

AN ACT to amend an act entitled "an act to incorporate the village of Geneva," approved January 27th, 1844.

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

SECTION 1. There shall be elected by the legal voters of the village of Geneva, in the county of Walworth, at the annual election therein on the first Monday of April in the year 1845, and biennially thereafter, one justice of the peace, whose qualifications, duties, powers, rights and liabilities, shall be the same as those of justices of the peace elected by the several towns in this Territory: *Provided*, however, that said justice shall be a resident of such village and keep his office therein. Justices of the peace to be elected. Proviso.

SEC. 2. The trustees of said village, shall certify and return the name of the person so elected, to the clerk of the board of supervisors of the proper county within ten days after said election, and the said clerk shall within ten days after the reception thereof, issue his certificate of election to such justice under the seal of said board, which certificate shall be evidence of such election for all purposes; and the term of office of such justice shall commence on the first Monday of May next, after his election, and shall continue for two years, and until his successor is elected and qualified. Duty of trustees.

SEC. 3. Every officer of said village, who shall neglect or refuse to take the oath, or give the bond required of him by the act to which this is amendatory, or who shall neglect or refuse to perform any of the duties legally required of, or imposed upon him as such officer, shall forfeit and pay the penalty of ten dollars for every such neglect or refusal, to be prosecuted for by either the trustees of said village or any individual; and if the trustees of said village shall prosecute for such penalty, they shall recover the same for the use of said village, but if it shall be prosecuted for by an individual, he shall be entitled to one half of the penalty so recovered, and the other half shall go to the use of said village: *Provided*, however, that if such delinquent officer shall have served as an officer of said village the year next previous to such neg- Penalty for neglect of duty. Proviso.

lect or refusal, or shall have been discharged from the performance of the said duties, or shall have resigned, and his resignation have been accepted before the commencement of any suit for such penalty, he shall not be liable therefor.

Who may
prosecute

SEC. 4. The trustees of said village in their corporate name, or any voter of said village, either in said corporate name or in his own name, may commence and prosecute an action of debt for the collection of said penalty or of several penalties in the same action, before any justice of the peace in said county, and the party defeated shall be liable to costs of suit.

Duty of as-
sessors

SEC. 5. The assessors of said village, at their meeting to equalize and correct the assessment roll, shall proceed in the same manner as town assessors in the like case, and may require the like affidavit of any person conceiving himself aggrieved by the assessment, and for that purpose either of said assessors shall have power to administer an oath, and the said assessors shall cause all such affidavits to be filed in the office of the clerk of said village.

Duty of trus-
tees.

SEC. 6. It shall be the duty of the trustees upon the receipt of the assessment roll by the clerk, to call a meeting of all the taxable voters of said village, by posting notices of such meeting and of the objects thereof six days prior thereto, in three public places in said village, and report to such meeting an estimate of the amount of tax necessary to be raised for the then current year and the rate per centum.

Voters may
raise a tax.

SEC. 7. The taxable voters of said village shall have the power at said meeting or at any other meeting called for that purpose, to raise a tax and determine the amount thereof, and the purposes to which the same shall be applied, by a vote of a majority of such voters present; and no general tax shall be laid upon the property in said village without such vote.

SEC. 8. Immediately upon the passage of any such vote to raise a tax, in said village, and within the month of March, a tax list shall be made out, and the tax collected in the manner provided by the act to which this is amendatory.

By-laws to be
confirmed by
vote.

SEC. 9. No by-laws passed by the trustees of said village, shall take effect unless confirmed by a vote of a majority of the voters of said village present at some general or special meeting,

public notice of the introduction of such by-laws having been first given, either by reading the same at a previous meeting, or by posting the substance thereof in three public places in said village, six days prior to such meeting, and the said voters shall have the sole power of amending or repealing any by-laws.

SEC. 10. All by-laws so passed and established, shall be published in such manner, and take effect at such time as such voters shall by vote direct, and in all cases the record of the passage of such by-laws, shall be sufficient evidence of the existence thereof. By-laws to be published.

SEC. 11. No general poll tax, shall be imposed without the vote of a majority of the voters of said village present at some general or special meeting.

SEC. 12. No person who does not own taxable property in said village, shall have a right to vote therein, upon questions of levying a tax or raising a revenue. Who may vote.

SEC. 13. So much of the act of which this is amendatory, as gives to the trustees of said village, the right of licensing groceries and taverns, in said village, is hereby repealed; and the power to license the same, is hereby conferred on the supervisors of the town of Geneva, to be exercised by them as provided by law in other like cases, and the general laws of the Territory relative to the sale of strong and spirituous liquors and wines, shall be in full force in said village. Act repealed.

SEC. 14. The trustees of said village, are hereby empowered to act as commissioners of common schools, in and for said village, and are hereby invested to the extent of said village with all the powers, and made subject to all the duties and liabilities of commissioners of common schools in the several towns in this Territory. Power of trustees.

SEC. 15. Said trustees may, in conjunction with the school commissioners of any town or towns adjoining said village, form a school district or school districts, in the same manner that school districts are authorized to be formed in the several towns of this Territory, by annexing a contiguous portion of such town or towns to said village or a part thereof. School districts formed.

SEC. 16. All school districts within said village, or of which

May elect trustees.

said village or a portion thereof, shall form a part, shall elect trustees and a clerk in the same manner that trustees and clerks are elected in school districts in the said towns, and such districts when formed and the trustees and clerks thereof, shall have the same powers, and be subject to the same duties and liabilities as school districts and the trustees and clerks thereof in said towns.

May levy a tax.

SEC. 17. Any school district formed in said village, or of which said village or a portion thereof, shall form a part, may levy and collect a tax in such district and fix the amount thereof, for the purpose of building a school house therein, and its appurtenances and furnishing the same; which tax shall be assessed and levied upon such property as is now subject to taxation in said village, and shall be collected in the same manner as taxes are collected for similar purposes in school districts in the several towns in this Territory.

Duty of assessors.

SEC. 18. Whenever any portion of an adjoining town shall be annexed to said village, or any part thereof in the formation of a school district, the assessors of said village, shall from time to time as often as may be necessary, and before any tax is assessed or levied for school purposes or the building of a school house, proceed to assess all such real estate situate within, and all such personal property as may be owned within the portion so annexed, as is now subject to taxation in said village, and such assessment together with their assessment of said village, shall be the basis of taxation for the building of school houses, and for school purposes in such district: *Provided*, that such real and personal property shall not be assessed higher than similar property in said village, and that said assessors need not make an assessment in such annexed portion, oftener than once a year, unless they see fit.

Proviso.

SEC. 19. So much of any act as contravenes the provisions of this act, is hereby repealed.

SEC. 20. This act shall be in force from and after its passage.

APPROVED February 21th, 1845.