

SECTION 2. That no district, county or board of county commissioners shall have power to grant license to any person to establish a ferry across said river, within one half mile immediately above or immediately below the place aforesaid.

Approved January 17, 1838.

No. 62.

AN ACT to organize the county of Walworth and to establish the seat of justice thereof.

County organized.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That the county of Walworth, shall be organized from and after the first day of January, A. D. eighteen hundred and thirty-nine, and the inhabitants thereof be entitled to all the rights and privileges to which by law the inhabitants of other organized counties of this territory, are entitled to. And the said county shall continue to be a part of the third judicial district, and a district court shall be held therein at the seat of justice of said county, at the court house or such other place as may be provided. Two terms of said district court, shall be held annually after the organization of said county on the third Monday in July and the first Monday in December; and the several acts concerning the district courts of the territory of Wisconsin shall be, and they are hereby made applicable to the district court of the county of Walworth.

Terms of the district court.

Seat of justice.

SECTION 2. *Be it further enacted,* That the seat of justice in said county shall, from and after the organization of the same, be established either at Elkhorn, situated at the center of the county, Delavan, situated near Turtle lake, or Geneva, at or near the outlet of Geneva lake, or Franklin, at Doctor Hemingway's, as may be decided by the male inhabitants of the age of twenty-one years, who are actual residents of the said county as is hereinafter provided.

To be determined by vote.

SECTION 3. At the next general election in said county, the qualified electors thereof shall by their votes select one of the places named in the second section of this act, as the future seat of justice of said

county, by depositing their votes for either Elkhorn, Delavan or Geneva, or Franklin, after the same form and manner as candidates for other offices are voted for. And the election shall in all respects be conducted the same as the election for county and township officers.

SECTION 4. The inspectors of each of the boards of election in said county, shall make out a certificate of the number of votes taken for either of the aforesaid towns, which shall be signed by said board of inspectors; and each of the said boards shall appoint one of their number to take such certificate, and on the next day, at one o'clock p. m., produce the same at the house of Daniel Bradley, at Elkhorn. And if it shall appear that either of the aforesaid towns shall have a majority of the whole number of votes given, said town having such majority shall be the seat of justice of said county. Returns thereof.

SECTION 5. In case there shall not have been a majority of the whole number of votes as aforesaid, cast for any one of the before mentioned places, that the two places having the smallest number of votes at the first election, shall be considered as having been rejected, and a second shall take place, which shall be conducted in the same manner and form and by the same persons as the first. And the said inspectors, as soon as they shall ascertain that such second election is necessary, shall cause notices to be put up at each place in said county where the polls of election shall be held, stating the day such second election shall be held, and the names of the places to be voted for; which shall be the two named having received the greatest number of votes at the first election. And the place receiving the majority of such second election, shall be the seat of justice of said county. Second election.

SECTION 6. When either of the aforesaid places shall receive a majority of all the votes given, the returns thereof shall be made and certified by the said inspectors, to the clerk of the district court of the county of Racine, and certified by said clerk to the governor of the territory, who shall issue his proclamation declaring the result, and the place fixed by the vote of the people of Walworth county as the seat of justice thereof. Result.

Approved, Jan. 17, 1838.