

the lowest bidder, as provided in section twenty-five of article four of the constitution. And the said agent so appointed, shall report to the legislature, during the first week of each annual session, the amount of stationery purchased by him during the next preceding year, up to the day of making such report, of whom all such stationery has been purchased, the amount of cash paid on such stationery, if any, the amount purchased on credit, if any, the amount of indebtedness against the state for stationery, if any, and to whom such indebtedness is due.' ”

To make report, &c.

SECTION 2. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated, the sum of five hundred dollars, for the purpose specified in section one of this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 30, 1864.

CHAPTER 229.

[Published April 7, 1864.]

AN ACT to incorporate the St. Croix and Mississippi steamboat navigation company.

(See supplement to local laws.)

CHAPTER 280.

[Published April 14, 1864.]

AN ACT to incorporate the village of Columbus.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The inhabitants of the district of county included within the following territory, in the county of Columbia, in this state, to wit: All of section thir-

Boundaries.

teen, except the southeast quarter of the southeast quarter and the southwest quarter of the southwest quarter, all that part of the south half of the south half of section twelve included within the village plat of the town of Columbus, and the several additions thereto, the northeast quarter of the southeast quarter of section fourteen, all in township ten, range twelve, are hereby created a body corporate and politic, by the name and style of the village of Columbus, and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal, and may change the same at pleasure, and shall be competent to have and exercise all the rights and privileges, and be subject to all the duties and obligations pertaining to a municipal corporation.

Name and powers.

Corporate powers vested in president, trustees, &c.

SECTION 2. The government of said corporation and the exercise of its corporate powers and management of its fiscal, prudential and (*prudential and*) municipal concerns, shall be vested in the president (who shall be *ex officio* a trustee) and four trustees, and such other officers as are hereinafter provided for.

Elective officers, annual elections, &c.

SECTION 3. The elective officers of said corporation shall be one president, four trustees, one marshal and one treasurer, to be elected by the qualified electors thereof at the annual election of said corporation, to be held on the first Tuesday of May, of each year, and shall hold their respective offices one year, and until their successors are chosen and qualified.

Appointment of clerk.

SECTION 4. The president and trustees shall have power and it shall be their duty to appoint a clerk, who shall exercise the powers and discharge the duties prescribed in this act, and shall hold his office for one year, and until his successor is duly appointed.

Qualification of electors.

SECTION 5. At the first election, and at all subsequent elections of officers in said corporation, every person residing therein, and qualified to vote for town officers in the town in which said corporation is situated, and who shall have resided in the village twenty days next preceding the election at which he may offer his vote, [shall be entitled to vote] in such village for any

officer required to be elected by this act, and the person or persons having the highest number of votes shall be declared duly elected. Whenever any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the qualifications of an elector, or if his vote shall be challenged by an elector, the judges of election or some one of them, before receiving the vote of any such person, shall require such person to take an oath, in addition to the oath required by any general law of this state, that he possesses the qualifications required by this section of this act, and that he has not voted at such election. If the person offering to vote shall take such oath, his vote shall be received, and if any person shall take such oath knowing it to be false, he shall be deemed guilty of willful and corrupt perjury, and on conviction thereof shall suffer such punishment as is now or shall hereafter be provided by law, for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding fifty dollars nor less than twenty-five dollars, to be recovered in the same manner as other penalties are recovered under this act, in addition to the pains and penalties provided by any general law of this state.

Challenge.

Oath.

Perjury.

Penalty for illegal voting.

SECTION 6. At the first election and every subsequent election, the electors shall vote for one president, four trustees, one marshal and one treasurer.

Officers to be voted for.

SECTION 7. It shall be lawful for the inhabitants of said village, qualified to vote for town officers in the town of Columbus, to meet at the town hall, in said village, on the first Tuesday of May, 1864, at one o'clock P. M., for the first election of officers, and shall choose, *visa voce*, two judges of election and one clerk, who, together, shall form an election board, and shall then and there proceed to the election of said officers. The board of election, before opening the polls, shall take and subscribe the oath required of judges of general elections, and after declaring the result of said election, deliver the same, together with the papers pertaining to said election, to the president elect, to be filed and kept in the office of the clerk of said village.

First election and proceedings thereat.

SECTION 8. At all elections held under this act, all polls shall be opened at one o'clock P. M., and continue

Polls open.

open until four o'clock; and after the first election, the trustees, or any two of them, and the clerk of said village, shall constitute the board of election.

Duties of president.

SECTION 9. The president shall preside at the meetings of the trustees, keep the seal of said corporation, sign all commissions, licenses and permits which may be granted by the trustees. He shall maintain peace and good order, and see that the ordinances of the village are observed and executed.

Meetings of president and trustees.

SECTION 10. The president and trustees shall prescribe the time and fix the place of holding their meetings, which shall at all times be open to the public, shall determine the rules of their proceedings, and keep a journal thereof, which shall be open to the inspection of every citizen at all reasonable times and hours, and shall have power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules and regulations for their own government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its own members.

Peace officers, and their powers.

SECTION 11. The president, each and every trustee, marshal of the village of Columbus, each and every justice of the peace and constable of the town of Columbus, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly conduct, in a manner consistent with the ordinances of said village, within the limits thereof, and for such purpose may command the assistance of all bystanders, and, if need be, of all citizens; and if any person shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay such fine as may be prescribed by ordinance of the village, in such cases provided.

May command assistance.

Marshal—his powers and duties.

SECTION 12. The marshal shall possess all the powers and enjoy all the rights of a constable in the town of Columbus, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed by the president or any justice of the peace having power to issue the same, and when necessary in criminal cases, or for violation of any ordinances of said village, he may serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to apprehend all disorderly persons in said village,

and pursue and arrest any person fleeing from justice in any part of the state of Wisconsin, to apprehend any person in the act of committing any offenses against the state or the ordinances of this village, and forthwith bring such persons before competent authority for examination; and for such services, he shall receive like fees as are allowed to constables for like services. Said marshal shall execute and file with the clerk a bond for the faithful performance of his duty, in such sum as shall be approved by the trustees.

Fees.

SECTION 13. The treasurer of said village shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said village. All moneys raised, received, recovered or collected by means of any tax, license, fine, forfeiture or otherwise, under the authority of this act, or which belong to said village, shall be paid into the village treasury, and shall not be drawn therefrom except by written order, signed by the president and countersigned by the clerk, by order of the trustees. Such order shall specify the amount of money to be drawn, and its objects. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the trustees for that purpose, which shall remain [the property] of the village, 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 arise, which said book, at all reasonable times, shall be open to the inspection of the electors of the village. He shall, as often as the trustees require, render to the said trustees a minute account of his receipts and payments, and at the expiration of his term of office, he shall hand over to his successor all the moneys, books and vouchers in his possession belonging to said village. He shall, before he enters upon the duties of his office, execute to the president and trustees a bond for the faithful discharge of his duties, to be approved by the trustees, which shall be in at least double the amount of taxes to be raised in the year for which he was elected.

Treasurer—his duties.

Official bond.

SECTION 14. It shall be the duty of the clerk to keep a record of the proceedings of the board of trustees, especially of the passing of by-laws, ordinances and regulations, and also a faithful record of the proceedings and votes of the inhabitants of said village at

Clerk—his duties.

This records to
be evidence.

their annual and other legal meetings, and to keep on file all papers which may be ordered by the trustees. The records kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the records of all 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.

Official oath, and
effect of omission
to take and file.

SECTION 15. Every officer elected in said village shall, within ten days after he has been notified of his election, take and subscribe the oath of office prescribed by the constitution, and file the same with the clerk, and in case of his omission to do so, he shall be deemed to have refused to serve, and his place shall be filled in the manner prescribed in this act.

Special meet-
ings.

SECTION 16. Special meetings may be called by the clerk of said village by order of the board of trustees, by giving fifteen days' notice thereof in a newspaper of the village, or by posting three notices in public places for the same length of time. Every notice of a special meeting shall state the object for which such meeting is called.

Vacancies.

SECTION 17. The board of trustees shall have power to fill any vacancy in any office of the village, at such time and in such manner as a majority of the board may determine.

Powers of presi-
dent and trust-
ees.

SECTION 18. The president and trustees shall have power to enact, establish, publish, enforce, alter, modify, amend or repeal all such ordinances, rules and by-laws for the government and good order of the village, for the suppression of vice, for the prevention of fires, and for the benefit of trade and commerce, and for the health thereof, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of such ordinances, rules and by-laws, and such ordinances, rules and by-laws are hereby declared to be and to have the force of law: *provided*, that they be not repugnant to the constitution and the laws of the United States or of this state; and for these purposes shall have authority, by ordinances or by by-laws, to organize fire companies, hook and ladder companies, to regulate their government and the time and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires; to regulate the storage of gun-

against fires, &c.

powder and other dangerous materials; to direct the construction of a safe place for the deposit of ashes; to appoint one or more fire-wardens to enter into, at reasonable times, and examine the dwelling houses, lots, yards, inclosures 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 in a safe condition; to regulate the manner of [putting up] stoves and stove-pipes; to prevent bon-fires and the use of fireworks and firearms within the limits of said village; to aid in the extinguishment of fires, and to pull, break down and raze such buildings in the vicinity of the fire as shall be directed by the trustees, or any three of them who may be at the fire, for the purpose of preventing its communication to other buildings; to construct and preserve reservoirs, pumps, wells and other water works, and to regulate the use thereof; and, generally, to establish other measures of prudence for the prevention and extinguishment of fires, as they may deem proper.

2d. To prevent, abate and remove nuisances, and to ^{Nuisances.} take such measures for the public health as they may deem proper, and to compel the owner or occupant of any grocery, saloon, any cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, market, privy, sewer, or other unwholesome or other nauseous houses or places, to cleanse, remove or abate, the same, from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the village.

3d. To license and regulate the exhibitions of com- ^{Licenses.} mon showmen, or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses [or] theatrical performances, under the ordinances or common law.

4th. To restrain and prohibit all descriptions of ^{Gambling.} gaming and fraudulent devices and practices, and all playing of cards, dice or any other games of chance, for the purpose of gaming, in said village.

5th. To prevent any riots, noise, disturbances or ^{Blots, &c.} disorderly assemblages, suppress and restrain disorderly houses or groceries, or houses of ill-fame, shows or exhibitions.

6th. To direct the location and management of ^{Slaughter houses.} all slaughter houses and markets.

Encumbering
walks.

7th. To prevent the encumbering of the streets, sidewalks, crosswalks, alleys or public grounds with carriages, carts, wagons, sleighs, boxes, lumber, fire-wood or other material or substances whatever.

Racing and in-
decent exhibi-
tions.

8th. To prevent horse-racing, immoderate driving or riding in the public streets, to prevent the public exhibition of stallions, and to regulate the place of bathing and swimming in the waters within the limits of the village.

Cattle, hogs, &c.

9th. To restrain the running at large of cattle, swine, sheep, horses and other animals, and to authorize the distraining and sale of the same, and to impose a fine, not exceeding five dollars, for every such animal found so going at large in violation of the laws of the village.

Dogs.

10th. To prevent the running at large of dogs, and authorize the destruction of the same in a summary manner, when at large contrary to the ordinances, or to impose a tax upon the same.

Removal of of-
fensive substan-
ces.

11th. To prevent any person from bringing, depositing or having within said village any putrid carcass or any unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance, or any putrid or unwholesome beef, pork, fish, hides or skins of any kind, and in default, to authorize the removal thereof by some competent officer, at the expense of such person or persons, unless such putrid carcass or unwholesome substance shall have been deposited upon said premises by some person other than the owner thereof, in which case the person so depositing the same, if known, may be compelled to remove it.

Health, ceme-
teries, &c.

12th. To establish and regulate boards of health, to provide hospital and cemetery grounds, regulate the burial of the dead and the returns of the bills of mortality, and to exempt burying grounds set apart for public use, from taxation.

Wood, hay, &c.

13th. To provide for and regulate the sale wood, hay and other commodities.

Driving on
walks.

14th. To prevent all persons from riding or driving any horse or mule, cattle or other animal on the sidewalks in said village, or in any way doing any damage to such sidewalks.

Drunkenness,
&c.

15th. To restrain drunkards, immoderate drinking, obscenity in the streets or public places, and provide

for arresting, removing and punishing any person who may be guilty of the same.

16th. To regulate the police of the village, to appoint watchmen and firemen, prescribe their duties and punish their delinquencies. Police.

17th. To protect trees and monuments in the village. Trees, &c.

SECTION 19. In all cases in relation to which, by the provisions of this act, the president and trustees have power to enact or pass ordinances or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinances or by-laws, not exceeding fifty dollars for any one offense in violation or non-observance thereof; and may also provide that, in default of payment of any judgment rendered for any violation or non-observance, the offender may be imprisoned for such time as they may, by such ordinance, direct, not exceeding forty days; for which purpose the village of Columbus shall have the use of the jail of the county of Columbia for the imprisonment of any person liable to be imprisoned; and all persons committed to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county. Penalties. Offender may be imprisoned. Use of county jail granted.

SECTION 20. On all suits for the violation of any ordinance of the village, the process may be by warrant, and it shall be sufficient, without setting forth the special matter, to declare, generally, in reference to the ordinance under which the action is brought. The defendant may answer and give the special matter in evidence; and a copy of an ordinance published in a newspaper or pamphlet, by authority of the trustees, or posted up, as hereinafter provided, shall by *prima facie* evidence of the passage and publication of such ordinance. Suits for violation of ordinance, &c. Printed copy prima facie evidence.

SECTION 21. Every execution issued upon judgment for the violation or non-observance of any ordinance or by-law of said village, shall contain a clause directing, in the event of non-payment of the judgment, the imprisonment of the defendant in the county jail, for such term as shall have been provided for by the ordinances under which the judgment shall have been rendered. All fines, penalties and forfeitures, when collected, shall be paid into the treasury of the village, and all expenses incurred in prosecuting for the re- Imprisonment for non-payment of judgments. Village to have penalties, &c.

covery of any fine, shall be defrayed by the corporation.

Publication of ordinances, &c.

SECTION 22. Any ordinance, regulation, rule or by-law imposing any penalty or forfeiture for the violation of its provisions, shall be published two weeks in some newspaper printed in said village, or posted up as hereinafter provided, before the same shall be in force; and proof of such publication, by affidavit of the printer or foreman in the office of such newspaper, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation, rule or by-law, in all courts and places.

Competency of justice, &c.

SECTION 23. No person shall be an incompetent judge, justice, juror or witness, by reason of his being an inhabitant of said village, in any action or proceeding in which the said village is a party or interested.

Further powers conferred upon trustees.

SECTION 24. The trustees shall have power to appoint one street commissioner; to insure the public property of the village; to direct in the prosecution and defense of suits in which said village may be a party; to procure the necessary blank books for records, and such other stationery as may be required for village purposes; to audit and allow all lawful accounts against said village, and to draw an order on the treasurer for the payment of the same; to fix the compensation of the clerk, treasurer, marshal and street commissioner, which compensation shall not be greater than town officers are allowed by law for the same or like services; to levy and collect taxes on all such property as shall be subject to town and county taxes: *provided*, that the taxes levied for corporation purposes shall not in any one year exceed the sum of two hundred dollars, unless two-thirds of the electors of said village, at a meeting legally called for that purpose, notice of which, and of the sum to be raised, and the object for which it is to be raised and expended, shall have been given fifteen days previously, shall vote to allow a larger sum to be raised; but in no case shall the electors be allowed to raise by vote more than one-half of one per cent. on the assessed valuation of property in the village limits.

Admit to taxes.

Auditing accounts.

SECTION 25. No account or claim against said village shall be paid, until it shall have been presented to the trustees thereof, and audited and allowed by them; and when any account shall be so audited, the trustees

so auditing the same shall indorse thereon, or annex thereto, a certificate, subscribed by them, of such auditing and allowing or disallowing the same, in which the sum allowed, if any, and the charges for which the same was allowed, shall be specified.

SECTION 26. No such account or claim shall be audited or allowed by the trustees, until it shall be made out in items, and shall be accompanied with an affidavit of the person claiming to have done the services or made the disbursements therein charged, that the several items of the account or claim are correct, that the services therein charged have been rendered, that the disbursements therein charged have been made, and that no part thereof has been paid. Such affidavit shall be indorsed on or annexed to such account or claim, and presented and preserved therewith. Any one of the trustees, when such account or claim shall be presented to them, may administer the oath required by this section, and the said trustees may examine the claimant on oath as to the items in such account or claim.

Making out and verifying accounts.

SECTION 27. Nothing in the last preceding section shall be construed to prevent the trustees from allowing any account or claim, in whole or in part, when so made out and verified, nor from requiring other and further evidence of the correctness thereof.

Trustees not prevented from allowing claims.

SECTION 28. Every account or claim against said village, presented to the trustees in any one year, shall be numbered from number one and upwards, in the order in which it may be presented, and a memorandum of the time of presenting the same. The name of the person in whose favor it shall be made out, and of the person by whom it shall be presented, shall be entered in the records of the proceedings of the trustees.

Accounts to be numbered, &c.

SECTION 29. Every warrant drawn by the trustees to pay any claim or account, shall refer to such account by its number, the name of the person in whose favor it was made out, and the time when it was presented; and a memorandum of such reference, and of the amount of the warrant, shall be entered in such records before such warrant shall be delivered to the claimant.

Nature of warrant, &c.

SECTION 30. No such account or claim shall be paid except by the treasurer, on the warrant of the trustees,

How claims paid.

indorsed on or annexed to the account or claim for which it shall be drawn.

Paid accounts to be filed.

SECTION 31. Whenever any such account or claim shall be paid, it shall, together with the affidavit presented therewith to the trustees, the certificate of auditing and allowing the same, and the warrant drawn for the payment thereof, be filed and preserved in the treasurer's office.

Sidewalks.

SECTION 32. Whenever the owners of two-thirds of the lots or parts of lots belonging to residents of this village, bounding one side of any street or part of street, shall desire to have a sidewalk built or repaired, they shall make application in writing, specifying the sidewalk or repairs desired, and the said trustees shall direct the same to be done, by serving a written notice on the owner, if resident, or publishing a notice in the village newspaper to non-resident owners of each lot or part of lot, allowing sixty days to complete the same, according to petition. On the expiration of the sixty days, if the owner or agent of any lot or part of lot shall have failed to make or complete the improvement as directed, the trustees shall cause the same to be done, and the cost of the same shall be added to the regular yearly taxes assessed on such lot or part of lot, and collected in the same manner as the regular yearly taxes.

How delinquent walk or improvement may be completed.

SECTION 33. On the expiration of the sixty days allowed to complete any improvement or sidewalk, the street commissioner, under the direction of the trustees, shall proceed to make such delinquent sidewalk or improvement, and on completing the same, shall make return, verified by his affidavit subscribed therein, setting forth the amount and cost of labor and material expended on each delinquent lot or part of lot, and the amount so expended shall be charged to such lot or part of lot by the village clerk, and the same shall be added to the next assessment roll, in a separate column, with ten per cent. added thereto, opposite the name of the person or the description of the property against which such delinquent improvement or sidewalk was made, by the said street commissioner, and the same shall be collected in the same manner as the general taxes of said village are collected.

General tax—how assessed and raised.

SECTION 34. The trustees shall, between the first Tuesday in May and the second Monday in June, in

each year, determine the amount of general tax necessary to be assessed and collected in said village the current year; and they shall certify the same, attested by their clerk, to the town clerk of the town of Columbus, on or before the last Monday in November, who shall proceed to apportion and assess the same on the real and personal property of that part of the town of Columbus embraced within the village limits, as the same shall appear on the assessment roll for the current year, placing the same in a separate column, in the next assessment roll of the town delivered to the town treasurer for collection; and if, for any reason, such certificate shall not be received in time to include in the next assessment roll, it shall be included and assessed in that of the next succeeding year, and such tax shall, in all respects, be collected or returned delinquent like other taxes, and when collected, the money shall be paid over by the town treasurer to the treasurer of the village of Columbus.

SECTION 85. The trustees shall also certify, in a like manner, all delinquent improvement or sidewalk taxes, with a description of the persons or lots or parts of lots to which such tax is chargeable, and the amount chargeable to each person or lot, or part of lot, and the town clerk shall place the amount so returned as delinquent on the town assessment roll, opposite the description of said lots, and such tax shall be collected in all respects, or returned delinquent, like other taxes, and when collected, the money shall be paid over by the town treasurer to the village treasurer.

SECTION 86. The trustees shall have power to tax each male person who by the laws of this state is subject to perform highway work or labor, one day's labor in each year, to be expended on the streets of said village, but any such person may, at his option, pay one dollar for such poll tax, which money and labor shall be expended by the street commissioner, under the direction of the trustees; and in default of the payment of such labor or money, the street commissioner may sue for and collect such money, with the costs of suit, in the name of the village of Columbus. All persons desiring to do so, shall have the privilege to expend such labor or money on the street or streets adjacent to their own lots, if such streets, in the judgment of the road commissioner, need highway labor.

Jurisdiction of justices.

SECTION 37. The justices of the peace within said corporation, shall have jurisdiction of all cases under the provisions of this act, or for the violation of any ordinance or by-law thereof; and in all such cases, and in all criminal cases, and in suits for damages done to real estate, if the suit should be removed from the justice before whom the same was commenced, for prejudice or other cause, the papers shall be transmitted to some other justice in the said corporation, and if there be no such justice, or if he be absent or sick, in that case the papers shall be transmitted to the nearest justice of the county in which the defendant may reside, or in which the writ was issued.

Statement of finances to be published.

SECTION 38. The trustees of said village shall, within ten day next preceding every annual election, cause to be published, in three public places of the village, by posting up written notices, a statement which shall show the name of every person who shall have had an account or claim allowed by them, the amount of such account or claim as presented, the amount allowed, and a brief statement of the nature of the demand. It shall also give a brief statement of the condition of the treasury. The first statement so published, shall embrace all accounts allowed from the incorporation of the village to the time of publishing the same, and each subsequent statement shall embrace all accounts allowed to the time of publishing, from the publication of the last preceding statement.

Failure to hold election. not a suspension of corporation.

SECTION 39. If any election provided for in this act, shall for any cause not be held at the time prescribed, it shall not be considered a sufficient reason for arresting, suspending or abolishing the said corporation, but such election may be held at any time thereafter, by order of the supervisors of the town; otherwise, by order of the trustees of said village, of which time ten days' notice shall be given; and further, if any of the duties enjoined by this act, at a time herein specified, or specified by any ordinance of said village, are not then done, the trustees of said village may appoint another time upon which the said duties may be performed: *provided*, that the officers so failing to execute such duties, at the time required, shall be liable to the same actions, fines and penalties as they would have been had not said power been conferred upon and exercised by the trustees.

Liability of officers.

SECTION 40. A majority of the trustees shall be a quorum, &c.
 quorum for the transaction of business, but a less number may meet and adjourn from time to time, until a quorum shall be present, but shall do no other business, and in the absence of the president, three trustees being present, one of the number may be appointed chairman *pro tem*.

SECTION 41. All notices, ordinances, rules, orders, by-laws or other instruments required by any of the provisions of this act to be published in a newspaper printed in said village, may instead thereof be published by posting up printed or written copies, in three public places in said village, at the time the same may be required as aforesaid to be published, which posting up shall, to all intents and purposes, have the like force and effect as if the same had been regularly printed in a newspaper published in said village, and the affidavit of one person setting forth the time and manner of such posting, shall be received as proof of the facts therein contained, in all courts and places.

How ordinances, &c. may be published.

Proof of advertising.

SECTION 42. In case the first election provided for in the seventh section of this act, shall not be held at the time and place specified in said section, it shall be lawful for any of the legal voters, not less than twenty in number, who are residents of the corporate limits, to issue a call for such election, which call shall state the time and place that such election will be held, and shall be published at least ten days before such election occurs, and the persons elected at such first election shall hold their respective offices until the first Tuesday in May next after such election, and until their successors are elected and qualified.

In case first election is not held.

SECTION 43. In case this charter shall hereafter be in any way altered or amended, such alteration shall not take effect until the same shall have been submitted by the trustees to a vote of the qualified electors at a general election or special election duly notified for that purpose, and shall be approved by a majority voting at such election.

How charter may be amended.

SECTION 44. The president and trustees of said village shall receive no pay or emoluments for any services performed for said village, or for the discharge of any of their official duties, and they shall not be, either directly or indirectly, interested in any contract made with or work done for said corporation.

No compensation.

Limitation of powers of corporation.

SECTION 45. Said corporation shall have no power to borrow money, nor shall it be liable to pay money borrowed on its account or advanced in its behalf by its officers or any other person, nor shall any of its money or property be applied to any such purposes, nor shall this corporation incur any debt or liability in any year greater than the amount of tax allowed by this act to be raised by said corporation in the year in which said liability was incurred, unless two-thirds of all the legal voters of said village shall vote in favor of incurring such debt.

Duties of street commissioner.

SECTION 46. The street commissioner of said village shall, under the direction of the president and trustees, superintend the grading and the building and repairing of sidewalks and crosswalks and the expenditure of taxes levied and collected for such purposes, and shall receive such compensation for his services as shall be allowed by the trustees under the provisions of this act.

Objects not otherwise attainable.

SECTION 47. It is hereby declared that in the judgment of the legislature of this state, the objects of the incorporation named in this act cannot be attained under or by the general laws for the incorporation of villages.

Approved March 30, 1864.

CHAPTER 231.

[Published March 31, 1864.]

AN ACT to divide the eighth judicial circuit and organize an eleventh judicial circuit, and to fix the time for holding the circuit court in the counties of the said eleventh circuit, and to repeal chapter 119 of the general laws of 1864, entitled "an act relating to and conferring civil jurisdiction upon the county court of Douglas county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

11th judicial circuit organized—counties constituting it.

SECTION 1. From and after the first day of July, in the year one thousand eight hundred and sixty-four, all that portion of this state included within the counties of Ashland, Burnett, Dallas, Polk, Douglas and La Pointe, shall constitute and be a separate judicial cir-