

## CHAPTER 103:

AN ACT to incorporate the village of Fort Atkinson.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

- Boundaries.** SECTION 1. The inhabitants of the district of country included within the following lines, in the county of Jefferson in this State, to-wit: The east half of section four, (4) and the west half of section three, (3) in township five, (5) north of range fourteen, (14) east, are hereby created a body corporate and politic, by the name and style of the village of Fort Atkinson, 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, [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.
- Corporate name**
- Corporate powers.** § 2. The government of said corporation, and the exercise of its corporate powers and management of its fiscal, prudential and municipal concerns, shall be vested in a president, (who shall be ex-officio a trustee) and four trustees, and such other officers as are hereinafter provided for.
- Corporate powers vested in President, Trustees, &c.**
- Elective officers, and time and term of election.** § 3. The elective officers of said corporation shall be one president, four trustees, one marshal, one treasurer and one clerk, to be elected by the qualified voters thereof at the annual election of said corporation, to be held on the first Tuesday of May in each year, and shall hold their respective offices one year, and until their successors are chosen and qualified.
- Qualification of electors.** § 4. At the first election, and at all subsequent elections of officers in said corporation, every [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 per-

son 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 wilful and corrupt perjury, and, on conviction thereof, shall suffer such punishment as is now or shall be hereafter 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.

Penalties for illegal voting.

§ 5. At the first, and every subsequent election, the electors shall vote for one president, four trustees, one marshal, one treasurer and one clerk.

Officers to be voted for.

§ 6. It shall be lawful for the inhabitants of said village, qualified to vote for town officers in the town of Koshkonong, to meet at Winslow's Hall, in said village, on the first Tuesday of May, 1860, at one o'clock P. M., for the first election of officers, and shall choose, *viva 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.

1st election, and proceedings thereat.

§ 7. At all elections held under this act, all polls shall be opened at one o'clock, P. M., and continue open until four o'clock; and after the first election, the

Polls open.

**CHAPTER 108.**

Election board.

Duties of President.

Meetings of President and Trustees.

Peace officers, their powers.

May command assistance.

The Village Marshal, his powers and duties.

trustees, or any two of them, and the clerk of said village, shall constitute the board of election.

§ 8. 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.

§ 9. 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; 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 members.

§ 10. The president, each and every trustee, marshal, of the village of Fort Atkinson, each and every justice of the peace, and constable, of the town of Koskonong, 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 ordinances of said village, within the limit 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.

§ 11. The marshal shall possess all the powers, and enjoy all the rights, of a constable, in the town of Koshkonong, 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, 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 offences

against the State, or the ordinances of this village, and forthwith to bring such person 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 of by the trustees.

CHAPTER 103.

Compensation.

Official bond.

§ 12. 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 and 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 object. 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 persons from whom the amount of the several sums received, and the source from whence the said sums respectively arise, which said books, at all reasonable times, shall be open to the inspection of 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, [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.

Village Treasurer.

Receipts into, and disbursements from village treasury.

Treasurer's accounts.

Reports.

Bond.

§ 13. 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 their annual and other legal meetings, and to keep on file all papers which may be ordered by the trustees. The records of the clerk shall be evidence in all legal

Village Clerk.

His records to be evidence.

**CHAPTER 108.** 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.

§ 14. Evry [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 meetings, and notice thereof.

§ 15. 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. Every notice of a special meeting shall state the object for which such meeting is called.

Vacancies to be filled by Trustees.

§ 16. 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 President and Trustees.

§ 17. 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, or 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 laws of the United States and 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 powder, and other dangerous materials; to direct the construction of a safe place of deposit of ashes; to appoint one or more fire-wardens to enter into, at reasonable times, and examine the dwelling houses, lots, yards, enclosures and buildings of evry [every] description, in order to discover whether any of them are in a

Proviso.

Authority in respect to Fire Companies.

Fire, engines, etc.

Storing powder Ashes.

Appointment of Fire Wardens.

dangerous condition, and to cause such as may be dan-  
 gerous to be put in a safe condition, to regulate the  
 manner of stoves and stove pipe; to prevent bonfires,  
 and the use of fire works and fire arms within the lim-  
 its of said village; to aid in the extinguishment of fires,  
 and to pull, break down, and raze such building 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 meas-  
 ures of prudence for the prevention and extinguishment  
 of fires as they may deem proper. 2d. To prevent  
 abate and remove nuisances, and to take such measures,  
 for the public health, as they may deem proper, and to  
 compel the owner, or occupant, of any grocery, saloon,  
 cellar, tallow chandler's shop, soap factory, tannery,  
 stable, barn, market, privy, sewer, or other unwholesome  
 or 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 conven-  
 ance of the inhabitants of the village. 3d To license  
 and regulate the exhibitions of common 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 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 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 all slaughter-houses  
 and markets. 7th. To prevent the encumbering of the  
 streets, side-walks, alleys or public grounds, with car-  
 riages, carts, wagons, sleighs, boxes, lumber, fire-wood  
 or other material or substances whatever. 8th. To pre-  
 vent horse-racing, immoderate driving or riding in the  
 streets, to prevent the public exhibition of stallions, and  
 to regulate the place of bathing and swimming in waters  
 within the limits of the village. 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

CHAPTER 100.

Protection  
against fires.Razing build-  
ings.Constructing  
reservoirs, etc.To abate nu-  
isances.To license  
shows.Prohibit  
gaming.Restrain riots,  
etc.Locate slaugh-  
ter houses.Clear side-  
walks.Prevent racing  
and indecent  
exhibitions.Restrain cattle  
and hogs, etc.

- CHAPTER 108.** five dollars for every such animal found so going at large, in violation of the laws of the village. 10th. To prevent the running at large of dogs, and authorize the destruction of the same, in summary manner, when at large, contrary to the ordinances, or to impose a tax upon the same. 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 expence 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. 12th. To establish and regulate boards of health, to provide hospitals 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, 13th. To provide for the security and protection of bridges and restrain fast driving upon the same. 14th. To prevent all persons from riding or driving any horse or mule, cattle, or other animal, on the side-walks in said village, or in any way doing any damage to such side-walks. 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. 17th. To protect trees and monuments in the village, and to require the owners of any lots in the village, to set out ornamental or shade trees, on the street fronting the same, and in default thereof, to cause the same to be done and levy a special tax upon said lot to pay the expense of the same, *Provided*, The resident owners of one half of one half of the lots on such street or part of street shall have first petitioned the trustees to have the same done. 18th. To establish the grade of all streets in said corporation, and to appoint a surveyor, and prescribe his duties and fix his compensation, not to exceed the pay allowed by law to others for like services. 19th. To
- To tax or restrain dogs.**
- To prevent or remove offensive substances.**
- Establish boards of health, cemeteries, etc.**
- Protect bridges**
- Protect side-walks.**
- Prevent drunkenness and obscenity.**
- Regulate police**
- Set out and protect shade trees.**
- On petition.**
- Fix grade of street and appoint surveyor.**

have the exclusive power, within the limits of said village, to grant licenses for selling spiritous, vinous or fermented liquors; to regulate groceries, saloons, taverns, victualing houses, and to revoke the same for a violation of any ordinance of said village, or the laws of this state. The sum to be paid for such licenses shall not be less than the amount fixed and provided by the laws of this State. Said licenses to be for a term of one year: *Provided*, That the treasurer of said village of Fort Atkinson shall annually on or before the first day of January, of each year, pay to the treasurer of the county of Jefferson the sum of ten dollars for each license so granted, which shall be in full for all license money required to be paid by said village of Fort Atkinson to the county treasury.

CHAPTER 108.  
Grant licenses.

Part of license to be paid Co. Treasurer.

§ 18. 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 offence, 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 said village of Fort Atkinson shall have the use of the jail of the county of Jefferson, 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.

Of penalties.

By fine.

Imprisonment.

Use of county jail granted.

§ 19. 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 be *prima facie* [facie] evidence of the passage and publication of such ordinance.

Of process, declaration and answer.

Printed copy.

§ 20. Every [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,

Executions shall direct imprisonment for non-payment.



**CHAPTER 108.** 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 recovery of any fine penalty or forfeiture, shall be defrayed by the corporation.

Village to have penalties and pay expenses.

Publication of ordinances and proof thereof.

§ 21. 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, when such publication may have been made, shall be conclusive evidence of the publication and promulgation, of such ordinance, regulation, rule, or by-law in all counts [courts] and places.

Of jurors, where village is a party.

§ 22. 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 said village is a party or interested.

Further powers conferred upon Trustees.

§ 23. The trustees shall power to appoint one street commissioner, and to lay out, grade, open and keep in repair, pave or otherwise improve streets, avenues, lanes, alleys sewers and sidewalks and crosswalks; to insure the public property of the village; to direct in the prosecution, and defence 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 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 previous, shall vote to allow a larger sum to be

Limitation upon taxes for corporate purposes.

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.

CHAPTER 103.

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

Of auditing accounts against the village.

§ 25. 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 endorsed 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.

Claims to be verified.

§ 26. 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

§ 27. Every [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 shall 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.

Names to be recorded.

§ 28. 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

Nature of warrant.

Amount of warrant to be recorded.

**CHAPTER 103.** before such warrant shall be delivered to the claimant.

**How claims paid.** § 29. No such account or claim shall be paid, except by the treasurer, on the warrant of the trustees, endorsed on, or annexed to, the account or claim for which it shall be drawn.

**Paid accounts to be filed.** § 30. 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.

**Of sidewalks.** § 31. 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 side walk 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 or lot, and collected in the same manner as the regular yearly taxes.

**Highways and grades.** § 32. The overseer of the road districts, in repairing the highways within the limits of the village charter, must conform to the grades established by the trustees, and all sidewalks built, or repaired, shall be upon the grade established by the trustees: *Provided*, That nothing in this act shall be so construed as to change the liability of the town of Koshkonong from constructing, repairing, and keeping in repair, the bridges within the corporate limits of said village.

**Bridges.**  
**Delinquent sidewalk or improvement, how to be completed.** § 33. On the expiration of the sixty days allowed to complete any improvement or sidewalk, the street commissioners, 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 (10) per cent. added thereto, opposite the name of the person or the description of property, against which such delinquent improvement or sidewalk was made, by the said street commissioners, and the same shall be collected in the same manner as the general taxes of said village are collected. CHAPTER 108.

§ 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 Koshkonong, 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 Koshkonong 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 Fort Atkinson. General tax,  
how assessed  
and raised.

§ 35. The trustees shall also certify, in a like manner, all delinquent improvement or sidewalk taxes, with a description of the persons and 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. Delinquent im-  
provement.

§ 36. 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, to be expended on the streets of said village, but any such Highway tax.

CHAPTER 106.

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 money or labor, the street commissioner may sue for and collect such money, with the costs of suit, in the name of the village of Fort Atkinson. 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.

§ 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 served.

Paper to be  
transmitted.

Statement of  
finances to be  
published.

§ 38. The trustees of said village shall, within ten days 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 statements 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.

First statement

Special elec-  
tion may be  
held.

§ 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 (other) 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 an other time upon which the said duties may be done: *Provided*, That the officers so failing to execute such actions, fines and penalties, as they would have been had not said power been conferred upon and exercised by the trustees.

CHAPTER 102.

Notice.

Liabilities of officers.

§ 40. A majority of the trustees shall be a 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*.

Quorum.

§ 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.

§ 42. In case the first election, provided for in the sixth 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.

Term of office.

§ 43. In case this charter shall hereafter be in any way altered or amended, such alteration or amendment shall not take effect until the same shall have been submitted by the trustees to a vote of the qualified

How charter may be amended.

**CHAPTER 103.** electors, at a general election, or a special election, duly notified for that purpose, and shall be approved by a majority voting at such election.

**Exemption from jury and military duty.** § 44. Every inhabitant of said village belonging to any hook and ladder company, or any fire engine company, which has been duly organized by the trustees, shall be exempt from service on any jury, and from doing military duty, except in case of war, invasion or insurrection.

**No compensation.** § 45. 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.

**Limitation of powers of corporation.** § 46. 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 Commissioners** § 47. The street commissioner of said village shall, under the direction of the president and trustees, superintend the grading, paving and improving of streets and the building and repairing of sidewalks, 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.

**Compensation.** § 48. At any time after this charter has been in operation two (2) years, the president and trustees shall, on the written application of fifty electors of the village, requiring them to do so, call a special election, by giving fifteen days notice in the usual way, at which election they shall submit to the electors the question of surrendering this charter and returning to a town organization. The election shall be by ballot, and each ballot shall contain the words, "For repeal of village charter, yes," or, "For repeal of village charter, no." If a majority of the electors, voting at such election, shall vote in favor of continuing a village organization,

**Relating to repeal of village charter after 2 years.**

and against the repeal of the village charter, the village organization shall continue, but if a majority of the electors voting at such election shall vote against a village organization and in favor of returning to a town organization, then, and in that case, the president and trustees shall cease to exercise the powers conferred on them by this charter, and the village organization shall cease, and the territory embraced within the village plat shall return to and be subject to the jurisdiction of the town of Koshkonong; but such vote to relinquish the village charter shall in no ways effect [affect] any fines or forfeitures already incurred, or any delinquent sidewalk or street improvement tax which was at the time of taking the vote, actually due and unpaid. In case such dissolution of the village organization shall take place, the supervisors of the town of Koshkonong shall have all the power to collect all delinquent taxes, and all fines and forfeitures, then due and unpaid, and pay all debts, demands and liabilities with the same, as are, by this act, conferred on the trustees of the village, and the surplus, if any, after paying all legal claims, they shall pay into the town treasury. But no such election shall be called or vote taken more than once in any one year. All elections called under this section shall be conducted in the same manner, and subject to all the provisions made in this act for village elections.

CHAPTER 104.

Repeal not to affect unpaid taxes, &amp;c.

In case of repeal.

Election but once a year.

§ 49. 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.

Declaration.

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

Approved March 14, 1860.

[Published March 17, 1860.]

## CHAPTER 104.

AN ACT to amend an act entitled "An act to incorporate the city of La Crosse, and the several acts amendatory thereto," approved March 14th, 1860.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the territory now included in the second ward of the city of La Crosse, which lies west

Ward bounds

ries.