16. That all burying grounds, and grounds set apart for public use, shall hereafter be exempt from county, corporate, and all other tax. Grounds not taxable.

Re-considered and passed by the House of Representatives, February 17th, 1842, after being returned by the Governor without his signature, twenty-two members voting for and one against the bill. JOHN CATLIN, Chief Clerk.

Re-considered and passed by the Council, February 18th, 1842, after being returned by the Governor with his objections.

GEO. BEATTY, Secretary.