

AN ACT to incorporate the Trustees of the village of Mineral Point.

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

Boundary of town.	§ 1. That all that district of country included in section thirty-one and the west half of section thirty-two in town five of range three east, and the north half of section six in town four of range three east of the fourth principal meridian, in the county of Iowa in said Territory shall hereafter be known and distinguished by the name of the village of Mineral Point, and the inhabitants residing or who may hereafter reside within said limits are hereby constituted a body corporate by the name, "The Trustees of the village of Mineral Point," 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 unpleaded, answering and being answered unto, defending and being defended in all courts and places and in all suits whatsoever.
Name of.	
May sue and be sued.	
May vote for adoption.	§ 2. It shall be lawful for the inhabitants of said village who are qualified by law to vote to meet at the county building in said village on the third Monday of March next at ten o'clock A. M. and choose viva voce three Judges of Election and one clerk and then and there to elect by ballot one President who shall be ex-officio a trustee, four trustees, one assessor, three constables, one treasurer and one clerk.
Officers how elected.	
Officers elected annually.	§ 3. On the third Monday of March in each year thereafter there shall be an annual election of the officers of said village 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.
Polls when opened.	§ 4. No person shall be eligible to any of said offices unless he is a voter in said village.
Tie vote.	§ 5. At all elections by the voters of the village held under this act the polls shall be opened at ten o'clock, A. M. and continue open until four o'clock P. M. and the elections shall be conducted in the same manner as far as may be, as the election for delegate to Congress. A plurality of votes shall in all cases decide the election,

and in case of a tie vote a new election shall be called by the trustees as soon as may be.

§ 6. In case such officers or any of them shall not be chosen on the day appointed for the same and in case any act or proceeding required by this act to be done or had on any particular day, or within any particular time, shall not be done or had on such day or within such time, the same may be done or had as soon thereafter as may be On any other day. and 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 village, and vacancies in all other offices by appointment by the trustees.

§ 7. All of said officers shall hold their offices until the Tenure of office. third Monday of March next after their election, and until others are elected and qualified in their stead.

§ 8. 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 To take oath. the duties of his office which shall be filed in the office of the Clerk of the Corporation and be sufficient evidence of his having accepted said office.

§ 9. The Treasurer and Constables before they enter upon the duties of their offices shall severally give bonds Who shall give bonds. to the corporation by its corporate name in such sum and with such sureties as the trustees or a majority of them shall direct conditional for the faithful discharge of their offices respectively.

§ 10. It shall be the duty of the President to preside Duty of President. at all meetings of the trustees, to see that all by-laws and ordinances are duly observed, and to prosecute all suits which may be necessary in the name of the corporation.

§ 11. It shall be the duty of the clerk to keep a record Duty of Clerk of the doings of the board of trustees, especially of the passing of by-laws, ordinances and regulations, and also a faithful record of all the doings and votes of the inhabitants of said village at their annual and other legal meetings, and to keep on file all papers which may be required by law or ordered by the trustees. The records and files kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office What shall be evidence. 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 Treasurer.** § 12. The Treasurer of said village shall receive all moneys which may be collected for the use of the Corporation by virtue of this act or by virtue of any by-laws or ordinances of the Corporation, or by virtue of an act of Congress, entitled, "an act for laying off the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Bellevien, Dubuque, and Peru, in the county of Dubuque, Territory of Wisconsin, and for other purposes," approved July 2d, 1836, and the act of Congress amendatory of said act, approved March 3d 1837, or 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 by warrants signed by the President by order of the trustees and countersigned by the Clerk, who shall keep an abstract 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 corporation in no other way whatever; he shall keep just and accurate accounts of all moneys and other things coming into his hands as Treasurer, in a book 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 book shall at all reasonable times be opened to the inspection of the voters of said village; he shall render to the board of trustees a minute account of all his receipts and payments as often as they shall require.
- Moneys how drawn.**
- How and for what paid out.**
- Accounts how kept.**
- Books open for inspection.**
- Shall render account.**
- Constables powers of.**
- § 13. The constables elected under this act shall have the same power, rights, duties, liabilities and emoluments as the constables elected in the different precincts of said county of Iowa, and hereafter no constable shall be elected at the Mineral Point precinct for said county, except as is provided in this act.
- § 14. The trustees shall have the following powers, to wit:
- Seal.** I. To have a common Seal and to alter the same at pleasure:
- Real estate.** II. To purchase, hold, or convey any real or personal estate 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 organize fire companies, and hook and ladder companies, to regulate their government, and the times and manner of their exercise, to provide all necessary apparatus for the extinguishment of fire, 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 refuses 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 bring an action of debt against said owner, and be entitled to recover in such action, the value of such ladders, or firebuckets, or both with costs of suit, to regulate the storage of gunpowder, and other dangerous materials, to direct the safe construction for the deposite of ashes, and severally to enter into, or appoint one or more officers to enter into at reasonable times, and examine all dwelling houses, lots, yards, enclosures and 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 into a safe condition, to compel the owners of houses and buildings to have scuttles on the roof of said houses and buildings, to regulate the manner of putting up stoves and stovepipes, to prevent the use of fire-works and fire-arms within the limits of said village, to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break and raze such buildings in the vicinity of fires as shall be directed by the trustees or any three of them who may be present at a fire, for the purpose of preventing its communication to other buildings, and any building 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 such other measures of prudence for the prevention or extinguishment of fires as they shall deem proper :

Fire companies, &c.

Trustees to procure buckets.

Storage of powder.

Examine houses.

Scuttles.

Who shall aid at fires.

Houses to be paid for.

Reservoirs, pumps and wells.

V. To provide hospitals or their asylums for the sick, to appoint a board of health when on their opinion it shall be necessary, who shall possess all necessary pow-

Hospitals.

er to prevent the taking or spreading of any infections, innoxious, contagious or pestilential disease or epidemic withinsaid village, to remove any person who shall be affected with any such disease or epidemic to any such hospital or asylum.

- Nuisance. VI. To prevent, abate or remove nuisances.
- Cattle. VII. 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.
- Fence viewers VIII. To protect trees and monuments in said village.
- Grave yards. IX. To purchase, hold, and own grave yards or cemeteries, and regulate the burial of the dead.
- X. To establish and regulate markets, and restrain sales in the streets, to establish and regulate a public scale, and appoint a weigher to attend to the same, to regulate the place and manner of selling hay, and other grass commodities.
- Hay. XI. To suppress disorderly, lewd, or gaming houses, and devices for the purpose of gambling.
- Gambling. XII. To call regular and special meetings of the voters of said village.
- Call meetings. XIII. To prescribe the compensation of all officers of the corporation except their own and they shall receive no compensation or emolument for their services as trustees.
- Pay of officers XIV. To licence and regulate groceries, victualling houses, taverns, shows, public exhibitions and theatrical and other entertainments and also the sale of spirituous or strong liquors within said village and to fix such rates of licences and enact such by-laws on the subject with penalties for the breach thereof as they may deem proper, and to collect such penalties in the manner hereinafter provided: *Provided*, that the Board of County Commissioners of Iowa county may have authority if in their opinion the interests of the county require it to exact a tax to the county from any person who may be licensed by said trustees to keep a tavern or grocery, and so much of any law of the Territory as requires such person to pay a license to the county and conflicts with the provisions of this section is hereby repealed.
- Licence. XV. To tax every male resident of said village above the age of twenty-one years and under the age of fifty years, two days labour annually, or in lieu thereof three
- County may tax.
- Repeal.
- Poll tax.

dollars, to be appropriated in improving the streets and roads in said village under the direction of such person or persons as they may appoint, and if any such person shall neglect after being notified or shall refuse to perform such labor or pay said money, the trustees may recover said money in the same manner as is provided in this act for the recovery of fines and forfeitures. How expend.

XVI. To organize school districts in said village, to receive the money coming from the county for the benefit of scholars in said village, and generally to have full control over all public schools in said village, and to take such measures for the benefit of public instruction as they may deem proper. School.

XVIII. To make, ordain, and establish such by-laws, ordinances and regulations not repugnant to the laws of the Territory and 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 by-law shall take effect until the same shall have been published three weeks successively, and to repeal or amend the same at pleasure. The said trustees as often as they shall make or publish any by-laws, regulations, or ordinances may ordain and provide such reasonable fines for forfeitures and penalties upon offenders against any such by-laws, regulations or ordinances as they shall deem proper not exceeding twenty dollars for any one offence, to be prosecuted and recovered before any Justice of the Peace or court having cognizance of the same in the name and 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 any special matter in evidence, and the defendant may plead the general issue and give any special matter in evidence and after final judgment in such action, 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 Corporation, also to remit such fines or penalties or any part thereof. Pass ordinan-
ces.
Fines.
Amount of
fine.
Before whom.
Pleadings.
Execution.
Costs how
paid.

§ 15. The affidavit of the printer of the publication of any by-laws or ordinances, or the affidavit of the clerk of the corporation of the putting up of notices, by-laws By-laws how
published.

or ordinances as required by this act shall be sufficient proof in all courts and elsewhere that such by-laws, notices and ordinances were properly published or posted up.

In a newspaper. § 16. Whenever in this act the publication of any by-law or ordinance is required, the same shall be published in a newspaper printed in said village 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 village, three weeks, which shall be a sufficient publication.

Three to be a Board. § 17. Any three of said Trustees shall be a Board for the transaction of all business, but no by-law or ordinance shall pass unless three of said trustees concur therein.

Jurors, Justices, &c. § 18. No person shall be an incompetent Judge, Justice, witness, or juror, by reason of his being an inhabitant of, or owner of taxable property in said village, in any action or proceeding in which said corporation is a party or interested.

Statement of finance. § 19. 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 village during the preceding year.

What subject to taxation. § 20. All property, real and personal, and all mineral lots, except property belonging to the county of Iowa, to any school district or to any religious society and property which is by law exempt from sale on execution within the limits of the village shall be subject to taxation. Personal property shall be construed to include all goods, chattels, moneys and effects and all stock paid into any corporation.

Rate of tax. § 21. The trustees shall have power to levy and collect annually a tax on all property subject to taxation in said village not exceeding the rate of one dollar on every one hundred dollars of the assessment valuation thereof.

Assessment to be made. § 22. It shall be the duty of the assessor during the months of March and April, 1844, and annually thereafter during the months of January and February to make an assessment roll in which they shall set down the names of all the taxable inhabitants of said village, and the names, so far as they can be ascertained, of non residents who shall own real estate therein, and the description, quantity and value of all the property subject to taxation in said

village, and when said roll shall have been completed, it shall be certified to by at least two of the assessors as a true assessment roll of all the property subject to taxation in the said village, and immediately deposited with the Clerk of said village.

§ 23. It shall be the duty of the Clerk annually upon receiving the assessment roll as aforesaid, to lay the same before the trustees for their correction and consideration relative to the rate per centum of tax to be levied for the current year, and when the said trustees shall have determined the rate per centum to be taxed on the assessed value of property as contained in the assessment roll as aforesaid, it shall be the duty of the Clerk in the month of May, 1844, and thereafter annually in the month of March, to make out, in accordance with this determination, a schedule of all the property, as contained in said assessment roll, together with the names of the owners thereof when known, annexing to each lot or other kind of property the amount of tax which shall be chargeable on the same, agreeably to the assessment as returned, and the rate per centum of taxation as fixed by the trustees, which schedule shall be called the tax list, and shall be recorded in a book to be by him kept for that purpose, and said tax list, or the record thereof, shall either of them be conclusive evidence of the amount of corporation taxes assessed for the current year in which the same shall be made out and dated.

§ 24. It shall be the duty of the clerk to complete the tax list as aforesaid, and deliver the same to the treasurer in the month of May in the year 1844 and thereafter annually in the month of March and make a record of such delivery in the book where said list shall be recorded, which record shall be conclusive evidence of such delivery, and the tax assessed on real estate shall be a lien on the same from the first day of June, A. D. 1844, and thereafter annually from the first day of April, until the tax shall be paid, together with all penalties and costs which may accrue thereon agreeably to the provisions of this act.

§ 25. Upon the receipt of the tax list as aforesaid and during the month of June, A. D. 1844, and thereafter annually during the month of April, it shall be the duty of the treasurer to give public notice in a newspaper printed in said village or by posting up notices in three

Duty of clerk.

Schedule of property.

Rate.

Recorded.

Deliver to Treasurer.

To be lien on.

Notices.

public places in said village, that such tax list has been committed to him for the purpose of collecting the tax thereon, and that he will receive payment for taxes at his office until the last day of August then ensuing, subject to a deduction of five per centum if paid before the said last day of August.

Tax when to be paid.

May sell. § 26. If the taxes are not paid to the Treasurer on or before the said last day of June, 1844, and thereafter annually during the month of August, he may 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.

Town lots and lands. § 27. In case the tax on any lot or other piece of land shall remain unpaid on the said last day of August, and there are no goods and chattels of the person charged therewith to be found in the village, it shall be the duty of the treasurer to make out a general advertisement, stating that all lots and other pieces of land upon which the taxes have not been paid will be sold by him at a certain time and place to be therein mentioned for the purpose of paying the 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. Said advertisement shall be published four successive weeks, commencing in the month of September in a newspaper printed in said village if there be one, and if not, then by posting up in three public places in said village: *Provided*, that in case of assessment of taxes in gross upon any tract or lot of land, the treasurer, upon the application of any claimant or owner of a part thereof, either divided or undivided shall receive a part of the taxes, interest and charges due thereon, proportionate to the quantity of such lot or tract so owned or claimed and the balance of such taxes, interest, and charges shall be a lien only on the remainder of such lot or tract of land.

Four weeks notice.

Shall receive a part.

Sale when. § 28. The time fixed by the said treasurer for the sale of lots or other pieces of land for taxes shall be at the same time which he may designate within the month of November next ensuing the publication of the advertisement thereof, and on the day mentioned in the said notice, the treasurer shall commence the sale of the said lots and lands and continue the same from day to day un-

til 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 purchaser or purchasers of any such lots or lands a certificate describing the lots, or lands purchased, stating the sum paid therefor, including fees, and the time when the purchaser will be entitled to a deed for the said lots or lands; and if the person claiming the title to said lots or lands described in said certificate 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 such certificate, together with the interest thereon at the rate of thirty per centum per annum from the date of such certificate, the treasurer shall at the expiration of the said two years, execute to the purchaser, his heirs or assigns a conveyance of the lots or lands so sold: which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, and the said conveyance shall be conclusive evidence that the sale was regular according to the provisions of this act, and every such conveyance to be executed by the treasurer under his hand and in the name and on the behalf of the village of Mineral Point, and the execution thereof witnessed and acknowledged as by law as 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.

Purchaser to have certificate.

Deed when and how given

Thirty per cent.

Conveyance how executed.

§ 29. In the month of July of each year the treasurer shall publish in the manner mentioned in the last section an advertisement stating each lot and tract of land which will be forfeited in the ensuing November (stating the day thereof) if the taxes and charges upon the same are not paid before that day, together with the amount of such tax and charges.

Forfeiture how published

§ 30. That all lots or lands the taxes on which shall not be paid before the last day of August as aforesaid and 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 for each lot or piece of land which shall be sold as aforesaid it shall be lawful for the treasurer to demand and receive the following fees: For each certificate to be given to a purchaser at such sale of any lot or piece, twelve and a

Fees for advertising.

For certificate

half cents; for certifying the sum necessary to redeem any lot or piece of land held for taxes, twelve and a half cents; and one dollar for each conveyance executed by him in pursuance of this act; the said fees to be paid by the person receiving such instrument of writing: the charge for the second advertisement shall be ten cents for each lot or piece of land.

By whom paid § 31. That if any person who shall purchase any lot or piece of land in pursuance of this act, shall pay any tax returned subsequent to such purchase, on such lot or piece of land, the person who shall redeem such lot or piece of land, shall pay the amount of such tax with interest at the rate of twenty-five per centum per annum for the benefit of such purchaser.

Redemption how paid. § 32. The board of trustees shall cause to be summoned six freeholders, inhabitants of said village not directly interested, who being first duly sworn for that purpose shall enquire into and take into consideration the benefit and advantages that may accrue and estimate and assess the damages that would be sustained by the reason of the opening, extension, or widening of any street, avenue, lane, or alley, and shall moreover estimate the amount which other persons shall be affected thereby, all of which shall be returned to the trustees under their hands and seals, whereupon the trustees shall levy and assess a special tax on the persons so benefitted and the residue of such damages, if any, shall be paid out of the village treasury, and no street, avenue, lane, or alley shall be opened, extended, or widened, until the damages thus assessed shall be paid to the person entitled thereto.

Streets how opened. § 33. On the first Monday of March next the legal voters residing within the limits of said village as defined by this act shall meet at the county building aforesaid, and choose three Judges of election, and one clerk, and shall then proceed to vote by ballot in favor of or against this act, and each voter shall have written or printed on his ballot the word "Aye" or the word "Noe" and the same shall be deposited in a box prepared for that purpose; the poll shall be opened at ten o'clock A. M. and closed at four o'clock P. M. of said day, and if after the votes shall be counted, there shall be a majority of "Ayes" this act shall be in full force and effect from and after the second Monday in the month of March next, and the judges and clerk of the election shall make out and sign a statement

Tax for opening of.

Damage assessed.

This act how voted for.

Election how conducted.

of the result of such election and publish the same in the newspaper printed in said village; the clerk of said election shall preserve the poll book and certificate of proceedings of said election and if said act is approved of by a majority he shall deliver the same to the clerk of the corporation when he shall be elected and said certificate shall be sufficient and conclusive evidence that this act has been adopted by a majority of the voters in accordance with the provisions of this section. If there shall be a majority of "Noes" this act shall be null and void.

Result.

Poll book.

By majority of voters.

§ 34. This act shall be considered a public act and may be altered, amended or repealed by any future legislature, and shall take effect from and after its passage.

When to take effect.

APPROVED, January 11, 1844.

AN ACT to amend an act entitled "An act to incorporate the Trustees of the village of Mineral Point," approved January 11th, 1844.

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

§ 1. That the assessment roll required by the 22nd section of the act of which this is amendatory to, be made by the assessors, and to be certified by at least two of them, shall be made out by the one assessor required by said act to be elected and shall be certified by him instead of being made out and certified as required by the said 22nd section.

To amend.

One assessor only certify.

APPROVED, January 20, 1844.

AN ACT to authorize James Campbell and Thomas Stewart to build and maintain a dam on the Sugar River.

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

§ 1. That James Campbell and Thomas Stewart, their successors and assigns, be, and they are hereby authorized to build and maintain a dam across the Sugar River,