

**AN ACT to provide for the election of sheriffs,  
judges of probate, and justices of the peace.**

*Be it enacted by the Council and House of Representatives of  
the Territory of Wisconsin:*

§ 1. There shall be a general special election held in the several counties and towns in this territory, on Monday, the first day of May, A. D. 1843, at such places in the several counties and towns as now are, or may before that time be fixed upon, in pursuance of law, for holding such elections. <sup>Elections, when held.</sup>

§ 2. All elections held in pursuance of the provisions of this act, shall be conducted in such manner as is now or may be provided by law for holding general elections in the several counties of the territory. <sup>How conducted.</sup>

§ 3. There shall be elected in each of the counties of this territory, which are organized for judicial purposes, at the said election to be held on the first Monday of May next, a sheriff, and judge of probate, by the qualified voters of such counties, and of the counties attached to them for judicial purposes, except as hereinafter provided, whose term of service shall commence on the first Monday of June next after their election, and continue until the first Monday of January, in the year eighteen hundred and forty-five, and until their successors are duly elected and qualified; and the qualifications, rights, liabilities, powers and duties of the said officers, shall be the same as prescribed by law for the said officers. <sup>What officers elected. Term of office.</sup>

§ 4. There shall, in like manner, be elected, at the general election to be held on the fourth Monday of September, A. D. 1844, and biennially thereafter, in each of the counties organized for judicial purposes, by the qualified voters of such county and of the counties attached to them for judicial purposes, a sheriff and judge of probate, whose term of service shall commence on the first Monday of January next after their election, and continue for two years, and until their successors are duly elected and qualified, and the qualifications, rights, liabilities, powers and duties of the said officers shall be the same as prescribed by law: *Provided*, <sup>Proviso.</sup> that no person shall be eligible for two successive terms to the office of sheriff.

§ 5. The mode of canvassing the votes for said officers, and of determining the persons elected to said offices respectively, shall be the same as prescribed by law for canvassing the votes for <sup>How conducted.</sup>

- and determining the persons elected to county offices; and when any county shall be attached to another county for judicial purposes, the clerk of the board of county commissioners, or supervisors of the county so attached, shall, on the third Monday after the day of election, attend at the office of the clerk of the board of county commissioners, or supervisors of the county to which such county is attached, and the clerks of the several counties so attached, together with the clerk of the county to which they are attached, shall in conjunction proceed to canvass the votes, and determine the persons who are elected, in the manner prescribed in this section; and if any of the counties so attached are not organized for county or judicial purposes, the election therein shall be conducted, returns made and votes canvassed, in the same manner as though they constituted an integral part of the county to which they are so attached.
- Canvass.**
- Returns, how made,**
- Justices of the peace.**
- § 6. There shall be elected at the said general special election, by the qualified voters of the several towns in the several counties organized under the act, entitled "an act to provide for the government of the several towns in this territory, and for the revision of county government," approved February eighteenth, 1841, not more than three justices of the peace, who shall be residents of the towns in which they may be elected; whose term of service shall commence on the first Monday of June next, and continue until the first Monday of May, succeeding the next annual town meeting; and after the present year, the said justices shall be elected at the annual town meeting, and shall hold their offices until the first Monday of May, succeeding the next annual town meeting, and until others are duly elected and qualified.
- Term of service.**
- Duty of commissioners.**
- § 7. It shall be the duty of the county commissioners of the several counties in this territory, which are not organized under the act entitled "an act to provide for the government of the several towns in this territory, and for the revision of county government," approved February eighteenth, 1841, in establishing the several election precincts, in their respective counties, hereafter to prescribe the boundaries thereof, and also to give names to said precincts.
- Precincts defined.**
- Number of justices in each town.**
- § 8. There shall be elected in each of the said precincts, at the said general special election, by the qualified voters of such precinct, not more than three justices of the peace, who shall be residents of the precincts for which they may be elected, whose

term of service shall commence on the first Monday of June next, Terms, &c. and terminate on the first Monday of January next; and there shall likewise be elected at the general special election, not more than three justices of the peace in each precinct, who shall be residents of the precincts for which they may be elected, whose term of service shall commence on the first Monday of January, next after their election, and continue for one year, and until others are duly elected and qualified.

§ 9. At the said elections in the several towns and precincts How elected. aforesaid, the three persons, or any less number that may be fixed by vote of any town or precinct, who shall receive the highest number of votes for justices of the peace, shall be considered and declared to be duly elected justices of the peace for the county in which any such town or precinct may be situated.

§ 10. The board of supervisors in the several towns, and the Returns, how judges of election in the several precincts, shall make a return made. to the clerk of the board of supervisors, or of the board of commissioners, as the case may be, of the several persons who may be elected justices of the peace, in pursuance of the provisions of this act; and the said clerk shall issue to the persons so elected certificates of such election, under the seal of said board, which Certificate, &c. shall be sufficient evidence of such election, for all purposes whatever.

§ 11. The jurisdiction of all justices of the peace elected in Jurisdiction. pursuance of the provisions of this act, shall be co-extensive with the limits of the county in which they shall be elected, and no other or greater, whether said county be attached to any other county, or whether any other county is attached to it: *Provided*, that every justice elected under the provisions of this act, shall Office, keep his office in the town or precinct for which he may be elected, where kept. and not elsewhere.

§ 12. The qualifications, rights, liabilities, powers and duties Qualifications of justices of the peace elected in pursuance of the provisions of this act, shall be the same as prescribed by law.

§ 13. That so much of any law of the territory, as authorizes Repealed. the governor to appoint to or remove from office, any sheriff, judge of probate, or justice of the peace, be, and the same is hereby repealed: *Provided*, this section shall not take effect until the first Proviso. day of June next.

§ 14. The term of service of the several sheriffs, judges of Service, &c.

probate, and justices of the peace, who may be in office at the time of the passage of this act, or at any time before the first Monday of June next, shall expire on the first Monday of June next.

- Removals from office.** § 15. The governor of the territory is authorized and empowered to remove from office any sheriff, or judge of probate, guilty of malfeasance, or misfeasance in office, in the following cases:—
- How made.** when a written complaint shall be made to the judge of the district court, within whose jurisdiction the officer charged with the offence shall reside, and the said judge shall certify to the governor, after an investigation of the charges, that the said officer has been guilty of malfeasance or misfeasance in office, and ought to be removed; and the said judges are authorized and directed to investigate all charges made as aforesaid against either of said officers, after proper notice has been given to such officer, that such charges are made against him, and of the time and place appointed for the investigation of such charges; and if, after such investigation, the judge is satisfied that the said officer is guilty of malfeasance or misfeasance in office, and ought to be removed, he shall certify such opinion to the governor.
- Vacancies, how filled.** § 16. In case of vacancy in the office of judge of probate, created by death, resignation; or otherwise, the governor of the territory is authorized and empowered to appoint some suitable person to fill such vacancy, who shall hold his office until the next annual election, and until his successor is duly elected and qualified.
- Districts, for judge of probate.** § 17. The counties of Fond du Lac, Marquette, Winnebago, and Calumet, shall constitute one district; and the counties of Sheboygan and Manitowoc shall in like manner constitute a district; the county of Portage shall constitute a district; and the county of Washington shall in like manner constitute a district, for the election of a judge of probate; whose jurisdiction shall be co-extensive with the district for which he may be elected: said judges of probate to be elected at the same time and manner as prescribed in this act, and in pursuance to the provisions of this section:
- Jurisdiction:** *Provided*, that the clerks of the several towns in the counties of Fond du Lac, Calumet, Winnebago and Marquette shall make returns of such election to the clerk of the board of supervisors of Fond du Lac county, within three weeks from the day of election: *and provided, also*, that the clerk of the board of commissioners of the county of Sheboygan shall make return of the election of
- Proviso.**
- Election returns,**

such county to the office of the clerk of the board of commissioners of Manitowoc county, within the same time.

§ 18. If any justice of the peace die, resign, or remove out of the town or precinct for which he may be elected, or his term of office be in any other manner terminated, the docket books, records, papers and documents appertaining to his office, or relating to any suit, matter or controversy, committed to him in his official capacity, shall be delivered to the nearest justice in the same county, who may thereupon proceed to hear, try and determine such matter, suit or controversy, or issue execution thereon, in the same manner as it would have been lawful for the justice before whom such matter or suit was commenced to have done.

§ 19. So much of any act, or parts of acts, as contravene, or are not consistent with, the provisions of this act, are hereby repealed.

§ 20. It shall be the duty of the secretary of the territory, as soon as may be after the passage of this law, to send a copy of it to the publishers of the several newspapers in this territory, for publication.

§ 21. This act shall take effect from and after its passage.

Take effect.

APPROVED, March 23, 1843.

**AN ACT** to repeal so much of an act supplementary to the several acts relating to the Milwaukee and Rock River Canal, approved February 12, 1841, and such other acts or parts of acts as authorize the sale of any portion of the lands granted by the act of Congress of the 18th June, 1838, and to amend the several sections of an act approved February 19, 1841, supplementary to the several acts in relation to the Milwaukee and Rock River Canal.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That so much of any law of this territory as authorizes any person to make application for the sale of any portion of the unsold and unreserved lands granted by the act of congress of the 18th June, 1838, to the territory of Wisconsin, to aid in the construction of the Milwaukee and Rock river canal; and such