

**AN ACT** prescribing the powers and duties of the Secretary of State.

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

**SECTION 1.** The secretary of state shall within twenty days from receiving notice of his election and before entering upon the duties of his office give a bond to the state of Wisconsin in the sum of twenty five thousand dollars conditioned for the faithful discharge of the duties of his office according to law, and take and subscribe the oath required by the constitution, which bond shall be approved by the governor, and together with the oath be preserved in the executive office : The secretary elect shall give the required security within twenty days from the passage of this act.

**SEC. 2.** The secretary of state shall keep a fair record of the official acts of the legislature and executive department of the state and shall when required lay the same and all matters relative thereto, before either branch of the legislature : He shall be ex-officio auditor and shall perform such other duties as shall be assigned him by law : He shall have the custody of all books records deeds parchments maps and papers now deposited or that may hereafter be deposited or kept in his office and shall from time to time make such provisions for the arrangement and preservation thereof as he may deem necessary.

**SEC. 3.** All deeds conveyances and mortgages belonging to the people of this state shall be deposited and preserved in the office of the secretary of state and open to public inspection at all reasonable hours.

**SEC. 4.** All copies of records and papers in the office of the secretary of state certified by him and authenticated by the seal of his office shall in all cases be evidence equally and in like manner as the original.

**SEC. 5.** The secretary of state shall keep his office at the seat of government and shall keep the same open during business hours of the legislature while in session.

**SEC. 6.** It shall be the duty of the said secretary to cause the enrolled copies of all acts and joint resolutions of each session together with an index containing the titles of the same to be bound in a substantial manner

in the order in which they are approved; which shall be and remain in his office the record required to be made by him by the second section of the sixth article of the constitution, and no other or further record of the official acts of the legislature so far as relates to acts and joint resolutions shall be required of said secretary, and he shall also cause the title thereof with the session at which the same shall have been passed to be written or printed on the back of such volumes.

SEC. 7. He shall deposit in his office one copy of the laws printed by the state printer having first examined and compared the same with original laws on file, and noted at the end of each act every error or omission that may be found in the printed copy, and shall cause the title thereof with the session at which the same shall have passed to be written or printed on the back of such volume.

SEC. 8. He shall also cause the acts of the congress of the United States which may be received at his office to be deposited in the state library.

SEC. 9. The description in writing of the great seal of the state shall be deposited and recorded in the secretary's office and shall remain a public record.

## ARTICLE SECOND.

### OF THE GENERAL POWERS AND DUTIES OF THE SECRETARY AS AUDITOR OF THE STATE.

SEC. 10. It shall be the duty of the secretary of state: First, To superintend the fiscal concerns of the state and to manage the same in the manner required by law: Second, To exhibit to the legislature at its annual meeting a complete statement of the funds of the state, of its revenues and of the public expenditures during the preceding year, with a detailed estimate of the expenditures to be defrayed from the treasury for the ensuing year specifying therein each object of expenditure, and distinguishing between such as are provided for by permanent or temporary appropriations and such as require to be provided for by law, and shewing the means from which such expenditures are to be defrayed: Third, To suggest plans for the improvement and management of the public revenues: Fourth, To keep and state all accounts between this state and the United States, and all other accounts in which the state is interested: Fifth, To examine and settle the accounts of all persons indebted to the state and to certify the

amount of balance to the treasurer: Sixth, To direct and superintend the collection of all monies due to the state: Seventh, To examine and liquidate the claims of all persons against the state in cases where provision for the payment thereof shall have been made by law, and when no such provision or an insufficient provision shall have been made to examine the claim and report the facts with his opinion thereon to the legislature: Eighth, To require any person who shall have received any monies belonging to the state and shall not have accounted therefor to settle their accounts: Ninth, To draw warrants on the treasurer for the payment of all moneys hereafter directed by law to be paid out of the treasury but no warrant shall be drawn unless authorized by law, and every warrant shall refer to the law under which it is drawn.

SEC. 11. The secretary of state shall from time to time require all persons receiving monies or securities or having the disposition or management of any property of the state of which an account is kept in his office to render statements thereof to him, and all such persons shall render such statements at such time and in such form as he shall require.

SEC. 12. The secretary of state may require any person presenting to him an account for settlement to be sworn before him touching the said account, and when so sworn to answer orally as to any facts relating to the justness of the said account.

SEC. 13. He shall countersign and enter in a book to be kept by him for that purpose all receipts for money paid to the treasurer and no such receipts shall be evidence of payment unless so countersigned.

SEC. 14. He shall keep an account between the state and the treasurer and therein charge the treasurer with the balance in the treasury when he came into office and with all monies received by him, and credit him with all warrants drawn on and paid by him.

SEC. 15. He may from time to time cause to be published at the expense of this state in one or more of the newspapers printed therein, such laws of this state or extracts therefrom relating to the payment of monies that may be due or become due to this state or the duties to be performed by the public officers thereof as he may deem necessary.

SEC. 16. All leases mortgages bonds and other securities for money given to the people of this state, unless otherwise specially directed shall be deposited and kept in the office of the secretary of state.

SEC. 17. The present fiscal year of the office of the treasurer of this

state shall close on the thirty first day of December next; and the future fiscal year of that office shall be from the first day of January in the preceding to the first day of January in the succeeding year inclusive.

Sec. 18. All books and accounts in the office of the secretary of state shall be kept, and all the duties of that office shall be performed with reference to the time and commencement and ending of the fiscal year of the treasurers office.

Sec. 19. All officers and persons required to render annual accounts to the secretary of state or treasurer shall close those accounts on the first day of January in each year and shall render such accounts as soon after that day in each year as may be practicable.

### ARTICLE THIRD.

#### OF PROCEEDINGS AGAINST PERSONS ACCOUNTABLE FOR PUBLIC MONIES.

Sec. 20. Whenever the secretary of state shall deem it expedient he shall issue a notification in the name of the people of this state to any person who shall have received monies belonging to the state, for which he has not accounted according to law in case of the death of such person, the notification shall be directed to his legal representative.

Sec. 21. Such notification shall require that within a limited period not less than sixty nor more than ninety days from the date thereof all the accounts and vouchers for the expenditures of such monies shall be rendered the secretary of state.

Sec. 22. Such notification shall be served by the sheriff of the county where the person to whom the same shall be directed shall reside, by delivering a copy thereof to him or by leaving such copy at his usual place of abode at least forty days before the time limited in the notification for rendering such accounts and vouchers.

Sec. 23. The returns of such notification to the secretary's office with the certificate of the sheriff endorsed thereon, that the service has been made by delivering a copy of the notification to such person, or by leaving such copy at his usual place of abode shall be conclusive evidence of the proceedings.

Sec. 24. In case the party shall fail to render such accounts and vouchers within the time limited in such notification the secretary of state shall state an account against him charging interest at the rate of seven

per cent per annum from the time the notification was served, and shall deliver a copy of such account to the attorney general for prosecution.

SEC. 25. Such copy certified by the secretary of state shall be sufficient evidence to support an action for the balance therein stated subject to the right of the defendant to plead and give in evidence all such matters as shall be legal and proper for his defence or discharge.

SEC. 26. The party so sued, shall be subject to the costs and charges of suit whether the ultimate decision be against him or in his favor, unless sued as the representative of the original party.

SEC. 27. Whenever accounts and vouchers are rendered within the time limited in the notification or without notification being issued, the secretary of state shall proceed immediately to examine the same, and if such accounts and vouchers are regular and sufficient shall liquidate and settle them; but if any of the necessary vouchers are wanting, or are in his opinion insufficient he shall give notice to the party, and require him to supply such defects within the period of not less than sixty nor more than ninety days; and at the expiration of the time limited the secretary shall liquidate and settle such accounts upon the vouchers and proofs which shall have been delivered to him.

SEC. 28. When the secretary of state shall have settled any such account he shall transmit a copy of the account as settled by him to the party and if any balance is certified to be due to the state and the same shall not be paid to the treasurer within ninety days thereafter the secretary of state shall deliver a copy of such account to the attorney general for prosecution.

SEC. 29. Such copy certified by the secretary of state shall be sufficient evidence to support an action for the balance therein stated, subject to the right of the defendant to plead and give in evidence all such matters as shall be legal and proper for his defence or discharge.

SEC. 30. If any such defendant shall upon the trial in any such action give any evidence other than such as was produced to the secretary of state such defendant shall be subject to the costs and charges of such suit, whether the ultimate decision shall be against him or in his favor; unless it shall appear in proof that it was not within the power of the defendant to furnish such additional evidence to the secretary of state within the time required in section twenty seven.

SEC. 31. When any number of persons shall have received any mo-

monies for which they are accountable to the state, the secretary of state may in his discretion settle the accounts of any one or none of them separately.

SEC. 32. In such case no person shall be allowed to plead in abatement to any suit to be brought for any balance which shall be certified to be due from him or them or to give in evidence upon trial thereof, that any other person was concerned with him or them in the receipt or expenditure of the said monies.

SEC. 33. Nothing in this article contained shall be construed to impair any legal remedy which might be used if this article was not in force for the recovery of any debt due or to become due to the people of this state.

SEC. 34. The secretary of state shall receive a salary of one thousand two hundred dollars per annum to be paid out of the treasury of the state upon the certificate of the governor which shall be in full for all services required of him by any law or the constitution of this state and no further compensation shall be allowed for the services of any clerk or other officer connected with his office.

N. E. WHITESIDE,  
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 12, 1848.

NELSON DEWEY.;

**AN ACT** to authorize the Trustees of the Village of Southport to levy a tax to pay the indebtedness of said village.

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

**SECTION 1.** The trustees of the village of Southport shall have power