

## CHAPTER 188.

[Published April 4, 1872.]

AN ACT to provide for the incorporation of villages.

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

## INCORPORATION.

SECTION 1. Any part of any town or towns, not included in any incorporated village, and containing a resident population of not less than five hundred persons, and, if it shall include within its boundaries a territory of more than one square mile, containing a resident population of not less than three hundred persons to every square mile of territory included within such boundaries, may be incorporated as a village under the provisions of this act. And when so incorporated, every such village shall be a body corporate and politic by the name and style of "the village of —," (the name of such village in the order of the court incorporating the same), and by that name may have perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, complaining and defending 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 have generally the powers possessed by municipal corporations at common and statute law, and in addition thereto shall possess the powers hereinafter specifically granted.

May be incorporated.

Name of village and its general powers.

SECTION 2. The persons intending to make application for the incorporation of such village, as herein provided, shall cause an accurate survey and map to be made of the territory intended to be embraced within the limits of such village; such survey, to be made by a practical surveyor, shall show the courses and distances of the boundaries thereof, and the quantity of land contained therein, the accuracy of which survey

Shall cause survey to be made.

and maps shall be verified by the affidavit of such surveyor, written thereon or annexed thereto.

Shall cause census to be taken.

SECTION 3. Such persons shall, also, cause an accurate census to be taken of the resident population of such territory, as it may be on some day not more than ten weeks previous to the time of presenting such application to the court, as hereinafter provided, which census shall exhibit the name of every head of a family residing within such territory on such day, and the name of every person who is a bona fide resident of such territory on such day, and it shall be verified by the affidavit of the person taking the same, written thereon or annexed thereto.

Where to be left.

SECTION 4. Such survey, map and census, when completed and verified as aforesaid, shall be left at the residence or place of business, within such territory, of some person residing therein, and shall be subject to examination at all reasonable hours by every person interested in such application, for a period of five weeks from the posting or first publication of the notice of such application, as hereinafter provided.

Shall give notice of application.

SECTION 5. The persons intending to make such application shall give notice that they will apply, on some day therein specified, to the circuit court of the county in which such territory lies, or if it lie in more than one county, to such court in one of such counties to be named in the notice, for an order incorporating such territory as a village, by a name to be therein specified; and such notice shall describe the boundaries of such territory by courses and distances, and by specifying the town or towns in which it lies, and it shall state where such survey, map and census have been left and may be examined, as aforesaid.

Publication of the notice.

SECTION 6. If there be a newspaper printed within such territory, such notice shall be printed therein once in each week for six successive weeks previous to the time specified for making such application; and if there be no such newspaper, such notice shall be posted in at least three of the most public places in such territory, at least six weeks before the time so specified in said notice.

Application to be by petition—what petition shall set forth.

SECTION 7. Such application shall be by petition, subscribed by the applicants, who shall be not less than five in number, and who shall be tax-payers and residents of such territory, and such application shall set

forth the boundaries of such territory, with their courses and distances, the quantity of land therein embraced according to such survey, and the resident population therein contained, according to such census; such survey, map and census, and the affidavits verifying the same, and an affidavit that they were left and kept, subject to examination, as provided in section four of this act, also a copy of the notice of application aforesaid, with an affidavit thereon or affixed thereto of the publication or posting of the same as hereinbefore provided, shall be annexed to such petition, otherwise it shall not be acted on by the court; and it shall be presented at the time specified in the notice for presenting the same, or as soon thereafter as the applicants can be conveniently heard in respect thereto.

SECTION 8. When such petition shall be presented as aforesaid, the court shall hear all the parties interested therein, who shall appear and ask to be heard; it may adjourn the hearing from time to time; it may direct a re-survey to be made of such territory, or that such census shall again be taken, or both; it may appoint a person or persons to make such re-survey and to take again such census; and it may refer any question which may arise in respect to such application, or to the propriety and merit thereof, to one or more commissioners to be appointed by such court, to examine and report thereon.

Hearing of the application by the court.

SECTION 9. If such court, after hearing the parties, shall be satisfied that such survey or re-survey and the census first or subsequently taken, are correct, that all the requirements of this act in respect to the application have been complied with, and that such territory contained, at the time such census was first or subsequently taken, population as great and as great in proportion to the quantity of land embraced within the bounds thereof, as that specified in the first section of this act, and that the lands embraced in such territory or any part thereof ought justly to be included in the corporation sought to be created, and that the interests of the inhabitants of such territory will be promoted by such incorporation, it shall make an order declaring that such territory, the boundaries of which shall be therein set forth by courses and distances, and which may be enlarged or diminished by such court, from the boundaries specified in such application, as justice may require,

If conditions satisfactory, court to make order of incorporation.

shall be an incorporated village, by the name specified in such application, or by such other name as to the court shall seem proper, if the electors thereof shall assent thereto as hereinafter provided; and in such order it shall direct three persons of the town or towns in which such territory shall lie, to be named therein, to perform the duties of inspectors of elections as required of them by this act.

Shall name inspectors of election.

Inspectors to give notice.

Opening and close of polls.

Publication of notice.

Inspectors and clerk—what laws applicable

Qualification of voters and form of ballot.

Effect of negative majority.

SECTION 10. Such inspectors shall, without unnecessary delay, give notice of a meeting of the electors of the territory described in such order, to be held at some convenient place therein to be specified in such notice, for the purpose of determining whether or not such territory shall be an incorporated village. At such meeting the polls shall be opened at ten o'clock in the forenoon and shall be kept open till four o'clock in the afternoon, when they shall be closed; but such inspectors may close the polls at twelve o'clock, noon, for one hour, giving notice thereof. The time of opening and closing the polls shall be specified in the notice of such meeting.

SECTION 11. If there be a newspaper printed in such territory, such notice shall be published therein once in each week for three successive weeks previous to such meeting; and if there be no newspaper so printed, copies of such notice shall be posted in at least three of the most public places in such territory, at least three weeks previous to such meeting.

SECTION 12. Such inspectors shall preside and act as inspectors at such meeting, and may designate one of their number to act as clerk thereof; and all laws of this state, applicable to the election of town officers, shall apply to such meeting and to all the proceedings thereat, so far as the same shall be applicable and are consistent with the provisions of this act.

SECTION 13. Every elector residing in such territory and qualified to vote for town officers in the town in which such territory or any part thereof shall lie, may vote at such meeting by a ballot having thereon the word, "yes," or the word, "no."

SECTION 14. If a majority of the ballots given at such meeting shall have thereon the word, "no," the electors of such territory shall be deemed not to have assented to the incorporation thereof as a village, and no further proceedings shall be had in respect to such

incorporation under such application and order ; but if a majority of such ballots shall have thereon the word, "yes," the inhabitants of such territory shall from the time of the recording of the order of the court, aforesaid, in the office of the register of deeds, be deemed a body politic and corporate by the name specified in such order ; and the inspectors who shall have presided at such meeting shall cause a statement of the holding of such meeting to be made, showing the whole number of ballots given thereat, the number having thereon the word, "yes," and the number having thereon the word, "no," which statement shall be verified by the affidavit of the said inspectors written thereon or annexed thereto, and shall be recorded in the office of the register of deeds of the county as hereinafter provided.

Effect of affirmative majority.

Shall make statement.

SECTION 15. The petition, survey, map, census and notice of the application, with the affidavits verifying the same, and the affidavit of leaving the same for inspection, mentioned in section seven of this act, also the order of the court incorporating such village, and the statement of the inspectors provided for in section fourteen of this act, and the affidavit verifying the same, shall be recorded at length in the office of the register of deeds of the proper county, within ten days after the holding of the election provided for in section ten of this act; and all of said papers shall be recorded, and the same, or a duly certified copy thereof, shall be filed in the office of the clerk of such village, within thirty days after his election and qualification. All necessary and proper expenses and charges attendant upon the incorporation of any village shall be paid out of the general fund of such village.

Shall be recorded by register of deeds.

Shall be filed by village clerk

Expenses paid out of general fund.

#### ORGANIZATION.

SECTION 16. Within ten days after the incorporation of such village, as aforesaid, the inspectors named in such order of the court, shall also give notice in the manner prescribed in section ten of this act, of the time and place of a meeting of the electors of such village, to elect officers thereof ; such meeting shall be held at some convenient place therein, to be specified in such notice ; the polls shall be opened at ten o'clock in the forenoon, and shall be closed at four o'clock in the afternoon of the same day, and the inspectors thereof may close the same for one hour at twelve o'clock,

Notice of meeting to elec officers.

Where held and how conducted.

noon, giving notice thereof; the time of opening and closing the polls shall be specified in the notice of such meeting, but a failure so to specify the time of opening and closing the polls shall not vitiate such election.

Inspectors and clerk, under what law to act.

SECTION 17. Such inspectors shall preside at such first election as inspectors thereof, and shall designate one of their number to act as clerk; and all the laws of this state in relation to the election of town officers, and notifying them of their election, shall apply to such first election, so far as the same can be so applied and are consistent with this act: *provided*, that in case of vacancy in the office of inspector of election, the vacancy may be filled as now provided for the case of inspectors of town meetings.

How vote canvassed.

SECTION 18. The officers presiding as inspectors at such first election shall canvass the votes given thereat, and shall make and subscribe a certificate of such canvass, which shall show the whole number of votes given for each officer, the number given for each person voted for, and the office for which each such person shall have been voted for; such certificate shall be recorded in the records of such village, and filed in the office of the clerk thereof.

#### ELECTIONS.

Annual election of village officers, opening of the polls and notice of election.

SECTION 19. The annual election of village officers shall be held on the first Tuesday of May in each year, at such place as the board of trustees shall determine; the polls of the election shall be opened at ten o'clock in the forenoon, and shall be kept open till four o'clock in the afternoon of said day, when they shall be closed, but the inspectors may close the polls at twelve o'clock, noon, for one hour, giving notice thereof; ten days' previous notice of such election shall be given, by publication in any newspaper printed in such village, if there be one, and if there be no such newspaper, then by posting three written or printed notices in three public places in such village, of the time and place of holding such election; but a failure to give such notice shall not vitiate any such election.

vote by ballot, and how the vote decided.

SECTION 20. All elections shall be by ballot, and a plurality shall in all cases decide an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the

election shall be determined by lot, in the presence of the inspectors, and at such time and in such manner as the inspectors shall direct. All votes for elective officers shall be upon one ballot, and shall be deposited in one ballot box.

SECTION 21. All persons entitled to vote for county and state officers, and who shall have had an actual residence in any such village for ten days next preceding the time of holding any election therein shall be entitled to vote for any officer to be elected under this act.

SECTION 22. If any vote be challenged, or if the inspectors of any election shall have reason to believe, when any person presents himself to give his vote, that he does not possess the qualifications of an elector under this act, the inspectors shall decide upon the qualifications of such person as an elector, as is required by law at general elections. All persons illegally voting, and all fraud, deceit or corruption at any election held under this act, shall be punished according to the laws of this state, made and provided for the punishment of illegal voting, fraud, deceit or corruption at any general election.

SECTION 23. No person shall be eligible to any office under this act unless he shall be at the time of the election a resident elector of the village in which such election is held.

SECTION 24. Any three of the trustees of any such village shall constitute the board of inspectors of all elections, except the first, held under the provisions of this act, and when present, the president of the village shall act as chairman of such board, and in his absence the inspectors shall designate one of their number to act as chairman. The village clerk shall be clerk of elections, and in his absence the inspectors may appoint a suitable person to act as clerk. The inspectors and clerk shall take the usual oath or affirmation of inspectors and clerks of elections, as prescribed by the laws of this state. In case three of the trustees be not present at any such election, the board may be filled by the election thereto of electors of such village, by the voters thereof then present.

SECTION 25. All elections held under this act shall be held and conducted, when not herein otherwise provided, in the same manner as elections at annual town

meetings are held and conducted under the laws of this state; and the inspectors thereof shall draw up a statement of the result, with a certificate of their determination of the persons elected, in the same manner as is provided by law in the election of town officers, which statement and certificate of determination shall be recorded and filed in the office of the clerk of such village.

Special elections.

SECTION 26. Special elections may be called to fill any vacancy in the office of president or police justice, or whenever a majority of the board of trustees may determine; ten days' notice thereof shall be given, which notice shall specify the time and place of such special election, and also the object for which the same is called. Such notice shall be published or posted in like manner as that required for an annual election; and in case there shall be no officer to give such notice, or the notice of any annual election, the same may be given by any five electors of such village. Special elections shall be held and conducted, and return thereof made, recorded and filed as hereinbefore provided for the annual election of officers.

#### OFFICERS—ELECTED AND APPOINTED.

Board of trustees.

SECTION 27. The exercise of the powers, corporate and politic, of any village incorporated under this act, shall be vested in a president and six trustees, and such other officers as are hereinafter provided for.

Village officers.

SECTION 28. The officers of any such village shall consist of a president, who shall be ex officio a trustee, six trustees, a clerk, treasurer, marshal and police justice. The president and trustees shall constitute a board of trustees. The board of trustees may, in their discretion, appoint a village attorney, one or more street commissioners, one or more fire wardens, a pound master, one or more sextons or keepers of cemeteries, and such other officers or agents as they may deem necessary.

Elective officers

SECTION 29. The president, trustees, clerk, treasurer and police justice shall be elected by the people, at the annual municipal election for village officers. All other officers shall be appointed by the board of trustees, at the first meeting thereof after the first Tuesday of May in each year, or as soon thereafter as may be.

Appointive officers.

SECTION 30. The police justice shall hold his office Terms of office. for the term of two years, and until his successor is elected and qualified; the other elective officers of such village shall hold their offices for the term of one year, and until their successors are elected and qualified; the term of office of all appointed officers shall expire with the term of the board of trustees by which they were appointed; subject, however, in all cases, to removal as herein, or by the laws of this state, provided.

SECTION 31. When any vacancy shall occur by Vacancies—how filed. death, resignation, removal or otherwise in the office of president or police justice, the same shall be filled by special election for the unexpired term. Any vacancy in any other office shall be filled by appointment by the board of trustees.

SECTION 32. The village treasurer, police justice Shall execute and file bonds. and such other officers as the board of trustees may direct, shall severally, before they enter upon the duties of their respective offices, execute to such village a bond, with two or more sufficient sureties, to be approved by the board of trustees, in such penal sum and upon such conditions as the said board may prescribe, for the faithful discharge of their official duties, and the board of trustees may from time to time require new and additional bonds to be given. Such bond or bonds shall be filed in the office of the village clerk, within ten days after the officer executing the same shall have been notified of his election or appointment, or at such other time as the board of trustees may direct.

SECTION 33. Any person elected or appointed to Effect of refusal to qualify, or to give satisfactory bond. any village office, who shall refuse or neglect to execute and file his bond pursuant to the provisions of the preceding section, shall be deemed to have refused such office, and the same shall be filled by election or appointment as in other cases of vacancy; and in case the board of trustees shall not approve any official bond, the officer executing the same shall furnish a new and satisfactory bond within ten days after notice of such disapproval, and in case of failure, he shall be deemed to have refused his office and the same shall be filled as in other cases of vacancy; and if any such officer shall fail to furnish an additional bond within ten days after notice to do so, as provided in the preceding section, his office shall, in the discretion of the board of trustees, be

deemed vacant, and such vacancy shall be filled as in other cases of vacancy.

Not to be accepted as surety.

SECTION 34. No trustee or other village officer shall be accepted as surety on any bond, note or obligation to which such village may be party; nor shall any officer, required to give bonds, enter upon the discharge of the duties of his office until such bonds shall have been approved and filed, as provided by this act.

Shall take and file oath of office

SECTION 35. Every person elected or appointed to any office under this act shall, before he enters upon the duties thereof, take and subscribe the constitutional oath of office, and shall file the same in the office of the village clerk within ten days after notice of his election or appointment, and if he shall refuse or neglect to do so, the office shall be deemed vacant, and the same shall be filled as in other cases of vacancy.

Removal from office.

SECTION 36. Every person appointed to any office under the provisions of this act may be removed from such office by a vote of the majority of the trustees of the village, at any regular or special meeting, for any act which they may deem official misconduct.

#### POWERS AND DUTIES OF OFFICERS.

Powers and duties of president.

SECTION 37. The president shall preside at all meetings of the board of trustees. He shall sign all orders drawn on the treasury; he shall maintain peace and good order, and see that the ordinances of the village are duly observed and enforced, and shall have power to administer oaths and affirmations, and take the acknowledgement of deeds and other instruments in writing. He shall have the same right to vote on any question before the board as any other of the trustees. In case of a riot or other disturbance or apparent necessity, he may appoint as many special or temporary marshals as he may deem necessary, who shall, during their appointment, possess all the powers and enjoy all the privileges of constables under the law of this state. He shall sign all ordinances, rules, by-laws, regulations, commissions, licenses and permits passed, adopted or authorized by the board of trustees.

Of village clerk

SECTION 38. The village clerk shall have the custody of and safely keep all the records, books and papers belonging to his office. He shall attend all the meetings of the board of trustees, and sign and record the proceedings thereof, together with all ordinances, rules,

by-laws, resolutions and regulations passed or adopted by them, and shall file and preserve all papers required to be filed in his office. He shall also keep a true record of all proceedings of the electors of such village at their annual or special meetings. He shall draw all orders on the village treasury and countersign the same, and no order shall be a legal voucher against any such village unless the same is so countersigned. He shall give notice in the manner herein required, of all annual and special meetings of such village. He shall give notice of the election of police justice, to the clerk of the circuit court of each county within which such village is located, giving the name of such officer and the time for which he is elected. He shall be the custodian of the corporate seal, and shall have power to administer oaths and affirmations. He shall sign all licenses, commissions and permits granted or authorized by the board of trustees, and keep a record of the same; and he shall perform such other duties as shall be legally required of him, by any ordinance, by-law, rule, regulation or direction of the board of trustees. The records of his office, and papers duly filed therein, and transcripts from such records or papers duly certified by him, under the corporate seal, shall be *prima facie* evidence in all courts and places of the contents of the same.

SECTION 39. The village treasurer shall receive and take charge of all moneys received, raised, recovered or collected by means of any tax, license, forfeiture, fine or otherwise, under the authority of this act, or which belongs to such village, and shall disburse the same only on the written order signed by the president and countersigned by the clerk of such village, which order shall specify the amount of money to be drawn, to whom payable, the number of the order and the object for which it was drawn, and which shall have been previously authorized by the board of trustees. He shall keep a just and true account of all moneys coming into his hands as such treasurer, in suitable books to be provided by the board of trustees for that purpose, which books shall be and remain the property of such village; and he shall render an annual account and settlement to the said board, of all the transactions of his office, which accounting and settlement shall be made at the last regular or special meeting of such

Of the village  
treasurer.

board prior to the annual village election, or at such other time or times as the board of trustees may designate or require; and he shall perform such other duties and exercise such other powers as are given or required by this act, or as may be lawfully given or required by the ordinances, by-laws, rules or regulations of such village.

Powers, duties and liabilities of the marshal.

SECTION 40. The marshal of any such village shall possess such power and be subject to such liabilities and duties as constables under the laws of this state; he may serve any process directed to the sheriff or any constable of the county in which such village or any part thereof is located, and it shall be his duty, with or without process, to arrest any and all persons, and take them before the police justice of such village for trial, whom he shall find in such village in a state of intoxication, or making a boisterous noise, or engaged in any affrays or fights, or in any lewdness or obscenity, or violating any ordinance, by-law, rule, regulation or resolution of such village; and in making such arrests, and in securing such offenders, he may command all persons present to assist him therein, and any person so commanded, refusing or neglecting to render such assistance, shall forfeit and pay to the village a sum not exceeding ten dollars. It shall be the further duty of such marshal to obey all lawful written orders of the board of trustees; and for all such services as are usually rendered by constables, such marshal shall receive similar fees, and for other services rendered to such village, he shall receive such compensation as the board shall by ordinance prescribe or order.

Police court and justice,—rights, powers and jurisdiction.

SECTION 41. There is hereby created and established a police court in every village incorporated under this act; the police justice of any such village shall hold such police court; he shall have power to administer oaths or affirmations, and to take and certify acknowledgements and proofs of the execution of deeds and other instruments of writing, relating to real or personal estate, and required by law to be acknowledged or recorded, or both. The police court and the justice thereof, of any such village shall have and possess the same authority, jurisdiction, powers, and rights as justices of the peace and justices' courts over all civil and criminal actions, under the laws of this state, and shall have exclusive jurisdiction of all actions and causes for the

violation of this act or of any ordinance, by-law, rule, regulation or resolution of such village under this act; and such police justice shall receive the same fees as a justice of the peace for like services, under the laws of this state; but no such village shall be liable for his fees, except such as accrue in actions or prosecutions brought in the name of such village, for the violation of this act, or of the ordinances, by-laws, rules, regulations or resolutions of such village. In case of a vacancy from any cause, the board of trustees may designate any justice of any town in which such village or any part thereof may lie, to act as police justice during such vacancy, who shall possess all the powers and perform all the duties of police justice during the time for which he is designated by said board so to act. If any police justice shall fail properly and efficiently to discharge the duties of his office, as provided in this act, the board of trustees of such village may, by ordinance or resolution, remove him from his office of police justice, declare his said office vacant and call a special election to fill such vacancy: *provided*, that no such removal shall take place unless the president and four of such trustees shall concur therein, and vote for the passage of the ordinance or resolution of removal.

His fees.

Vacancy.

May be removed.

SECTION 42. The president, each and every trustees and the marshal of any such village, shall be officers of the peace, and suppress in a sumamary manner all riotous and disorderly conduct within the limits of such village, and for such purpose may command the assistance of all by-standers and 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 such village, in such case made and provided.

Officers of the peace.

SECTION 43. The president, clerk, treasurer and police justice of any such village shall, respectively, on the expiration of his term of office, pay over and deliver to his successor in office all moneys, records, books, papers, vouchers and other property in his possession belonging to such village. In case of a vacancy in any such office, by death, resignation, removal or otherwise, such moneys, records, books, papers, vouchers and other property shall be paid over and delivered to the successor of such officer, or to such

Moneys, books, records, etc., to be paid over to successor.

person and at such time as the board of trustees shall prescribe or direct.

Subject to the board of trustees.

SECTION 44. The appointed officers of any such village shall perform such duties and be under such obligations as may be legally prescribed or directed by the board of trustees.

#### POWERS AND DUTIES OF BOARD OF TRUSTEES.

General powers of the trustees.

SECTION 45. All legislative powers of any such village are hereby vested in the board of trustees. In the proceedings thereof, each member shall be entitled to one vote. Any four of the trustees shall constitute a quorum for the transaction of business, whether the president be present to preside or not, but in the absence of the president one of the trustees present shall be appointed president *pro tempore*. Less than four of the trustees may meet and adjourn from time to time, until a quorum shall be present.

Time and place of meeting of the board.

SECTION 46. The board of trustees shall prescribe the time and fix upon the place of holding their meetings, which shall at all times be open to the public. They shall determine the order and rules of their proceedings, and by their clerk keep a record of such proceedings, which shall be open to the inspection of every citizen at all reasonable hours. They shall have power to preserve order and propriety in their proceedings, and may compel the attendance of members, and impose and enforce penalties for non-attendance; and the said board shall be the judge of the election and qualification of its members.

Order of proceedings, etc.

Special meetings.

SECTION 47. Special meetings of the board of trustees may be called by any two of such board, and the clerk shall give reasonable notice to all the trustees of the time and place of such meetings.

Shall be signed and countersigned.

SECTION 48. All ordinances, by-laws, rules and regulations of any village, and all commissions, licenses and permits granted or authorized by the board of trustees thereof, shall be signed by the president and countersigned by the clerk of such village; and whenever such village shall be a party to any contract, bond, agreement, deed, conveyance, lease or other instrument in writing, wherein or whereby any legal or pecuniary liability shall be incurred by such village, the same shall be signed by the president and clerk, and sealed with the corporate seal of such village.

SECTION 49. Every ordinance, rule, regulation or by-law of such village, except those which relate to the government of the board of trustees, imposing any penalty or forfeiture for the violation or non-performance of its provisions shall, before the same shall take effect, be published one week in some newspaper published in such village, or if there be no such newspaper, by posting copies thereof in three public places in such village, and the same shall take effect and be in force from and after one week from the time of such posting or publication; and the proof of such publication by the affidavit of the printer or foreman in the office of such newspaper, or of such posting by the certificate of the village clerk, shall be attached to such ordinance, rule, regulation or by-law, and filed therewith; and such proof so attached and filed shall be conclusive evidence in all courts and places, of such posting or publication. All ordinances, rules, regulations or by-laws which are required to be published before the taking effect thereof, shall be suitably entitled of the subject matter therein contained; and the style thereof shall be "the president and trustees of the village of \_\_\_\_\_ do ordain as follows."

Ordinances  
etc., to be published.

Style of ordinances.

SECTION 50. The board of trustees shall provide, and cause to be kept in the clerk's office, the following books: 1st. A "minute book," in which shall be recorded in regular chronological order, all the papers mentioned in section fifteen of this act, full minutes of all elections, general or special, and the statements of the inspectors thereof, full minutes of all proceedings of the board of trustees, the titles of all ordinances, rules, regulations and by-laws, with a reference to the book and page where the same may be found, and such other matters as the board of trustees may prescribe or direct. 2d. An "ordinance book," in which shall be recorded in full, and in regular chronological order, all ordinances, rules, regulations and by-laws, the publication of which is herein required, together with such other matters as the board of trustees may prescribe or direct. 3d. A "finance book," in which shall be kept a full and complete record of the finances of the village, showing the receipts, the date, amount and source thereof, and the disbursements, with the date, amount and object for which paid out, and such other matters as the board of trustees may prescribe or

Shall keep  
minute book.

Ordinance book

Finance book.

direct ; and such other books and records as in the judgment of the board of trustees may be necessary and proper. The village records shall at all reasonable times be open to the examination and inspection of the public.

Special powers  
of the board.

SECTION 51. The board of trustees shall have authority, by ordinance, regulation, rule, resolution or by-law :

Appointment of  
officers.

1. To appoint such officers or agents as are herein provided for, or as they may deem necessary and proper ; to fill all vacancies, except in the offices of president and police justice ; to limit and define the powers, duties and obligations of officers and agents of the village ; to fix their compensation when not otherwise prescribed by law, and to cause to be performed by any officer or agent, all the duties imposed upon him by this act, or legally required of him by any ordinance, rule, regulation, resolution or by-law.

Purchase, hold  
and convey real  
and personal  
estate, etc.

2. To buy, receive and hold, and sell and convey real property, for and in the name of the village, and under the corporate seal thereof ; to procure a corporate seal, and alter or renew the same at pleasure ; to procure the necessary blank books, stationery, furniture and other personal property, for the use of the village ; to provide for the publication of ordinances, and procure the necessary public printing ; to control and protect from injury the public buildings, records, streets, walks, parks, cemeteries, trees, shrubs and other property of the village, and to cause such part thereof to be insured as they may deem advisable ; to provide for the prosecution or defense of all actions or proceedings in which the village is a party or interested, and to procure counsel therefor.

Levy of taxes  
and allowance  
of accounts.

3. To levy and provide for the collection of taxes and assessments, in the manner hereinafter prescribed ; to audit and allow or disallow all claims and demands against the village, and to direct the issuing of orders on the treasury therefor ; to authorize the issuing of the bonds of the village, and the drawing of orders on the village treasury, payable at a future day with or without interest ; and, generally, to manage and regulate the finances of the village, and provide the means to carry into effect the provisions of this act, or of any ordinance, rule, regulation, resolution or by-law, enacted in pursuance thereof.

4. To establish a fire department; to appoint the officers and members thereof, and prescribe and regulate their duties; to provide protection from fire by the purchase of fire engines and all necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water mains, reservoirs, or other water works; to erect engine houses; to compel the inhabitants of the village to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of fire as shall be directed by them or any two of them who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limits or the limits within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and fire buckets, which shall be appurtenances to the realty and exempt from seizure and forced sale, and after reasonable notice to such owner or occupant and refusal or neglect by him, to procure and deliver the same to him, and in default of payment therefor, to levy the cost thereof as a special tax upon such real estate, to be assessed and collected as other taxes in such village; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the manner of putting up stovepipes, and the construction and cleaning of chimneys; to prevent bonfires, and the use of fireworks and firearms in the village or any part thereof; and, generally, to establish such measures for the prevention or extinguishment of fires as may be necessary and proper.

Establish fire department and other fire regulations.

5. To re-number the lots and blocks of the village or any part thereof, and to cause a revised and consolidated plat of the same to be recorded in the office of the register of deeds of the proper county.

Plat of lots and blocks.

6. To lay out, open, alter, widen, grade, pave, improve, keep in repair, vacate or discontinue streets, lanes, alleys and sewers; to make, alter, widen or otherwise improve, keep in repair, vacate or discontinue sidewalks and crosswalks; to prevent the encumbering of streets, sidewalks, crosswalks and alleys with carriages, carts, wagons, sleighs, sleds, buggies, railway cars, engines, boxes, lumber, firewood or other substances or materials; to prevent horse-racing or im-

Street and sidewalk regulations.

moderate riding or driving in the streets of the village ; to prevent the riding or driving of animals, or the driving of vehicles of any kind on the sidewalks of the village, or the doing of damage in any way to such sidewalks ; and to require the owners or occupants of buildings to remove snow, dirt or rubbish from the sidewalks adjacent thereto, and in default thereof, to authorize the removal of the same at the expense of such owner or occupant.

Restrain the running at large of cattle, dogs, etc., regulate the hitching and driving of horses, and license porters.

7. To restrain the running at large of cattle, horses, mules, sheep, swine, poultry and other animals, and to authorize the distraining, impounding and sale of the same ; to establish pounds and to regulate and protect the same ; to establish and regulate markets ; to require the owners or drivers of horses, oxen or other animals, attached to vehicles or otherwise, to fasten the same while in the streets or alleys of the village ; to prohibit the hitching of horses, teams or animals to any fence, tree or pump, and to prevent injury to the same ; to regulate and control the running of engines and cars through the village, and the rate of speed of the same ; to prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance, and license public porters, solicitors or runners, cartmen, hackmen, omnibus drivers and guides, and to establish rules and regulations in regard to their conduct as such, and to prevent any unnecessary noise or disturbance during the arrival or departure of persons in public conveyances.

Cemetery grounds.

8. To purchase and hold cemetery grounds, enclose, lay out and ornament the same, and to sell and convey lots therein by deed under the corporate seal ; to establish public parks and walks, enclose, improve, ornament the same, and prevent the incumbering or obstruction thereof ; and to provide for and regulate the setting out of shade and ornamental trees in the streets, and in and around the cemeteries and public parks and walks of the village, and for the protection thereof.

Exhibitions, peddlers' licenses, etc.

9. To prevent or license and regulate the exhibition of caravans, circuses, theatrical performances or shows of any kind ; to prevent or license and regulate the keeping of billiard tables, pigeon hole tables and bowling saloons ; to suppress and restrain or license and regulate hawkers, mountebanks, peddlers and auction-

ers; and in all such cases they may fix the price of such license, and prescribe the term of its continuance, and may revoke the same at pleasure; but the term of no such license shall extend beyond the annual election of officers next after the granting thereof.

10. To prevent and suppress, or license and regulate, the sale of intoxicating liquors; to prevent and suppress the sale or giving away of intoxicating liquors, unless licensed by them; to revoke any license for the sale of intoxicating liquors for the violation of any ordinance, rule, resolution, regulation or by-law, or any provision of this act relating to such sale; to prohibit and restrain the sale of intoxicating liquors to any designated person or persons, whether resident of the village or not, and to cause notice thereof to be given, which notice shall be in writing, signed by the president and clerk, and the same may be served by the marshal in like manner as a summons in a justice's court, and such notice, with the time and manner of service endorsed thereon, shall be filed in the clerk's office, and shall be *prima facie* evidence of the issuing of such notice, and conclusive evidence of the service thereof as therein set forth, and the same shall continue in force until revoked by the board of trustees; to prohibit and suppress all kinds of gaming, and all fraudulent devices and practices, and provide for the seizure and destruction of all instruments and devices used for the purpose of gaming; to prevent and suppress fights, riots, noises, disturbances, disorderly assemblages, disorderly conduct, disorderly houses, houses of ill fame, drunkenness, immoderate drinking, vagrancy, obscenity, lewdness and prostitution within the limits of the village; to regulate public places of bathing and swimming, or prohibit and prevent such bathing and swimming within the village; and to purchase, hold, build, maintain and regulate a watch-house or lock-up for the confinement of offenders against this act, or any ordinance, rule, regulation, resolution or by-law made in pursuance thereof.

License for  
sale of intoxi-  
cating liquors.

11. To appoint a board of health, which shall have all the powers of such boards under the general laws of the state; to provide hospitals and regulate the burial of the dead and the return of bills of mortality; to declare what are nuisances and to prevent or abate the same; to require the owner or occupant of any grocery,

Health regula-  
tions.

cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house, building or place, to remove or abate the same, or to cleanse it as often as may be deemed necessary for the public health; to direct the location and management of slaughter-houses, and to prevent the erection, use or occupation of the same, except as authorized by them; to prevent persons from bringing, depositing or leaving within the village any putrid carcass or other unwholesome substance; to require the owners or occupants of lands to remove dead animals, stagnant water or other unwholesome substance from their premises; and to provide for the cleansing and removal of obstructions from any river, stream, slough or water-course within the limits of the village, and to prevent the obstruction or retarding of the flow of water therein, or the putting of anything into the same which may be prejudicial to the health of the village.

Special and annual elections—annual statement of finances.

12. To call special elections; to designate three of their number to act as inspectors of any election, and they shall cause to be prepared and read at each annual election, a true, detailed and itemized statement by them, of the finances of the village, showing the amount in the treasury at the commencement of the year, when and from what sources all moneys paid into the treasury during the preceding year were derived and the whole amount thereof, and when, to whom and for what purpose all moneys paid from the treasury during the same period were paid, and the whole amount thereof, with the balance then in the treasury, which statement shall be recorded in the minute book, and filed and preserved in the clerk's office.

Penalties, and their enforcement.

13. To prescribe the penalty for the violation of any ordinance, regulation, rule, resolution or by-law, which shall not be less than one dollar, nor more than two hundred dollars, and in all cases costs of suit, and in default of payment thereof, to commit to the lock-up or county jail, for a period not exceeding ninety days, and all ordinances, regulations, rules, resolutions and by-laws of any such village, enacted and published in accordance with this act, shall have the force of law, and shall continue in force, unless otherwise therein provided, until duly revoked by the board of trustees.

14. To make, enact, ordain, establish, publish, enforce, alter, amend, modify and repeal any and all such ordinances, rules, regulations, resolutions and by-laws, for the government and good order of the village, for the suppression of vice and immorality, for the prevention of crime, for the protection to public and private property, for the benefit of trade and commerce, and the promotion of the public health, as they shall deem expedient; to fix the penalties for the violation thereof, and to enforce the same against any and all persons violating the same: *provided only*, that they be not repugnant to the constitution or laws of the United States or of this state.

Rules, regulations, by-laws, etc.

#### LEVY AND COLLECTION OF TAXES.

SECTION 52. Every such village shall be one road district, and the poll tax therein shall be collected and expended as herein provided. On or before the 20th day of May, in each year, the clerk shall make a list of the names of all male persons over the age of twenty-one years, with the amount of the poll-tax, which shall be the same as in towns, set opposite to each person's name, and submit the same to the board of trustees for correction. When such list is correctly made out, the board shall, by order, direct the same to be delivered to the treasurer for collection, which order shall be annexed thereto, and signed by the president and clerk, and such list and order shall be delivered to the treasurer on or before the first day of June of such year. The treasurer shall forthwith proceed to the collection of such tax, and shall demand the same once of each person named in the list, and if any person neglects to pay the same for ten days thereafter, then such treasurer shall, in the name of the village, sue for and collect such tax with fifty per centum damages on the same, together with costs of suit, before the police justice of such village, and in default of payment of such judgment, execution shall issue against the defendant, as in cases of tort; and the first process in such actions shall be by civil warrant: *provided*, that the board of trustees may exempt from the payment of such tax all persons belonging to any fire company, or any person who is poor and not able-bodied, when they deem it proper to do so; and *provided further*, that the treasurer, while the said list is in his hands for collection, may

Levy and collection of poll tax.

put upon the same the names of all such persons liable to such tax, as have been omitted therefrom, and who shall be liable to such tax, the same as if their names were originally placed in such list.

Expenditure of  
tax collected.

SECTION 53. Such moneys when collected, shall be expended in the improvement of streets, the making and improvement of sidewalks and cross walks, and the setting out of shade and ornamental trees in such village; and if such poll-tax shall, in the opinion of the board, be insufficient for such purposes, they may levy and cause to be collected a sufficient additional sum therefor, on the taxable property of such village, in the manner hereinafter provided; and all such taxes shall be expended under the direction of the board of trustees. Such board may also expend and lay out, on the highways or any of them, leading into such village, not to exceed one-third of the tax so assessed in any one year. No overseer of highways shall be elected in any such village, nor shall any highway taxes be levied therein by any town, but all bridges in such village shall be built, maintained and repaired by the town or towns in which such village is situated.

Determination  
of amount of  
corporation tax.

SECTION 54. The board of trustees shall, on or before the 15th day of October in each year, by resolution to be entered in the village records, determine the amount of the corporation taxes to be levied and assessed on the taxable property in such village for the current year, which shall not, however, in any one year, exceed two per centum of the assessed valuation of such property; and the village clerk shall, on or before the first day of November following, deliver to the clerk of the town in which such village is situated, under his hand and the seal of such village, a certified copy of all such resolutions; and if such village be situated in two or more towns, he shall certify such taxes to the clerk of each of such towns, in proportion to the assessed valuation of village property in such town, or in such proportion as the board of trustees shall direct: *provided*, that before levying a tax for any specific purpose or purposes, the board of trustees may submit to the people the question of levying such tax or taxes, at any general or special election, and in such manner as they may prescribe.

Assessment  
and collection  
of the tax.

SECTION 55. The town clerk, or any other proper officer of the town or towns in which such village is

situated, shall assess, apportion and carry out such village taxes upon all the real and personal property liable therefor, in a separate column, in the tax-roll of his town next thereafter issued and delivered to the treasurer of his town for collection, in the same manner as he shall assess, carry out and apportion town, county and state taxes; and such taxes shall be collected in the manner provided by law for the collection of other taxes in such roll, and when so collected, shall be paid to the village treasurer or other person entitled to receive the same. The town treasurer shall be entitled to retain two per centum of all such moneys collected by him, and the same shall be in lieu of all compensation for services rendered by him in the collection and paying over of such taxes. Any officer or person who shall neglect or refuse, on demand, to pay over any such taxes when so collected by him shall be liable to an action therefor, with twenty-five per centum damages to be added thereto, to be sued for and recovered in the name of such village, of such defaulting officer or person and his sureties.

SECTION 56. Bonds of such village or its orders, with or without interest, may be issued and sold under such restrictions and regulations as the board of trustees may direct for the discharge of any legal debt, the purchase or erection of public buildings, the purchase of fire engines, the purchase or erection of water works, the grading or paving of streets, or the laying out, altering, widening or improving of the same; the purchase, enclosure or improvement of cemeteries or public parks or walks, or for any other purpose in the discretion of such board; but no such indebtedness shall be created greater in the aggregate than five per centum of the assessed valuation of the property in such village, nor without providing, in the ordinance authorizing or creating such indebtedness, for the payment thereof by the levying of an equal annual tax on the taxable property of such village to be applied exclusively for this purpose, and which shall be sufficient for the full payment thereof and interest, within a period not exceeding twenty years; and such taxes shall annually thereafter be levied and collected without further action or order of the board of trustees, and such ordinance shall be irrevocable until such indebtedness be fully paid.

Bonds may be issued and sold for discharge of legal debt.

Shall assess in continuous part of roll.

**SECTION 57.** The assessor in each town in which such village is situated, in assessing the taxable property in his town in each year, shall assess the taxable property, real and personal, within the limits of such village in one continuous part of his assessment roll, and foot up the valuations of all the items thereof separately.

But one fund.

**SECTION 58.** There shall be but one fund in the treasury of any such village.

#### AUDITING AND ALLOWING OF ACCOUNTS.

Auditing and allowing of accounts.

**SECTION 59.** All accounts and demands against any such village, shall, before payment thereof, be audited and allowed by the board of trustees. Every such account shall be made out in items, and before the same shall be acted upon, shall be verified by affidavit as correct and just, and in no part paid; and such affidavit shall be endorsed on or annexed to such account or demand, and presented and filed and preserved therewith. On the final disposition of any account or demand, if allowed in whole or in part, the word, "allowed," and the amount or items thereof allowed, shall be endorsed thereon, and if not allowed, the word, "disallowed," shall be endorsed thereon, which endorsement shall be made and signed by the clerk. The minutes of the proceedings of such board shall show to whom and for what purpose every such account was allowed, and the amount or items thereof so allowed; and every account or claim allowed, in any amount or part, shall be filed in the clerk's office of such village.

Shall be paid only by treasurer.

**SECTION 60.** Claims or demands against such village shall be paid only by the treasurer thereof, and by such treasurer only after the same shall have been duly presented, audited and allowed; and then only on written order signed by the president and clerk of such village, specifying the amount of money to be paid, to whom payable, the number of the order, and the object for which it was drawn.

#### OPENING OF STREETS, ETC.

Shall pay adequate compensation.

**SECTION 61.** The board of trustees, in case of the laying out, altering or widening of any street, alley or public walk, shall cause to be paid to the owner or owners of any lot or land through which the same may pass, or any part of which shall be appropriated there-

for, adequate compensation, out of the village treasury, for such damages as may be sustained in consequence thereof.

SECTION 62. Such damages shall be ascertained and awarded by the board of trustees, and in determining the same they shall take into consideration the benefits, if any, as well as the damages resulting from the laying out, altering or widening of such street, alley or public walk. Such award shall be in writing, signed by the president and clerk, and filed in the clerk's office. Award for damages.

SECTION 63. If any person owning any such land shall be dissatisfied with such award, and shall within thirty days after the filing thereof with the village clerk, serve on such clerk a notice of appeal to the circuit court therefrom, and deliver to the clerk an undertaking in the sum of not less than two hundred dollars, with at least one surety who shall justify his responsibility for such sum, conditioned that he will pay all the costs of such appeal in case he does not recover a greater sum than has been so awarded to him, then and in such case, the clerk shall transmit all the papers and copies of record, duly certified by him, to the clerk of the circuit court of such county, and such appeal shall be heard and determined the same as appeals from justices' courts. The appellant shall also, at the time of such appeal, serve a copy of his complaint on the clerk of such village, setting forth all the material facts on which he intends to rely in the trial of such appeal, and he shall stand as plaintiff in the cause, and the village as defendant. The defendant may answer or demur to such complaint, and the pleadings and practice in such cases shall be governed by the same rules as in ordinary civil actions. If the plaintiff shall recover a greater sum than was awarded to him, he shall also recover costs as in appeals from justices' courts, and the same shall be entered as a judgment against such village. If he shall recover less than such award, the defendant shall be entitled to costs as in appeals from justices' courts, and in such case the recovery of the plaintiff and the costs of the defendant shall be set off, the one against the other, and judgment shall be rendered for the difference in favor of the party to whom it shall be due. Appeal from award.  
Shall serve copy  
May answer or demur  
Entry of judgment.

Vacating of streets.

SECTION 64. Upon the petition in writing of all the owners of lots or land on any street or alley in such village, and not otherwise, the board of trustees may discontinue such street or alley, or any part thereof. At least one week before acting on such petition, the board shall cause a written or printed notice to be posted in three public places of such village, stating when the petition will be acted on, and what street or alley or part thereof is proposed to be vacated.

#### FINES AND PENALTIES.

How actions brought—first process.

SECTION 65. All actions brought to recover any fine, penalty or forfeiture for a violation of this act, or any ordinance, rule, resolution, regulation or by-law enacted by the board of trustees of any village in pursuance thereof, shall be brought in the corporate name of such village. The first process in all cases, except when arrest is made without process, shall be by civil warrant, and the same shall be in like form, and issued on affidavit, in like manner as civil warrants in justices' courts; but arrests may be made in all cases, without process, where the marshal shall know or be informed of any such violation.

Allegations of the complaint.

SECTION 66. The complaint shall in all cases be sufficient if, without setting forth the special matter, it allege that the defendant is indebted to the plaintiff in the amount of such fine, penalty or forfeiture; according to the provisions of the law, ordinance, regulation, rule, resolution or by-law by which the same is imposed, specifying such law, ordinance, regulation, rule, resolution or by-law, by section, chapter or title as the case may require, or in some other similar terms, referring to the same, and contain a demand for judgment for the amount of such fine, penalty or forfeiture.

Subsequent pleadings.

SECTION 67. The subsequent pleadings in any such action shall be the same, and of the same force and effect, as in actions for the collection of penalties and forfeitures in justices' courts under the general laws of this state.

Judgment for the highest sum specified.

SECTION 68. Where the fine, penalty or forfeiture shall not exceed a specified sum, the action may be brought for the highest sum so specified, and if judgment be given for the plaintiff, it shall be for the sum so demanded or such part thereof, within the prescribed limits, as the court shall deem proportionate to the

offense, together with the costs of suit; and in all cases in which the law, ordinance, rule, regulation, resolution or by-law for the violation of which the action is brought, shall so prescribe, the court shall further adjudge that in default of the payment of such sum, the defendant shall be committed to the lock-up of such village, or the common jail of such county, for such time, within the prescribed limits, as shall seem to the court to be proportionate to the offense committed; such commitment shall state the amount of the fine and costs, in default of payment of which the defendant has been committed; and any such person shall be released by the keeper of such jail or lock-up, on the expiration of the time for which he was committed, or on the order of the police justice, stating that such fine and costs have been paid. All persons committed to any such county jail shall be received and taken in charge by the keeper of such jail, and shall be kept in such jail at the expense of such county for the time for which he was committed, unless sooner released in the manner aforesaid, or by due course of law.

Imprisonment  
on default of  
payment.

SECTION 69. Appeals may be taken to the circuit court by either party from the judgment of the police court in any such action, in the same manner as appeals are taken from justices' courts in civil actions, except that where the defendant shall so appeal, he shall, as an essential part of such appeal, enter into a bond to such village, with surety to be approved by the police justice, conditioned that in case judgment be rendered against him on such appeal, he will pay such judgment, and all costs properly taxable in such action, and except, also, that such appeal shall be completed and such bond duly executed and filed with the police justice, within twenty-four hours after the rendition of the judgment so appealed from; and if the judgment appealed from be, that the defendant be committed in case of non-payment, he shall, pending the perfection of such appeal, remain in the custody of the officer; and in case the judgment in the appellate court be adverse to the defendant, execution may issue as in case of tort against the defendant and the surety in such bond.

How appeals  
taken to circuit  
court.

SECTION 70. No person shall be incompetent as a judge, police justice, justice of the peace, witness or juror, by reason of his being an inhabitant or tax payer

Not incompetent.

of such village, in any action or proceeding in which the village is a party or interested.

Shall be paid into treasury.

SECTION 71. All fines, forfeitures and penalties recovered for the violation of this act, or any ordinance, rule, regulation, resolution or by-law of any such village, and all moneys paid for licences, commissions and permits, shall be paid into the village treasury for the use of such village. The police justice shall report and pay into the treasury quarterly, all moneys collected by him belonging to such village, which report shall be verified by his affidavit and filed in the office of the treasurer, and he shall be entitled to duplicate receipts for such moneys, one of which he shall take and file with the village clerk.

No jury trials.

SECTION 72. There shall be no jury trials in such police court, except when the justice thereof shall exercise the ordinary powers and jurisdiction of a justice of the peace.

#### MISCELLANEOUS.

May adopt parts of this act by ballot.

SECTION 73. The board of trustees of any village now incorporated may, by resolution, select such sections or parts of this act as they may wish to incorporate into the charter of such village, and submit the question of the adoption or rejection of the same to the electors of such village, at any general or special election thereof. The notice of such election shall specify clearly the part or parts of this act upon which such vote is to be taken, and the form of ballot to be used in voting on such proposition, which shall be "for amendment of charter," or "against amendment of charter." Such ballots shall be deposited in a separate box, and shall be counted and the result stated and the statement recorded and filed, as in other elections. If a majority of the votes so cast shall be "for amendment of charter," the part or parts of this act so voted on shall, from and after the day of such election, be deemed a part of such village charter, and all laws inconsistent with the same shall thereafter have no force or effect in respect to such village.

Notice of election.

Form of ballot.

Orders receivable for taxes.

SECTION 74. The orders of any such village shall be received by the town treasurer, in payment of any taxes on his tax roll for village purposes.

Shall be *prima facie* evidence.

SECTION 75. A printed copy of any ordinance, resolution, regulation, rule or by-law of any such vil-

lage, published in any newspaper or in pamphlet, book or other form, and purporting to be published by authority of the board of trustees of such village, shall be *prima facie* evidence of its due passage and publication in all courts and places in this state.

SECTION 76. Every village heretofore incorporated, or which shall be incorporated under this act, shall be entitled to representation in the county board of supervisors by one supervisor, to be elected annually by the electors of such village, at the same time and in the same manner as other village officers, and the clerk of such village shall, within ten days after such election, transmit to the county clerk a certified statement of the election of such supervisor.

Shall be represented in county board.

SECTION 77. No law contravening the provisions of this act shall be considered as repealing or modifying the same, unless such purpose be expressly set forth in such law.

Not repealed by general laws.

SECTION 78. Whenever an application in writing, signed by one-third as many electors of any such village as voted for village officers at the next preceding election therefor, shall be presented to the board of trustees, praying for a dissolution of the village corporation, such board shall submit to the electors of such village at a general election, or a special election to be called by them therefor, whether or not such village corporation shall be dissolved; the form of the ballot shall be "for dissolution" or "against dissolution;" such ballots shall be deposited in a separate box, and such election shall be conducted, the votes thereat counted, and statement thereof made, recorded and filed as in other cases.

May dissolve corporation by vote.

Form of ballot.

SECTION 79. If a majority of the ballots cast at such election, on such proposition, shall be "for dissolution," such village shall, at the expiration of six months from the date of such election, cease to be an incorporated village. Within such six months the board of trustees shall dispose of the village property, and settle, audit and allow all just claims against the village. They shall settle with the village treasurer and other officers of the village, and shall cause the assets of the village to be used in paying the debts thereof. If any thing remain after paying the village debts, they may designate the manner in which the same shall be used. If they have not sufficient funds

When to take effect—disposal of property—settlement with officers, etc.

to pay the village debts, they may levy a tax to cover such deficiency, which shall be collected as other taxes, but shall be paid out by the town treasurer in payment of the outstanding village orders or bonds.

Not applicable.

SECTION 80. Chapter seventy of the revised statutes of 1858 shall not apply to villages incorporated under this act.

Work to be let by contract.

SECTION 81. All contracts for the performance of any work in any such village exceeding fifty dollars shall be let by the board of trustees to the lowest bidder, in such manner as they may prescribe.

No compensation.

SECTION 82. The president and trustees of any village shall not be entitled to compensation for their services as such officers.

Collection of judgments.

SECTION 83. The provisions of law in regard to the collection of judgments against towns, shall apply to and govern in the collection of judgments against any village, whether incorporated under the private and local laws of this state, or under the provisions of this act, so far as the same are applicable: *provided, however,* that when the law under which any such village is incorporated contains a different mode of procedure for the collection of judgments, the same may be followed.

SECTION 84. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1872.