

## CHAPTER 90.

[Published March 2, 1864.]

AN ACT to amend chapter 14 of the revised statutes, entitled "of resignations, vacancies and removals, and of supplying vacancies."

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

Resignation of judges—to whom made.

SECTION 1. Section 1 of chapter 14 of the revised statutes is hereby amended, by adding thereto, to stand as subdivision six, the following: "By the judges of the supreme, circuit or county courts, to the governor."

Governor may fill vacancies in certain county offices.

SECTION 2. Section 13 of said chapter is also hereby amended, so as to read as follows: "Sec. 13. When at any time there shall be in either of the offices of county judge, register of deeds, district attorney, sheriff or coroner, no officer duly authorized to execute the duties thereof, some suitable person may be appointed by the governor to fill such vacancy."

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

Approved February 26, 1864.

## CHAPTER 91.

[Published March 2, 1864.]

AN ACT to incorporate the village of Boscobel.

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

Village of Boscobel—boundaries.

SECTION 1. All of that district of country described as follows: All of section twenty-two which lies in Grant county, the west half of section twenty-six, all of the east half of section twenty-seven which lies in Grant county, the northeast quarter of section thirty-four, and the northwest quarter of section thirty-five, all in town eight north, of range three west, shall hereafter be known and designated by the name of the "village of Boscobel," and the inhabitants residing or who may here-

after reside within the limits of the said village, are hereby constituted a body corporate by the name of "the president and trustees of the village of Boscobel," and by that name they and their successors forever hereafter shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, and pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all suits 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.

SECTION 2. The government of said corporation, and the exercise of its corporate powers and the management of its fiscal, prudential and municipal concerns, shall be vested in a president and three trustees, and such other officers as are hereinafter provided for. Government—  
how vested.

SECTION 3. The officers of said corporation shall be one president and three trustees, one clerk, one treasurer, one police justice and one constable, who shall be *ex officio* marshal of said corporation, and such other officers as the trustees shall ordain. The president and trustees and police justice shall be elected by the qualified voters of the said corporation on the second Monday of March, in each year, and shall hold their respective offices for one year, and until their successors are elected and qualified. The clerk shall give at least ten days' notice of the time and place of holding any election, and the president and trustees, or any two of them, shall preside at every such election; and any vacancy in the office of president shall be filled by a special election, and vacancies in the office of trustees shall be filled by the president and trustees. All other officers shall be appointed by the president and trustees, and shall hold their offices during the term for which the trustees are elected, and until their successors are appointed and qualified, and shall be subject to removal by the president and trustees. All persons qualified to vote in said village for member of the state assembly, and who are residents of said village at the time such vote is offered, shall be legal voters for corporation officers; and the president shall be *ex officio* a trustee of said village. Officers.  
Annual election.  
Appointed officers.

The voters present at any election may appoint three voters to act as judges of election, in case there shall not be a quorum of trustees present to conduct the election.

How elections conducted.

SECTION 4. At all elections held under this act, the polls shall be opened at one o'clock in the afternoon, and shall continue open until five o'clock in the afternoon of the same day; and the election shall be by ballot, conducted in the same manner, as far as may be, as elections for members of assembly, and a plurality of votes shall in all cases decide the election.

Special elections.

SECTION 5. In case such officers or any of them shall not be elected as herein provided, the corporation shall not thereby be dissolved, but special elections for the election of president and trustees may be held as herein provided for annual elections, and in case there shall be no officer to give notice thereof, then such notice may be given by any ten freehold voters of said village, as herein provided for annual elections.

Oath.

SECTION 6. Every officer elected or appointed under this act, before he enters upon the duties of his office, and within ten days after his appointment or election, shall take an oath faithfully to discharge the duties of his office and to support the constitution of the United States and of this state, and the laws thereof.

Treasurer and constables to give bonds.

SECTION 7. The treasurer and constable before they enter upon the duties of their offices, shall severally give bonds to the trustees in such sum, with such conditions and with such sureties as said trustees, or a majority of them, shall direct.

President—his duties.

SECTION 8. The president shall preside at all meetings of the trustees, 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, and when presiding at any meeting of the trustees, shall have a casting vote when the votes of the members are equal.

Police court—powers and jurisdiction of police justice.

SECTION 9. There is hereby created and established a municipal court in the said village, to be styled "the police court," and the person elected police justice of said village shall hold the said police court, and he shall have power to administer oaths and affirmations, and to take and certify acknowledgments and proofs of the execution of deeds and other instruments of writing rela-

ting to real estate or other matters required by law to be acknowledged or recorded, or both. As a judicial officer and court, the said police court and justice shall have and possess all the authority, jurisdiction, powers and rights of justices of the peace and justices' courts in civil and criminal proceedings, and shall have concurrent jurisdiction with justices of the peace and justices' courts of this state residing in the said village, of all civil and criminal actions and cases for the violation of any provisions of this act or any ordinance, by-law, rule, regulation [or] resolution of the said village; and the said police justice shall receive the same fees as a justice of the peace receives for his services, but the village shall not be liable for his fees except such as accrue in prosecutions or actions brought in the name of the corporation for the violation of the provisions of this act, or for the violation of the ordinances of the said village. Appeals and writs of *certiorari* may be taken from the judgment of the police justice in the same manner and with the same effect as from justices of the peace.

SECTION 10. The president and trustees shall pre-<sup>Meetings, rules, &c.</sup>scribe the time and fix the place of their meetings, which shall at all times be open to the public, and shall determine the rule of their proceedings, and keep a journal thereof, which shall be open for the inspection of every respectable citizen at all seasonable times and hours, and shall have power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules and regulations for their government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its members.

SECTION 11. The marshal shall possess all the powers and enjoy all the rights of a constable of this state, and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed by the police justice or other judicial officer, and when necessary in criminal cases or for the violation of any of the provisions of this act or of any ordinance of said village, or by-law, rule, regulation or resolution thereof, he may serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to apprehend all disorderly persons in said village, and pursue and ar-<sup>Marshal—his powers, duties, fees, &c.</sup>

rest any person fleeing from justice in any part of the state of Wisconsin, to apprehend any person in the act of committing any offense against the provisions of this act or of the laws of this state, or the ordinances, by-laws, rules, regulations of the village, and forthwith to bring such person before competent authority for examination; and for such and other similar services he shall receive like fees as allowed to constables for like services. It shall be the duty of the marshal to see that all peddlers, hawkers and common showmen, and all other exhibitors, pay their licenses according to law, and this act and the ordinances of the village, and in default of payment, to prosecute for the same in the corporate name of the village, and pay over the same to the treasurer when received by him.

Treasurer—his duties.

SECTION 12. The treasurer of said village shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances, rules, regulations, resolutions or by-laws of said village, and by law. 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 belongs to said village, shall be paid to and received by him, and shall not be drawn therefrom except by a written order signed by the president and countersigned by the clerk, by order of the trustees. Such order shall specify the amount of money to be drawn, and its objects. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the trustees for that purpose, which shall remain the property of the village, wherein he shall note the time when, the person from whom, the amount of the several sums received, and the source from whence the said sums arose, which said book, at all reasonable times, shall be open to the inspection of the electors of the village. He shall as often as the trustees require, render to said trustees a minute account of his receipts and payments, and at the expiration of his term of office he shall pay over and deliver to his successor all moneys, books and vouchers in his possession belonging to said village.

Clerk—his duties and powers.

SECTION 13. It shall be the duty of the clerk to keep a record of the doings of the board of trustees, especially of the passing of by-laws, ordinances, rules, resolutions and regulations, and also a faithful record of all the

doings 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 kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the record of 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. He shall keep the corporate seal of the said village. He shall keep a full and accurate account of all orders drawn on the treasury, in a book provided for that purpose, and shall keep all accounts of the corporation with individuals, and shall also keep an accurate account with the treasurer, and charge him with all taxes levied, and the sums of money paid into the treasury; and all receipts of the payment of money or property to the treasurer shall be countersigned by the clerk before they shall be a legal voucher against the village. The clerk shall have power to administer oaths.

SECTION 14. The president and trustees shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

Other duties may be required of officers.

SECTION 15. If any person having been an officer in said village, shall not within ten days after notification and request, deliver to his successor in office all property, moneys, books, papers and effects of every description in his possession belonging to said village, or pertaining to the office he may have held, he shall forfeit and pay to the use of the village one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Penalty.

SECTION 16. The style of all ordinances passed by the president and trustees shall be "the president and trustees of the village of Boscobel do ordain as follows."

Style of ordinances—quorum

The president and two trustees, or three trustees, shall constitute a quorum for the transaction of any business, and in the absence of the president, the trustees present shall appoint one of their number president *pro tem.*, who shall possess all the powers of the president.

Licenses.

SECTION 17. The president and trustees shall have the exclusive authority, within the corporate limits of the said village, to grant, according to law or ordinance, or both, licenses for selling wine, beer or cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks; regulate and license groceries, taverns, hotels, victualing houses and saloons, and all persons vending or dealing in any such liquors, drinks or liquids, [and] to revoke the same; and no person shall sell, vend, deal in, or, for the purpose of evading the provisions of law, or of this act, or the ordinances of said village, give away any such wine, beer, cider, or intoxicating, spirituous, alcoholic, vinous, fermented, mixed or malt liquors or drinks, within such corporate limits, without having first obtained license thereof, as provided by this act, the laws of this state and the ordinances of said village; and any persons who shall in any manner violate any of the provisions of this section, or the ordinances or laws herein referred to, shall, on conviction thereof, be punished as provided by the laws of this state and the ordinances of said village on this subject, and all such offenses shall be prosecuted as provided by such laws and ordinances. All money received for such licenses shall be paid to the treasurer of said village for its use: *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state or the ordinances of the said village, and that no license shall be granted for a less time than one year; *and provided, further*, that no person thus licensed, without being so licensed, shall sell or give away any such wine, beer, cider, or spirituous, intoxicating, alcoholic, vinous, fermented, mixed or malt liquors, liquids or drinks, on election day or on Sunday. In all prosecutions for any violation of this section, or of the laws or ordinances herein referred to, it shall be sufficient to allege in general terms the selling, vending, dealing in or giving away, without such license, of such inhibited liquors, liquids or drinks, and the proof on the trial of such selling, vending, dealing in or giving away to any person of any one of such inhibited

Penalties for violation of license laws.

liquors, liquids or drinks, shall be sufficient to warrant and sustain a conviction, on proof that the person charged kept a bar, sideboard, or other thing or fixture, with bar furniture usually used by persons vending or dealing in such inhibited liquors, liquids or drinks, shall be *prima facie* evidence sufficient to warrant and sustain a conviction, or proof that he delivered any such inhibited liquors, liquids or drinks to any person, shall also be *prima facie* evidence sufficient to warrant and sustain a conviction for any such violation.

SECTION 18. No person shall keep a slaughter-house, Slaughter houses yard or pen, or occupy any open ground for slaughtering purposes, within the corporate limits of the said village, or keep any such place for depositing the offal of slaughtered animals within such limits, without the consent of said president and trustees, entered of record; and any person who shall violate this section shall, on conviction thereof, forfeit and pay for each day he shall keep or occupy any such place for such purpose, the sum of twenty dollars, with costs of prosecution, and shall also, in addition thereto, be guilty of a misdemeanor, and on conviction thereof shall be punished by fine and imprisonment. All such places are hereby declared to be "common nuisances," and shall be abated as provided by law and the ordinances of said village.

SECTION 19. The president and trustees shall have Powers and duties of president and trustees. the control and management of the finances and of all the property of the village, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal 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, and for the benefit of trade, commerce and health, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, regulations, resolutions or by-laws; and such ordinances, rules, regulations, resolutions or by-laws are hereby declared to be and have the power and force of laws: *provided*, that they be not repugnant to the constitution and the laws of the United States or of this state; and for these purposes shall have authority by ordinances, resolutions, by-laws, regulations or rules:



Shows.

1st. To license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, and to provide for the abatement and removal of all nuisances under the ordinances or at common law; to restrain, prohibit or license billiard tables, ten pin or other ball alleys, or the setting up or playing on the same in said village.

Gaming.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gaming in said village, and to restrain any person from vending, giving or dealing in spirituous, intoxicating, alcoholic, malt, mixed, fermented or vinous liquors, unless duly licensed by them.

Riots, &amp;c.

3d. To prevent any riots, noises, disturbances, or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Nuisances.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, stable, barn, privy, sewer or other unwholesome nauseous house or place, to cleanse, remove or abate the same from time to time as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said village.

Slaughter houses and gunpowder.

5th. To direct the location and management of slaughter-houses and to prevent the erection, use and occupation of the same, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same or other combustible materials.

Incumbering streets, &amp;c.

6th. To prevent the incumbering of streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, firewood or any other materials or substances whatever.

Horse racing.

7th. To prevent horse-racing, immoderate riding or driving in the streets.

Restraining horses, &amp;c.

8th. To restrain the running at large of horses, cattle, mules, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

Dogs.

9th. 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 ordinances.

10th. To prevent any person from bringing, depositing or leaving within said village any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, and in default of such person, to authorize the removal thereof by some competent officer, at the expense of such person or persons. Putrid carcasses, &c.

11th. To make and establish a pound and appoint a pound-master. Also, to protect shade or ornamental trees on the public squares or in the streets of the corporation. Pounds, &c.

12th. To call regular and special meetings of the voters of the said village, and to prescribe the compensation of the clerk of the corporation, and shall examine, audit and adjust the accounts of all persons, but shall receive no compensation whatever for their services as officers of said village. Meetings—compensation of officers.

13th. 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 construct and preserve reservoirs, pumps, wells and other water-works, and regulate the use thereof, and, generally, to establish such measures of prudence for the prevention or extinguishment of fires as they may deem proper. Fire companies, &c.

14th. To restrain drunkards, immoderate drinking or obscenity in the streets or other places in the said village, and to provide for the arresting, removing and punishing any person or persons who may be guilty of the same. Drunkards, &c.

15th. To regulate, suppress or license hawkers and peddlers. Peddlers.

16th. They shall have power to require the owner of any lots or grounds in the village to set out ornamental trees in the street or streets fronting the same, and in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expense of the same. Shade trees.

17th. To compel the owners of buildings or the occupants, when the same are occupied, to remove snow, dirt or rubbish from sidewalks, streets or alleys opposite thereto, and in default, to authorize the removal of the same by some officer of the village, at the expense of such owner or occupant. Rubbish, &c.

Poll-tax.

18th. To tax every male resident of said village above the age of twenty-one years, one day's labor, or in lieu thereof one dollar, to be appropriated to improving the roads and streets of said village under the direction of such person as they may appoint.

Side-walks, &amp;c.

19th. Upon the application of the owners of two-thirds of the lots on any street or part of a street, or on one side of any block, to levy and collect a special tax on the owners of the lots on such street or part of street, according to their respective parts, for the purpose of making a sidewalk along the same, or grading, paving and improving the street along the same.

Opening streets, &amp;c.

20th. To make, open, keep in repair, grade, improve, lay out, altar, widen, vacate or discontinue streets, lanes, alleys, sewers and sidewalks, to keep them free from encumbrances and to protect them from injury, in said village.

Tax for street improvements.

SECTION 20. Whenever the trustees shall levy any tax for the purpose of grading, paving or otherwise improving any street, or for the building or repairing any sidewalk, or for any other special purpose, they shall make out and deliver to the street commissioner such tax to be collected and expended, [and] a list of persons and a description of the property taxed; and thereupon the street commissioner shall notify the persons named in such tax list, by publishing a notice in three or more of the most conspicuous places in said village, or in some public newspaper printed therein, and shall specify in such notice a time, not less than twenty days nor more than thirty days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials or money; and the persons charged with such tax may, within such time and at such place as may be required by such street commissioner, pay their taxes in labor or materials: *provided*, the labor and materials offered in payment for such taxes are suitable and such as may be required by said street commissioner.

Collection of taxes.

SECTION 21. At the expiration of thirty days from the time the said street commissioner shall have received such tax list, he shall return the same to the trustees, accompanied by a statement verified by his affidavit subscribed thereto, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was

expended, and the items of expenditures; also, the taxes which remain unpaid, and the persons and description of real estate and lots to which such unpaid taxes stand charged; and the clerk of said village shall make out a certified copy thereof, and deliver the same to the town clerk of the town in which said village is situated, who shall, in making out the duplicate tax and assessment of such town next thereafter, enter such unpaid special taxes therein in a separate column, with ten per cent. added thereto, opposite to the names of the persons and descriptions of property against which the taxes so remain charged and unpaid; and such taxes shall be collected in the same manner as the general taxes of said village and town are collected, and when so collected shall be paid over on the order of the trustees, and when not previously applied shall be expended under their direction on the street or sidewalk, or for the purpose for which they were originally assessed.

SECTION 22. In all cases in relation to which, by the provisions of this act, the president and trustees have power to enact or pass ordinances, rules, regulations, resolutions or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinances, rules, regulations, resolutions or by-laws, not exceeding fifty dollars for any one offense in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such term as they may, by such ordinance, by-law, rule, regulation or resolution direct, not exceeding thirty days, for which purpose the said village shall have the use of the jail of the county in which said village is situated, for the imprisonment of any person liable to be imprisoned; and all such persons committed to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county; and every execution issued upon judgments for any violation of the provisions of this act or for the violation or non-observance of any ordinance or by-law, rule, regulation or resolution of said village, shall contain a clause directing, in the event of non-payment of the judgment, the imprisonment of the defendant in the said county jail or the jail provided by said village, for such term as shall have been provided for by this act, or the ordinance, rule, regulation, resolution or

Penalties for violations of ordinances, &c.

Defendant may be imprisoned.

by-law under which the judgment shall have been rendered, or in the discretion of the court, in the absence of such provision by this act or by rule, regulation, resolution, by-law or ordinance. All fines, penalties and forfeitures when collected shall be paid into the treasury of said village for its use.

How actions to  
recover penalties  
to be brought.

SECTION 23. All actions brought to recover any penalty, or sum of money or forfeiture under this act or the ordinance, by-laws, or rules, regulations, resolutions, shall be brought in the corporate name of the village, without being required to give security for costs in any such action, and the process may be either by summons or warrant, and it shall be sufficient without setting forth the special matter to declare generally, stating the clause of this act or by-law, ordinance, resolution, rule or regulation under which the action is brought. The defendant may plead the general issue and give the special matter in evidence, and a printed copy of an ordinance, by-law, rule, regulation or resolution, published in a newspaper or pamphlet by authority of the trustees, shall be *prima facie* evidence of the passage and publication of such ordinance, by-law, rule, regulation or resolution.

Publication of  
ordinances, &c.

SECTION 24. Any ordinance, regulation, resolution, rule or by-law, imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper in the village before the same shall be in force, except as hereinafter provided; and proof of such publication by affidavit of the printer or foreman in the office of such newspaper, or by producing such newspaper containing such publication, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation, resolution, rule or by-laws in all courts and places; and within ten days after such publication, they, with said affidavit, shall be recorded by the clerk of the village in books to be provided for that purpose, which record shall also be conclusive evidence of such publication and passage of such ordinance, rule, regulation, resolution or by-law, in all courts and places. No ordinance, rule, regulation, resolution, by-law or appropriation shall be passed, made, altered, amended or repealed, without an affirmative vote of a majority of the president and trustees in its favor, which vote shall be taken by "ayes" and "noes," and entered of record.

**SECTION 25.** All notices, ordinances, by-laws, rules, <sup>Ibid.</sup> regulations, resolutions or other matter required by or under this act to be published in a newspaper, shall be published in a weekly newspaper published in said village, if there be one, and if no such paper shall be published in said village, then the same shall be published by posting up the same, either in writing or print, in three or more of the most public places in the said village. In all actions brought by or in the name of the said village, or against it, the said village shall have the same right of appeal, or to a writ of *certiorari* or of error, as individuals have, and in no case shall any judgment be rendered against said village for costs, but it shall be liable for costs to the same extent that the state is liable for costs in criminal cases, and no more; and no person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said village, in any action or proceeding in which said village is a party or interested. <sup>Appeals.</sup>

**SECTION 26.** The powers conferred upon the said president and trustees to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. <sup>Suits to abate nuisances.</sup> Gambling houses, houses of ill-fame, disorderly taverns and houses or places where intoxicating, alcoholic, malt, mixed, spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances, and shall be abated as herein provided, and according to the laws of this state for abating nuisances.

**SECTION 27.** The police justice and the justices of the peace residing within the corporate limits of said village, shall have exclusive jurisdiction of all actions arising under this act or the ordinances, by-laws, rules, resolutions or regulations passed in pursuance of this act, unless otherwise specially provided. <sup>Exclusive Jurisdiction.</sup>

**SECTION 28.** The trustees shall have power to appoint and at their pleasure to remove the follow officers, to wit.: one chief engineer of the fire department and a street commissioner, and prescribe their duties and fix their compensation under the provisions of this act, and to require bonds for the faithful performance of <sup>Removal of officers.</sup>

their duties, when deemed expedient and necessary by the trustees.

Service of process  
against village.

SECTION 29. When any suit or action shall be commenced against the said village, the service in such case shall be made by leaving a copy of the process, duly certified to by the proper officer, with the president, and it shall be the duty of the president forthwith to inform the trustees thereof, or to take such other proceedings as by the ordinances or resolutions of said village may be in such case provided.

Village debts.

SECTION 30. No real or personal property of the said village, or of any inhabitant of said village, or of any individual or corporation, shall be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said village.

Damages for  
widening streets.

SECTION 31. The president and trustees, in case of laying out or widening any street, alley or public walk, shall pay to the owner or owners of any land or lots through which any such street, alley or public walk so laid out or widened by them shall pass, adequate compensation for any damages which may be sustained in consequence.

How to be ascer-  
tained.

SECTION 32. Such damages shall be ascertained by six freehold electors of the said village, to be summoned by the police justice upon the request of the president of said village for that purpose, as a jury, who shall determine the necessity thereof. They shall be selected by the said president and the party claiming damages, in the same manner as jurors before justices of the peace in civil cases are selected, and after being selected and summoned as aforesaid, they shall be sworn by some person having power to administer oaths, truly to ascertain upon actual view, first, the necessity thereof, and then such damages. They shall take into consideration the benefit, if any, as well as the damage from the laying out or widening of such street, alley or public walk to such party claiming damage, and the persons so selected, summoned and sworn shall proceed to the discharge of their duty in the premises, and make report in writing over their several signatures to said president within twenty-four hours, which report shall be binding upon the corporation and the party claiming such damage.

Expenditure of  
highway taxes.

SECTION 33. All highway taxes assessed or payable on property or persons resident or being within said

village, shall be expended on any and all the highways, streets and bridges in said village, but not on any sidewalk, crossing or alley, and the overseers of highways in said village, and every overseer of highways of whose district any portion of said village shall form a part, shall apply and expend the highway taxes assessed and collected on property or persons resident or being within said village, under and according to the direction and control of the board of trustees of such village, or such person as they may appoint, any law to the contrary notwithstanding; and said board shall have power to appoint during their pleasure, a street commissioner as their agent to direct and control the expenditure of highway taxes in said village, and the building and repairing bridges therein, whose compensation for services rendered by him in the discharge of his duties, shall be such as they may order or allow: *provided, however*, that the board of trustees of said village may, by special order previously made, allow such portion of the highway taxes assessed or collected as aforesaid in said village, not exceeding one half-part thereof, to be expended without the limits of said village, on any public highways leading from said village.

SECTION 34. The president and trustees shall have power, and it is hereby made their duty, in each year to levy and assess upon the taxable property in said village, such a sum of money as taxes as shall be sufficient to pay and discharge the outstanding debt of the corporation, if any, and its expenses for the current year, after applying the money derived from other sources to such purposes, and no more. Tax for outstanding debts.

SECTION 35. All taxes raised and collected in the said village of Boscobel for the purposes authorized by the last preceding section, shall be levied and assessed upon the same kinds of property, real and personal, within the corporate limits of the said village, as taxes for town, county and state purposes are levied and assessed. How tax collected.

SECTION 36. The president and trustees of the said village shall on or before the first Monday of November, in each year, by resolution to be entered on the records, determine the amount of such corporation tax to be levied and assessed on the taxable property within the corporate limits of the said village for the current year; and the clerk of the said village shall thereupon, on or



before the third Monday of the same month of November, in each year, deliver to the town clerk of the town in which such village is situated, a certified copy, under his hand and name and the corporate seal of the said village, of all resolutions of the said president and trustees determining the amount of taxes to be levied and assessed for the current year, together with a description of the territory included within the corporate limits of the said village.

How assessed  
and collected.

SECTION 37. The town clerk or other proper officer, as the case may be, of the town in which such village is situated, shall assess, apportion and carry out such corporation taxes, pro rata, according to the dollar valuation, upon all the real and personal property liable therefor, in a separate column in the tax and assessment roll and warrant of his town next thereafter issued and delivered to the town treasurer of his town for collection, in the same manner as he shall assess, apportion and carry out town, county and state taxes; and if for any reason such corporation taxes shall not be assessed, apportioned and carried out in the next assessment and tax roll and warrant as herein provided, it shall or may be assessed, apportioned, carried out and collected in that of any succeeding year. The said corporation taxes shall be in all respects collected or returned delinquent in the same manner as town, county and state taxes are collected by law, and when collected shall be paid over by any officer collecting or receiving the same to the treasurer of the said village. Any officer or other person who shall neglect or refuse, on demand, to pay over any such corporation taxes when collected or received by him in any manner, to such village treasurer, shall be liable to an action therefor, with twenty-five per cent. damages added thereto, to be sued for and recovered in the corporate name of the said village, both against such defaulting officer or other person, and his sureties.

Duty of town  
assessor.

SECTION 38. The town assessor of the town in which said village is situated, in assessing the taxable property in his town in each year, shall assess the taxable property, real and personal, within the corporate limits of the said village in one continuous part of his assessment roll, and foot up the valuations of all the items of property assessed and valued by him within said limits.

Statement of  
election of officers  
to be filed

SECTION 39. No general law contravening the provisions of this act, shall be considered as repealing,

amending or modifying the same, unless such purpose be expressly set forth in such law. It shall be the duty of the clerk of said village, immediately after any election under this act, to make out a statement of the persons elected as corporation officers, and of the persons appointed to the offices of clerk, constable and treasurer of the corporation, whenever an appointment of such officer is made, with the fact of the acceptance and qualification of such officer so elected or appointed, under his hand and corporate seal, and file the same in the office of the clerk of the circuit court of the county in which said village is situated; and it is hereby made the duty of the clerk of such circuit court to file the same in the same manner as he files and preserves like certificates of the election and qualification of justices of the peace and other town officers. The police justice shall file a duplicate of his oath of office with the said clerk of the said circuit court.

with clerk of  
circuit court.

SECTION 40. The first election of officers under this act shall be held on the second Monday of March, A. D. 1864, in case this act shall take effect on or previously to that day, and the official publication of this act shall be sufficient notice of such election; and in case this act shall not take effect on or previously to that day, or in case the said first election shall not be held on the said second Monday of March, A. D. 1864, then the same may be ordered and appointed by any ten freehold voters, as provided in section five of this act.

First election.

SECTION 41. The annual meeting of the school districts in the said village of Boscobel, shall be held on the last Monday of August, in each year.

Annual meeting  
of school dis-  
tricts.

SECTION 42. This act shall be considered a public act, and shall be construed favorably in all courts and places, and shall take effect and be in force from and after its passage and publication; and it is hereby made the duty of the secretary of state to cause this act to be published in the official state paper immediately after its passage.

Public act, &c.

Approved March 1, 1864.