

§ 2. All acts contravening the provisions of this act are hereby repealed, and it shall take effect from and after its passage.

APPROVED, April 12, 1843.

AN ACT to provide for levying and collecting a territorial revenue.

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

§ 1. For the purpose of raising a territorial revenue, there shall be annually levied, in each of the counties of this territory, a territorial tax of such a per cent. on the assessment of the several counties and towns as the legislative assembly shall, from year to year, prescribe. Tax shall be levied.

§ 2. It shall be the duty of the board of county commissioners of the several counties which have not adopted the provisions of an act entitled "an act to provide for the government of the several towns in this territory, and for the revision of county government," annually to embrace in the tax roll of their respective counties, in a separate column, to be designated "territorial tax," a tax of such a per cent. on the assessment roll as the legislative assembly shall have prescribed at its next preceding annual session. How levied.

§ 3. It shall be the duty of the town clerks in all the towns of the several counties which have adopted the provisions of said act, annually to embrace in the tax roll of their respective towns, in a separate column, to be designated "territorial tax," a tax of such a per centum on the assessment roll as the legislative assembly shall have prescribed at its next preceding annual session.

§ 4. The legislative assembly shall, at its annual session, in each and every year, prescribe the per centum of tax to be levied in each of the counties of this territory. Amount, how determined.

§ 5. There shall be levied and collected in all the towns in the counties of Milwaukee, Racine, Jefferson, and Crawford, in pursuance of the provisions of this act, for the year one thousand eight hundred and forty-three, a tax of three eighths of a mill on the dollar on the assessment roll of said towns; and in all the towns in the other counties of the territory, which have adopted the provisions of said act, and in all the counties which have not adopted the provisions of said act, in like manner for said year a tax of five-eighths of one mill on the dollar of the assessment rolls of such towns and counties. Tax for 1843.

Clerk to furnish auditor statement.

§ 6. It shall be the duty of the clerk of the board of the county commissioners in the several counties which have not adopted the provisions of the aforesaid act for the government of the several towns, &c., as soon as the assessment roll in their respective counties shall be completed and corrected, to transmit to the auditor of the territory a certified statement of the amount of such assessment, and of the aggregate number of acres of land assessed in their respective counties.

Clerk to furnish auditor statement.

§ 7. It shall be the duty of the clerk of the board of supervisors, in the several counties which have adopted the provisions of said act, as soon as the assessment rolls in the several towns in such county shall have been equalized and corrected, to transmit to the auditor of the territory a certified statement of the amount of the assessments in their respective counties, and of the aggregate number of acres of land assessed in their respective counties.

Duty of auditor.

§ 8. It shall be the duty of the auditor of the territory to keep an account current with the several counties in this territory, in which account current he shall annually charge the said counties with such sum as will correspond with the per centage upon their respective assessment rolls, that the legislative assembly, at its next previous annual session, shall have prescribed.

Collectors, duty of.

§ 9. It shall be the duty of the several collectors of county and town taxes to collect the territorial taxes, in their respective counties and towns, in the same manner that county and town taxes are now by law collected; and the collectors in the several towns in the counties which have adopted the provisions of said act, to pay over to the county treasurers of their respective counties the amounts so collected by them, in the same manner and at the same time they are required to pay over county taxes by them collected. And the said county collectors and county treasurers shall pay over the amount of territorial tax by them received to the treasurer of the territory, and take his receipt for the same; and the auditor of the territory, upon the presentation of such receipts, shall credit the account of the counties, respectively, with the amount thereof.

Auditor to keep account with treasurer.

§ 10. The auditor of the territory shall keep an account current with the treasurer of the territory, in which he shall charge the treasurer with all sums paid to him by the county collectors and treasurers, respectively, as shall appear by such treasurer's re-

ceipts; and he shall credit the treasurer by all warrants drawn by the auditor, which the treasurer shall present; which warrants, when thus presented and credited, shall be cancelled by the auditor, and reported to the legislative assembly, at its next annual session, by the auditor.

§ 11. Every person holding any territorial bonds, of any description, (except canal bonds,) and certificates issued in pursuance of the provisions of the third section of an act entitled "an act to provide for the payment of the expenses of the legislative assembly therein named," approved February 19, 1841, may present the same to the auditor of the territory, whose duty it shall be, on the application of the holder of such bond, to issue to him warrants on the treasurer of the territory, in such sum or sums as he may request, corresponding with the amount due for principal and interest on such bond at the time of issuing such warrants; and upon issuing such warrants, the auditor shall take up and cancel such bond, and report it to the legislative assembly at its next annual session: and the auditor of the territory is hereby prohibited from issuing any warrants based upon said certificates issued in pursuance of the provision of said third section. Further duties.

§ 12. It shall be the duty of the auditor of the territory, upon the application of any person to whom any appropriation payable out of the territorial treasury has been made, which has not been paid, or for which warrants have not been drawn, or if any person to whom any appropriation payable out of the territorial treasury may hereafter be made, to issue to such person warrants on the territorial treasurer in such sums as such person may elect, corresponding in the aggregate with the amount of such appropriation, and take the receipt of such person for the amount of such appropriation.

§ 13. All taxes levied in pursuance of the provisions of this act, shall be paid in gold or silver coin, or in warrants drawn by the auditor on the treasurer of the territory. Tax to be paid in gold and silver.

§ 14. An act entitled "an act to provide for a territorial revenue," and all other acts or parts of acts that conflict or are inconsistent with the provisions of this act, are hereby repealed. Acts repealed.

§ 15. The duties enjoined by this act upon the several county treasurers, and town and county collectors, shall be so considered that a departure therefrom shall be deemed a breach of the condition of their official bond, so that they and their sureties shall be Failure to perform duties in this act specified.

liable to the territory for any loss which may accrue therefrom.

APPROVED, April 15, 1843.

AN ACT in relation to dams on the Manitowoc river.

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

Slides, &c.

§ 1. That all dams erected or to be erected by authority of any law of this territory, on the Manitowoc river, shall contain a slide or chute of such dimensions, and so constructed, as to permit the descent of rafts over said slide or chute, without injury to said rafts; and any person who shall be injured in his property by means of the insufficiency of any slide or chute in any of the dams aforesaid, may maintain an action against the owner or owners of such dam, to recover compensation for the injury he may sustain by means of such insufficiency.

APPROVED, April 15, 1843.

AN ACT to repeal certain parts of the several acts concerning the militia, and for other purposes.

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

No muster.

§ 1. That so much of the act entitled "an act relating to the militia," and acts amendatory thereto, as authorize or require a muster of the militia of this territory, for the purpose of review, exercise, or inspection, be, and the same is hereby, repealed; and the commanding officers of each company shall annually, on the first Monday in July, enroll, or cause to be enrolled, all persons within the limits of his company, who may be subject to military duty, according to the said acts, and shall without delay report the same to the commander of the regiment or battalion to which he may belong; *Provided, nevertheless*, that all *volunteer companies* may muster for review, exercise, or inspection, *whenever* the commanders of such companies may deem wise; and *Provided further*, that upon a call of the commander in chief, or any civil officer who by law is authorized to call in the *aid* of the militia, the several commanders of brigades, regiments, battalions, and companies shall, and are hereby authorized to, muster for the object specified in the call.

Proviso.

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