

the same may be filed, with a copy of the duplicate for their respective counties for the current year, together with the sum which will be due from said county to the territory for that year.

Territory to
have preference.

SECTION 3. The first moneys which may be returned by the collector, collected from the duplicate of any year, to the amount due the territory for that year from the county shall be retained by the treasurer of each county for the use of the territory; and the county treasurers shall pay over the same upon the drafts or warrant of the treasurer of the territory.

Liability of
county treasurer.

SECTION 4. The duties herein enjoined upon the county treasurers, shall be so considered that a departure therefrom shall be deemed a breach of the conditions of their official bonds, so that they and their securities shall be liable to the territory for any loss which may accrue therefrom; and any county treasurer who shall dishonor or refuse to pay the drafts of the territorial treasurer, for any money which may be in his hands, and due from said county at the time to the territory, shall be amerced in damages of fifty per cent.

Approved January 19, 1838.

No. 94.

AN ACT to establish the Philandrian college in the town of Denmark, Des Moines county.

Incorporating
clause.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That there shall be established in the town of Denmark, in Des Moines county, a college for the purpose of educating youth, the style, name, and title whereof shall be "the Philandrian college of the town of Denmark," which college shall be under the direction of seven trustees, to-wit: Rev. Jeremiah Porter, Samuel Barrett, James P. Stuart, Robert A. Leeper, Timothy Fox, Lewis Epps, and H. M. Dixon; and they and all further trustees shall continue in office during the pleasure of the legislature, and all vacancies that may occur in said board of trustees shall from time to time be supplied by the legislature.

Trustees.

SECTION 2. The said trustees and their successors Their powers, in office are hereby declared to be a body politic and corporate, with perpetual succession, by the name and style of "the trustees of the Philandrian college of the town of Denmark," by which name they and their successors shall be capable of suing and being sued, defending and being defended, answering and being answered unto, in all courts and places whatsoever, may have a common seal and change the same at pleasure.

SECTION 3. The said trustees in their corporate and capacities. capacity shall be capable of holding and conveying any estate, real, personal and mixed, for the purpose herein expressed, a majority of whom shall constitute Quorum. a quorum to transact business.

SECTION 4. It shall be lawful, and it is hereby re- Application of funds. quired of the trustees, to apply from time to time such funds as may come into their hands, in such manner as they may deem most conducive to the promotion of literature and the advancement of useful knowledge: *provided always* that when grants are made to Proviso. them for certain uses and purposes therein expressed, the same shall not be applied either in whole or in part to any other purpose without the consent of the grantor.

SECTION 5. The said corporation shall choose by Secretary and treasurer. ballot, a treasurer and secretary, to continue in office during the pleasure of the corporation. The treasurer shall give bond to the trustees in such sum, and with such securities for the faithful performance of the duties of his office, as the said corporation may direct, and shall keep fair and true accounts of all moneys by him received and paid out. The secretary shall keep a fair record of the meetings and proceedings, and all the books and papers of the corporation. Every trustee shall at all times have access and may take copies of them.

SECTION 6. The said trustees may erect such Further powers and duties of the trustees. buildings for said college from time to time as they may think proper, and as the state of the funds of the corporation will permit; and it shall be the duty of said trustees to visit and inspect said college, to examine into the state and system of education therein, and to make an annual report thereof to the legislature, to make such by laws, not inconsistent with the

laws of the United States or of this territory, as they may judge most expedient for the government of said college, or for the accomplishment of the trust hereby reposed in said trustees; to appoint a president, professors, instructors, and other officers, to fix their compensation, and to remove them when such trustees think proper, and also to confer such degrees as are usually conferred by such institutions.

No religious tests to be established.

SECTION 7. Persons of every religious denomination shall be capable of being elected trustees, nor shall any person as president, professor, instructor or pupil, be refused admittance for his conscientious persuasions in matters of religion: *provided* he demean himself in a proper manner, and conform to such rules as may be established.

Power of repeal.

SECTION 8. This law may be repealed or modified altered or amended, by the legislative power of this territory, or state as the case may be: *provided*, that such power shall never extend to any other persons than those expressed therein, if any shall be expressed in any grant of property to such corporation; but such property in the event of such dissolution, or in case such grant shall be disapproved of by the legislature, shall revert to the grantor or his heirs.

Limited.

First meeting.

SECTION 9. The first meeting of the trustees under this act, shall be held at Denmark in said county of Des Moines, on the first Monday of June next, and they shall have power to adjourn from time to time and to regulate their own meetings, and the notices that shall be given of such meetings. And if a quorum shall not attend at any meeting the trustees present may adjourn from time to time until a quorum shall attend.

SECTION 10. That this act to take effect and be in force from and after its passage.

Approved Jan. 19, 1838.

No. 95.

AN ACT to incorporate the stockholders of the Rochester and Des Moines hydraulic and manufacturing company.

Incorporating clause.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin, That William W. Coriell, Sidney H. Little, Marquis D. Strong,*