

## CHAPTER 128.

[Published April 3, 1861.]

AN ACT to amend Section eleven of Chapter ninety-nine of the Revised Statutes, entitled "Of the administration and distribution of the estates of intestates."

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

Resignation of executor, &c.

SECTION 1. Section eleven of chapter ninety-nine of the revised statutes is hereby amended by inserting after the word "shall" in the first line of said section, the words "resign or."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1861.

## CHAPTER 129.

[Published April 1, 1861.]

AN ACT to amend Chapter thirteen of the Revised <sup>Statutes?</sup> States, entitled "Of Counties and County Officers."

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

Number of members of county board.

SECTION 1. The county board of supervisors of each of the organized counties of this state, shall consist of three electors, one to be elected in each of the supervisor districts hereinafter mentioned, except in those counties which contain three or more assembly districts: and in such counties there shall be elected one supervisor in each assembly district, and one additional supervisor for the county at large, in those counties where there is (or may be) an even number of assembly districts. Such supervisors shall be elected in each of the organized counties respectively, biennially, on the Tuesday succeeding the first Monday in November of each alternate year, and shall hold their office for the term of two years. The votes cast for such supervisors shall be canvassed in the same manner as the votes cast for other county officers. The first election under

To be elected biennially.

First election

this act shall be held on the Tuesday succeeding the first Monday of November, in the year 1861.

SECTION 2. In each of the counties of this state in which there shall be less than three assembly districts, the present board of supervisors shall meet at the usual place of meeting thereof on the second Monday of July, A. D. 1861, and by an order, to be recorded at length by the clerk of such boards, divide such county into three supervisor districts; but no two of such districts shall be within the same town, village or city, nor shall any part of such districts be within the same town, city or village, if there shall be more than one organized town in such county; and the supervisors hereafter to be elected, may alter or change the boundaries of such districts, but such alterations shall not take effect during the term of office of the supervisors making the same, nor within six months from the time of making such alterations.

Division of county into supervisor districts.

SECTION 3. The board of supervisors to be elected as provided in this act, shall be a body corporate and politic, by and under the name and style of the county board of supervisors of (naming the county), and as such shall possess and exercise all and singular the powers and perform all the duties now devolved by law upon the board of supervisors in each county respectively, except as provided in section ten, and may, in like manner, by and under their corporate name and style, sue and be sued: *provided*, that no action shall hereafter be maintained by any person against a county, upon claim or demand other than a county order, until such person shall first have presented his claim to the board of supervisors of such county for allowance.

Board to be body corporate; powers.

SECTION 4. The board of supervisors of each county shall, at their first meeting after their election, choose by ballot one of their number chairman of their board for the ensuing year, and in case of his absence at any meeting of the board, they may appoint one of their number as chairman *pro tem.*, to hold until the adjournment or the chairman shall be present at their meeting. In case of a vacancy in the office of chairman, the board shall have the power to fill such vacancy for the unexpired term. A majority of such board shall constitute a quorum for the transaction of business.

Election of chairman.

Vacancy.

SECTION 5. Should there be a vacancy in the board of county supervisors, the clerk of the board shall im-

Election to fill vacancy.

mediately notify the sheriff of the county, whose duty it shall be to order an election to be holden for the purpose of filling such vacancy, thirty days' previous notice being given of such election, by publishing the same in each newspaper published in the county, if there be any, and by posting up a notice thereof in some public place in each town in the county.

First election of clerk.

SECTION 6. The clerk of the board of supervisors, in office at the time of the taking effect of this act, shall continue in office until the first day of January, 1863, and until their successors shall be elected and qualified; and the first election for clerk of the board of county supervisors, shall be on the Tuesday succeeding the first Monday in November, A. D. 1862, unless a vacancy shall sooner occur.

Meeting of board

SECTION 7. The first meeting of the board of supervisors elected in pursuance of this act, shall be held in each county in this state on the second Monday in January, 1862, and thereafter the said board shall meet, annually, on the Tuesday succeeding the general election in each year, at the county seat, if there be one, in their respective counties, for the purpose of transacting such business as may be required; and the said board are hereby authorized to hold extra sessions at the seat of justice, in case the business of the county requires it, which shall be called in the manner provided in section 48 of chapter 13 of the revised statutes. The said supervisors shall each receive two dollars per day for each and every day they shall be employed on the session of the board, and six cents per mile for going to and returning from the place of holding such session. But no supervisor shall be allowed to draw pay for more than twenty-five days' attendance on the county board, in one year.

Per diem.

Oath.

SECTION 8. Each person elected as a supervisors, shall, within ten days after receiving a certificate of his election, take and subscribe an oath or affirmation to support the constitution of the United States and of the state of Wisconsin, and faithfully and impartially discharge the duties of his office as such supervisor, which oath or affirmation shall be filed in the office of the clerk of the circuit court; and the same being certified by such officer upon the back of the certificate, shall be sufficient to authorize such supervisor to take his seat with and act as a member of the board during the time for which he was elected.

SECTION 9. The board of supervisors elected under this act, shall proceed with and determine all matters and things pending before their predecessors, at the time of entering upon the discharge of their duties, in the same manner and with like effect as if commenced before them. Old business.

SECTION 10. Sections 25, 35 and 49 of chapter 13, and sections 63 and 94 of chapter 15 of the revised statutes, are hereby repealed; and said chapter 15 is hereby amended by substituting in place of section 94 as aforesaid, as follows: "The chairman of the board of town supervisors of each town shall, on or before the day fixed by law for the annual meeting of the county board of supervisors, file one of each such duplicate statements with the clerk of the said board, who shall carefully preserve the same. The county board of equalization of each of the several counties in this state, for equalizing assessments of real property as now required by law, shall hereafter consist of the chairman of supervisors of each of the several towns, and one alderman from each ward in any city or incorporated village in each of such counties." Amendment.

Section fifty-six of chapter seven, is hereby amended to read as follows: "One of said statements shall forthwith be delivered, to the town clerk, to be filed and preserved by him, or if made in any ward of a city, then to the clerk of such city, for the like purpose; and the other, with one of the poll lists, shall be carefully enclosed, sealed up and directed to the clerk of the board of supervisors of the proper county, and delivered to the chairman of the supervisors of the town, or such person as may be performing the duties of such chairman; and such officer, to whom such statement and poll list shall be so delivered, shall, within seven days after the election, deliver the same with the seals and envelopes unbroken to such clerk. Board of equalization.

SECTION 11. So much of any law of this state as authorizes the election by any city, village or other municipal corporation, of one or more members of the board of county supervisors, shall have no force or effect whatever from and after the first day of January, A. D. 1862, anything contained in any charter of any such city, village or other municipal corporation to the contrary notwithstanding. Statement and poll list.

SECTION 12. This act shall take effect from and after the first Tuesday in April next, but the supervisors Repeal.

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elected as now provided by law, shall discharge all the duties imposed upon them, as county supervisors, until the first day of January next.

Approved March 28, 1861.

## CHAPTER 130.

[Published April 1, 1861.]

AN ACT to lay out and establish a State Road from Ahnepee, in Kewaunee county, to the city of Green Bay, in Brown county, and provide for improving the same.

(See Supplement to Local Laws.)

## CHAPTER 131.

[Published April 3, 1861.]

AN ACT to authorize the counties and towns through which the Chilton and Manitowoc Plank Road passes, to aid in its construction.

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

May issue bonds  
and receive stock  
therefor.

SECTION 1. It shall be lawful for any county through (*which*) any portion of which any part of the Chilton and Manitowoc plank road shall run, or any town or incorporated city or village in such county, to issue and deliver to said company its bonds, payable to such person or persons, trustees or corporation, or to said company, at such time, for such sum or sums, at such rate of interest, transferable by general or special endorsement, or by delivery, and in such manner, as may be agreed upon by and between the directors of said plank road company and proper officers of such county, town, incorporated city or village, as hereinafter provided; and to receive in exchange for such bonds, the stock of said plank road company, in such manner as shall be agreed upon by and between the directors of said plank road company and the proper officers of