

SEC. 6. This act may be amended or repealed by any future Legislative Assembly.

Approved, February 19th, 1841.

No. 49.

AN ACT to incorporate the Village of Southport.

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

SEC. 1. That all that part of the town plat of Southport, in the county of Racine and territory aforesaid, lying and being within the following limits, viz: the east fractional half of section thirty-one, in town two north; and the north east quarter of the north east quarter of section six, in town one north, all of range twenty-three east, and the fractions lying east of the aforesaid tracts, to lake Michigan, be, and the same is hereby constituted a village corporate, and shall hereafter be known by the name or title of the village of Southport.

Southport incorporated, & its limits defined.

SEC. 2. That the village of Southport shall be divided into two wards or districts, viz: all that part of the south east fractional quarter of section thirty-one aforesaid, and the north east quarter of the north east quarter of section six aforesaid, and the fractions lying east of the same to the lake aforesaid, shall compose one ward, and shall be known as the south ward; and all that part lying north and west of the creek, viz: the north east fractional quarter of section thirty-one aforesaid, and all that part of the south east quarter of section thirty-one aforesaid, lying on the north side of Pike creek, and the fractions east of the same, to lake Michigan, shall compose one ward, and shall be known as the north ward. And all taxes hereafter levied and collected by the board of trustees hereinafter named, 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; and property within the limits of said village

Divided into wards, and the boundaries of wards fixed.

Taxes for improving streets, where to be expended.

shall be exempted from paying a road tax in any other town or township within this territory.

Sec. 3. It shall be lawful for the free male inhabitants of said village, over the age of twenty-one years, and being citizens of the United States, and resident within the limits as described in section one of this act, to meet at some convenient places in said village of Southport, on the first Monday of April next, and on the first Monday of April annually thereafter, and then and there proceed by a majority of votes to elect by ballot a president and six trustees, who shall hold their offices one year, and until their successors are elected and qualified: said trustees are to be elected, three from the north ward, and three from the south ward, each ward to elect its own trustees; and said trustees shall at their first meeting after their election, by ballot, elect a recorder, whose term of office shall be one year, and until another shall be elected and qualified. Any five of said trustees, when the president shall be present, shall be a board for the transaction of business, but a less number may adjourn from time to time; and in no case shall the president have the right of voting: *Provided*, That if an election of president and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall, and may be lawful to hold such election at any time thereafter, pursuant to public notice, in the manner hereafter prescribed.

Sec. 4. At the first election to be holden under this act, there shall be chosen, *viva voce*, by the electors present, two judges and a clerk of said election, who shall each take an oath or affirmation, faithfully to discharge the duties required of them by this act; and at all subsequent elections, the trustees, or any two of them, shall be judges, and the recorder, clerk of the election. And at all elections, to be held under this act, the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and closed at four o'clock, in the afternoon of said day; and at the close of the polls, the votes shall be counted, and a true statement thereof, proclaimed to the electors present, by one of the judges. And the clerk shall make a true entry thereof; and within five days after such election, the said clerk

When the president & trustees are to be chosen.

How long to hold office.

Trustees shall choose recorder.
The number of trustees necessary for a quorum.

How elections are to be conducted.

shall give the persons elected under this act, notice of their election. And it shall be the duty of the said president and trustees, at least ten days before each, and every annual election, to give notice by publishing in a newspaper, or by posting up notices in four of the most public places in said village.

Clerk to give notice to the persons elect'd
President and trustees to give notice of elections.

SEC. 5. It shall be the duty of the president to preside at all meetings of the president and trustees, and it shall also be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of their proceedings.

President shall preside at all meetings.

SEC. 6. The president, trustees, and recorder of said village, shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of "the President and Trustees of the village of Southport;" and shall be capable in law, in their corporate name, to acquire property, real, and personal, for the use of said village; may sell and convey the same, and may have a common seal, which they may alter at pleasure; may sue and be sued, defend and defended, in any court of competent jurisdiction. When any suit shall be commenced against said corporation, the first process shall be by summons, and an attested copy thereof shall be left with the recorder, at least ten days before the return day thereof.

President, trustees and recorder, made body corporate.

Suits against, how commenced.

SEC. 7. The officers elected under this act, shall each, before entering upon the duties of his office, take an oath or affirmation, to support the constitution of the United States, and laws of this territory, and also faithfully to discharge the duties of his office.

Officers shall take an oath.

SEC. 8. The trustees shall have power to ordain and establish ordinances and regulations for the government of said village, and the same to alter, repeal and re-ordain at pleasure; and provide in said ordinances, for the election of treasurer, two assessors, one from each ward, a village marshal, and other subordinate officers, which may be thought necessary for the good government and well being of said village; to prescribe their duties, declare qualifications, and determine the period of their appointment, and the fees they shall be entitled to receive for their services, and to require of them to take an oath, or affirmation, faithfully and impartially to discharge the duties of their respective offices; and may require of them such security

Trustees may establish ordinances, &c.

Officers; their duties, qualifications, & compensation.

How said ordi-
nances shall be
published.

for the performance of the duties of their respective offices as shall be thought necessary: *Provided always*, Such ordinances are consistent with the constitution and laws of the United States and the laws of this territory: *And provided, also*, That no ordinance of said corporation shall have effect, until the same has been published three weeks successively in a newspaper printed in said village, or by written notices posted up in four of the most public places in said village.

Trustees may
assess taxes.

General pow-
ers of trustees.

SEC. 9. The trustees of said village at their regular or special meetings, shall have power to assess upon real estate, exclusive of improvements, within the village, not exceeding one per cent unless authorised by a majority of the electors, and, in that case, a sum not exceeding two per cent 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 lighting the same, and also keeping lights in the light-houses; to restrain and prohibit gaming houses, and other disorderly houses; to build market houses; to 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 incumbrances; to establish a fire department, and provide for the extinguishment of fire; to regulate the storage of gunpowder and other combustible materials; to purchase and keep in repair lighters or small boats; to man said lighters or small boats, and land goods and passengers from steam boats, free of expense to boats, passengers, or goods; and from time to time pass such ordinances to carry into effect the ordinances of this act, and the powers hereby granted, as the good of the inhabitants or the interests of said village may require; to impose and appropriate fines and forfeitures for the breach of any said ordinances, and to provide for the collection of the same.

How streets to
be opened or
widened.

SEC. 10. That the board shall cause to be summoned six good and lawful men, freeholders and inhabitants of said village, not directly interested, who being first duly sworn for that purpose, shall inquire into and take into consideration as well the benefits as the advantages that may accrue, and estimate and assess the damages which would be sustained by reason of

the opening and extension or widening of any street, avenue, lane or alley; and shall moreover estimate the amount which other persons shall be benefitted 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 benefitted 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 town treasury.

SEC. 11. That the said trustees shall, between the first Monday of April and the first Monday of June in each year, determine the amount of tax to be assessed and collected the current year; and all ordinances shall, within ten days after they are passed, be published in a newspaper printed in said village and posted up in three of the most public places in the same. And the said president and trustees shall, at the expiration of each year, cause to be made out and published the receipts and expenditures of the preceding year.

Taxes—when assessed.

Ordinances—how published

Receipts & expenditures to be published.

SEC. 12. It shall be the duty of the president and trustees to cause to be made out a duplicate of taxes, charging each individual therein an amount or tax in proportion to the unimproved real estate of such individual within said village; which duplicate shall be signed by the president and recorder, and delivered to the marshal, or such other person as shall be appointed collector; whose duty it shall be to collect the same in the manner provided for the collection of county taxes; except in case of such sale of real estate, the purchaser shall be entitled to a deed of conveyance in fee simple, at the expiration of two years from the sale thereof, unless the person or persons interested therein shall, on or before the said time, pay to such purchaser, or deposit with the treasurer of the village for his use, the original purchase money and all taxes which shall have accrued and been paid by the said purchaser, together with interest at the rate of fifty per centum per annum on all such sums.

Tax list—how made out.

Taxes,—how collected.

SEC. 13. The said board of trustees shall have power to assess on each and every male inhabitant above the age of twenty-one years, and under the age of fifty years, resident within said village, two days' labor, or in lieu thereof, such a

Labor tax for roads.

sum of money, not exceeding two dollars per day, on the roads or streets aforesaid, under the direction of such persons as they may appoint annually; and they may appropriate such other sum raised on the taxable property, as they think necessary for the purpose aforesaid. That the trustees of each ward may order any surplus moneys which may be raised in their respective wards, to be laid out on any road within the county, leading to or from said village.

Surplus moneys of wards, how expended.

SEC. 14. It shall be the duty of the recorder, on or before the first day of April annually, to register the voters in said village and to give to the clerk of each ward a certified copy of the registered voters in said ward. The recorder shall receive such fees for his services as the ordinance of said corporation shall prescribe; but the president and trustees shall receive no pecuniary compensation.

Recorder shall register voters.

Compensation of recorder.

SEC. 15. That upon the application of the owners of two thirds of the estate on any street or parts of street, it shall and may be lawful for the board of trustees to levy and collect a special tax on the owners of the lots on such street or part of street, according to their respective parts, for the purpose of grading or paving the said walks on the said street.

Streets graded by owners of estate.

SEC. 16. If any person shall feel himself aggrieved by means of any ordinance passed by the said trustees, on presentation to the recorder of a petition, signed by at least thirty electors, praying the call of a general meeting of the inhabitants to take into consideration the propriety of such ordinance, then it shall be the duty of said recorder to give notice by posting up notices in four of the most public places in said village, requiring the voters of said village to meet at such place to be designated by the trustees, and then and there, by ballot, determine whether such ordinance shall be carried into effect; and if a majority of the voters present shall determine in favor of said ordinance, then the same shall stand as the law of the village; and if a majority shall vote against the ordinance, then the same shall be annulled and go for naught. Such petition shall be presented to the recorder within ten days from the first publication of said ordinance, otherwise no notice shall be taken of the same.

How ordinances may be annulled.

SEC. 17. It shall require the vote of five of said trustees to pass any ordinance.

SEC. 18. The trustees of each ward shall have power to make ordinances; to levy taxes, not exceeding one per cent, unless authorised by a majority of the electors in said ward, and in that case a sum not exceeding two per cent; call meetings; and transact and do any business in their respective wards, in the same manner as the board of trustees for the village might do in their corporate capacity; shall elect a clerk, and appoint such other officers as may be deemed necessary for the execution and carrying into effect the ordinances of the trustees of each ward aforesaid, and provide and ordain such compensation as thought proper. But the village collector shall be the collector of each ward. Such ordinances may be annulled in the same manner as is provided in section sixteen of this act, whenever a petition, signed by fifteen electors, shall be presented to the clerk of the ward, such electors being residents of the said ward. Two of the trustees shall be a board competent to transact business of each ward contemplated by this act.

The trustees of ward may levy taxes and ordain ordinances for wards.

Shall appoint officers for the ward.

Ordinances of a ward, how annulled.

SEC. 19. The president shall have power to convey real estate belonging to the corporation, under an act of ordinance of the trustees directing the sale of the same; and such deed, signed and duly acknowledged, shall be evidence of such sale and transfer, to be received in any court.

Real estate of corporation—how conveyed.

SEC. 20. Whenever a majority of the electors possessed of a freehold estate, shall deem it necessary for the health and interest of the village of Southport, to open the south mouth of Pike creek, the trustees aforesaid may levy a tax of not exceeding ten thousand dollars in any one year, upon the assessed value of all the real estate in said village; said tax shall be expended under an ordinance, in opening said mouth and keeping the same open, agreeably to a plan which has been, or may hereafter be, submitted by the General Government: *Provided*, That the tax shall be collected, land sold, and subject to the same redemption as is provided in section twelve of this act: *Provided*, That no tax, for all purposes whatever, assessed in any one year, shall exceed twenty-five per cent.

Tax for opening Pike creek, when assessed.

SEC. 21. This act may be altered, amended or repealed by

How this act may be amended.

Legal voters may accept or reject charter.

When to meet for that purpose.

The manner of conducting the meeting.

Proceedings—how registered

Force of said records.

any future Legislature; and shall take effect and be in force at such time as two thirds of the legal voters, within the corporate limits of said village, shall accept this charter: *Provided*, The electors, residing within the corporate limits described in this act, may meet, at the academy in said village, on the day fixed in the third section of this act, for the first election of president and trustees, and appoint judges and a clerk, according to the fourth section of this act; who shall first proceed to receive and register the votes for and against accepting this charter; and if two thirds of the votes given and registered, shall be in favor of accepting the same, that fact shall be proclaimed to the meeting by one of the judges, and from thenceforth this act shall take effect and be in force, and the certificate of the said judges and clerk, of the aforesaid result, shall be recorded in the minutes of the corporation; and said certificate thus recorded, or copies of the same, certified to by the president, and attested by the recorder of said village, shall be evidence of its contents in all courts and places whatever; but in case two thirds of the voters present shall not vote in favor of adopting this act, it shall not take effect.

Approved, February 9th, 1841.

No. 50.

AN ACT to annex a part of the Town of Pleasant Prairie to the Town of Southport.

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

Southport enlarged.

SEC. 1. That all that part of the town of Pleasant Prairie, comprising the north east quarter of section six, and so much of fractional section five, as lies due east of the aforesaid quarter, in town one north, of range twenty-three east, be, and the same is hereby annexed to the town of Southport.

SEC. 2. This act shall take effect from and after its passage.

Approved, February 12th, 1841.