

No. 56.

AN ACT to change the corporate powers of the village of Milwaukee.

Name, duration
and powers of
the incorpora-
tion.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin*, That Solomon Juneau, Byron Kilbourn, James Sanderson, David S. Hollister, Samuel Brown, Henry Miller, Chauncey H. Peak, Allen C. T. Breed, and Luther Childs, be and they are hereby constituted, a body politic and corporate, to be known by the name of "the trustees of the village of Milwaukee;" and by that name, they and their successors shall be known in law, and have perpetual succession; sue and be sued, plead and be impleaded, defend and be defended, in courts of law and equity, and in all actions and matters whatsoever; may grant, purchase and receive and hold, property, real and personal, within the said village and no further (burial grounds excepted,) and may lease, sell, and dispose of the same, for the benefit of the village, and shall have authority to lease any of the reserved lands, which have been, or may hereafter be appropriated to the use of said village, and may do all other acts as natural persons; may have a common seal, and break and alter the same at pleasure.

Bounds of the
town.

SECTION 2. That all that district of country, contained within the following described boundaries, to-wit: commencing at the northwest corner of section twenty, town seven north, of range twenty-two east, and running southerly to the southwest corner of section five, town six north, in range twenty-two east, from thence east along the lines of sections five and four, to the shore of Lake Michigan; thence northerly along the shore of said lake to the northeast corner of fractional section twenty-two, town seven north, in range twenty-two east; thence west to the place of beginning; is hereby declared to be within the limits of the village of Milwaukee.

Trustees.

SECTION 3. That the corporate powers and duties of said village shall be vested in nine trustees, after the term of office of the trustees herein named shall have expired, to wit: on the first Monday in May next, and to be chosen and appointed as hereinafter directed,

who shall form a board for the transaction of business.

SECTION 4. The members composing the board of trustees shall be elected annually on the first Monday in May, by the persons residing in said village, qualified to vote at general elections in this territory, (but no person shall vote at such election unless such person has resided within the said village at least six months next preceding the election) to serve for one year and until their successors are duly elected and qualified. They shall be at least twenty-one years of age, citizens of the United States and inhabitants of said village, and shall possess a freehold estate within the limits thereof; but in case the election aforesaid shall for any reason not be made on the day herein provided for, it shall not be considered a sufficient reason for dissolving the said corporation. And the said election may be made agreeably to the foregoing provisions at any time thereafter as a majority of the citizens thereof may determine.

When and how
to be elected.

SECTION 5. That the board of trustees shall appoint their president from their own body, shall appoint all other officers of their board and shall be the judges of the qualifications, elections and returns of their own members. A majority thereof shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the board may provide. They may determine the rule of proceeding and make such other rules and regulations for their own government as to them may appear proper and expedient.

Their powers.

SECTION 6. That the board of trustees shall have authority to levy and collect taxes upon all real estate within the village not exceeding the one-half of one per centum upon the assessed value thereof; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to establish night watches, erect lamps in the streets and light the same; to erect and keep in repair bridges; to provide for licensing, taxing and regulating theatrical and other shows, billiard tables and other amusements; to restrain and prohibit gaming houses, bawdy and other disorderly houses; to build market houses, establish and regulate markets; to open and keep in repair

streets, avenues, lanes, alleys, drains and sewers, to keep the same clean and free from obstructions; to establish and regulate a fire department and to provide for the prevention and extinguishment of fires; to regulate the storage of gunpowder and other combustible materials; to erect pumps and wells in the streets for the convenience of the inhabitants; to regulate the police of the village; to regulate the election of village officers, to fix their compensation; to establish and enforce quarantine laws and from time to time pass such ordinances, to carry into effect the provisions of this act and the authorities hereby granted as the good of the inhabitants may require; and to impose and appropriate fines and forfeitures for the breach of any ordinance and to provide for the collection thereof.

When to levy a special tax for grading, paving, &c.

SECTION 7. That upon the application of two-thirds of the owners of real estate on any street or parts of a street, it shall be lawful for the board of trustees to levy and collect a special tax on the owners of the lots on the said street or parts of a street, according to their respective fronts, for the purpose of grading and paving the sidewalks thereof.

Authority to open and improve streets, &c.

SECTION 8. That the board of trustees shall have authority to regulate, grade, pave and improve the streets, avenues, lanes and alleys within the limits of said village, and to extend, open and widen the same, making the person or persons injured thereby adequate compensation; to ascertain which, the board shall cause to be summoned twelve good and lawful freeholders and inhabitants of said village not directly interested, who being first duly sworn for that purpose, shall enquire into and take the same into consideration, as well the benefits as the injury which may accrue and estimate and assess the damages which would be sustained by reason of the opening, extension or widening of any street, avenue, lane or alley; and shall moreover estimate the amount which other persons will be benefited thereby, and shall contribute towards compensating the persons injured; all of which shall be returned to the board of trustees under their hands and seals. And the person or persons who shall be benefited and so assessed shall pay the same in such manner as shall be provided and the residue, if any, shall be paid out of the village treasury.

SECTION 9. All ordinances shall, within ten days after they are passed, be published in a newspaper printed in said village; and no ordinance shall be in force until the same has been published at least ten days.

Ordinances to be published within ten days.

SECTION 10. That in all cases where taxes are levied on real estate by the said village authorities, and such taxes are not paid on demand thereof, the said village authorities shall make a return of the same to the board of county commissioners, in the same manner and form that the county returns are made in similar cases; and the said board of county commissioners shall cause the same to be collected in the same manner and form that the county revenue is collected; and when collected the said board of county commissioners shall pay the same over to the board of trustees as provided in this act.

Proceedings when taxes are not paid.

SECTION 11. The officers of said village, (in addition to the trustees) shall consist of one clerk, one street commissioner, one treasurer, one assessor, one collector of taxes, one village surveyor, three measurers of wood and coal, three measurers of lumber, three measurers and weighers of grain, and such other officers as the trustees of said village may deem necessary for the good thereof.

Other officers of the village.

SECTION 12. The president and trustees of said village, shall, whenever they may deem it necessary, order the formation of fire engine companies, and fire-hook and ladder companies, each to contain from sixteen to twenty-four able bodied men, of between the ages of eighteen and fifty years, and no more; which companies shall be officered and governed by their own by-laws, and shall be formed only by voluntary enlistment. Every member of each company shall be exempt from jury and militia duty, and whenever a member of such company shall have served twelve years, he shall receive a discharge from the corporation, signed by the president and shall forever thereafter be exempt from further jury duty, and from further militia duty, except in cases of insurrection or invasion.

Fire companies.

Members exempt from militia and jury duty.

SECTION 13. The members of the board of trustees, and every officer of said corporation, shall before entering on the duties of their offices, take an oath or affirmation before some judge or justice of the peace

Official oaths.

to support the constitution of the United States, and the laws of this territory, and faithfully to discharge the duties of their office.

Incorporation to be divided into three districts.

SECTION 14. That this incorporation shall be divided into three districts, to wit: all that part which lies south of the rivers Milwaukee and Menominee, shall be included in one district, and known as district number one; all that part which lies east and north of the river Milwaukee, shall be included in one district, and known as district number two; and all that part lying west and north of the rivers Milwaukee and Menominee, shall be included in one district, and known as district number three.

Taxes to be expended in the district where collected.

SECTION 15. The taxes collected in each of the several districts, shall be expended under the direction of the board of trustees for improvements within their respective districts, and the trustees to be elected under the provisions of this act, shall be apportioned three to each of the aforesaid districts (but all elections for trustees and other officers in said village shall be by general ticket) and the three persons having the highest number of votes, in each of the before named districts shall be considered duly elected.

Trustees to be appointed.

May borrow money.

SECTION 16. That the trustees of said town be, and they are hereby authorized to borrow such sum or sums of money as they may deem necessary for the improvement of the streets in said village, and for the erection of water works; the purchase of fire engines, and for such other objects of general interest as they may deem proper: *provided however* that before said trustees shall borrow any money under this act, a vote of the people shall be taken, in such manner as said trustees shall direct; and in case a majority of the votes given shall be in favor of any loan which it may be proposed to make, the said trustees shall thereupon be authorized to effect said loan, and not otherwise.

Upon a vote by the people.

SECTION 17. Nothing in this act shall be so construed as to make any one or more of the districts as designated in the foregoing provisions of this act, liable for any debt or debts contracted by any district or districts without the consent of the same.

SECTION 18. *And be it further provided,* That nothing in this act shall be so construed as to prevent the act entitled "an act providing for the assessing and

collecting a county revenue " being carried into effect in all respects.

SECTION 19. *And be it further provided,* That the foregoing provisions of this act shall take effect as soon as they shall have been accepted by the inhabitants of said village, and not before, in manner following, viz.: an election shall be held at the court house in said village at any time hereafter for that purpose, and to be conducted by the board of trustees as before named in this act; and any three of said trustees shall be considered a board to conduct said election. A notice of said election shall be published in one or more of the newspapers printed in said village, at least ten days previous to the day of election provided for in this section, and if a majority of all the votes given are for the charter, it shall be sufficient grounds for the trustees as named in the first section of this act, to declare this act in full force and effect, and provide accordingly; but if this said charter shall not be accepted as aforesaid, the said trustees may from time to time, whenever they shall be petitioned by at least seventy-five legal voters of said village, to cause an election to be held as provided in this section, until this charter shall be accepted. And all fines and forfeitures accruing under the provisions of this act, shall be collectable before any court having jurisdiction over the same in said village.

Charter not to go into effect until accepted.

Approved, January 16, 1838.

No. 57.

AN ACT for opening and repairing or vacating public roads and highways.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That all public roads and highways shall be opened, amended and repaired agreeably to the directions of this act, and the board of county commissioners shall have authority to make and enforce all orders necessary, as well for establishing and opening new roads, as to change or vacate any public road or part thereof, in their respective counties.

Power of the county commissioners in relation to roads.