

Suits prosecuted to final judgment where.

SECTION 23. All suits, prosecutions and other matters which are now, or may be commenced before the first day of March, 1838, in the district court of the county of Dubuque, or before any justice of the peace of said original county of Dubuque, shall be prosecuted to final judgment and execution before the same courts and in the same county as they would have been if this act had not been passed; and the same proceedings shall be had in all such suits, prosecutions and other matters, as would have been had if this act had not been passed.

Seat of justice of Clinton county, how located.

SECTION 24. That for the purpose of locating the seat of justice in the county of Clinton, the sheriff of said county shall conform with the provisions of the 19th section of this act, as respects notice of elections, the day of election and the qualified voters residing within the limits of Clinton county, as established by this act, shall meet on the day mentioned in the said 19th section, at such places as the sheriff shall direct, and vote for the towns of Lyons and Cammanche, and the town having the greatest number of votes, shall be the seat of justice for said county of Clinton.

Approved, Dec. 21, 1837.

No. 7.

AN ACT organizing a board of county commissioners in each county in this territory.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That there shall be and hereby is organized in each county in this territory, a board of county commissioners for transacting county business, to consist of three qualified electors, any two of whom shall be competent to do business, to be elected by the qualified electors of the several counties respectively. The first election shall take place on the first Monday in March next; and thereafter the election shall be at the time and places of the general election of each county.

When elected.

Time of service.

SECTION 2. At the first election in pursuance of this act, the person having the highest number of votes shall serve three years; the person having the

next highest number of votes shall serve two years; and the person having the next highest number of votes shall serve one year; and thereafter, annually, one commissioner shall be elected, who shall serve three years; and each commissioner elected according to the provisions of this act, shall continue in office until his successor is elected and qualified. But if two or more persons shall have an equal number of votes as above, their grade shall be determined by lot by the clerk, in the presence and under the direction of the sheriff of their respective counties.

One commissioner elected annually after first year.

SECTION 3. Each person elected as a commissioner shall, on receiving a certificate of his election, take an oath, faithfully and impartially to discharge the duties of his office as such commissioner, before some person legally authorized to administer the same, which oath being certified on the back of such certificate, under the hand and seal of the person administering the same, shall be sufficient authority for such commissioner to take his seat with, and act as a member of the board during the time for which he was elected.

To take oath.

SECTION 4. The county commissioners thus elected and qualified shall be considered a body corporate and politic, by and under the name and style of "the board of commissioners of the county of" (naming the county,) and as such, by and under such name and style, may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any court, either in law or equity, and do and transact all business on behalf of their respective counties that may be assigned them from time to time by law. And in all cases where their respective counties may have been injured, or may hereafter be injured in their goods, chattels, lands, tenements, rights, credits, effects or contracts, such commissioners shall and may, by and under their corporate name and style, without setting out their individual names, bring any suit or suits, action or actions, either in law or equity, which may be best calculated to obtain redress for any such injury in the same way and manner that private individuals might or could do; and may in like way and manner, by and under their corporate name and style, be sued by any person or persons having any manner of claims against such county.

Board to be a body corporate.

Their powers and duties.

SECTION 5. The board of commissioners shall meet

- When and where to meet.** at the court house in each and every county, for the purpose aforesaid, or at the usual place of holding the district court in such county, on the first Mondays in April, July, October and January in each and every year, and may sit six days at each term, if the business of the county shall require it: *provided, however,* if the district court shall meet on any of the before mentioned days, the commissioners shall meet on the Monday preceding.
- Length of session.** SECTION 6. The said board of commissioners shall appoint a clerk who shall attend the meeting of the board of commissioners, and keep a record of their proceedings, and do such other business as he shall be required by law to do. And the sheriff of the county shall also, by himself or deputy, attend said board and execute their orders.
- May appoint a clerk.** SECTION 7. When money has been advanced by any clerk or other county officer for the use and benefit of his county, pursuant to the requisitions of law, the board of commissioners shall order such money so advanced to be first paid; and when there is any judgment or judgments against any county in the territory, the board may, in their discretion, order when and in what manner such judgment shall be discharged, not inconsistent with the constitution of the United States, any law to the contrary notwithstanding.
- Sheriff to attend the board.** SECTION 8. When two only of the members shall be present at the meeting of the board, and a division shall take place on any question, it shall be continued until the next meeting, before it shall be finally determined. When any vacancy shall happen in the office of commissioner, the clerk being notified of the same, shall immediately direct 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 of such election being first given, either by publishing the same in the county newspaper, or putting up notices in three different public places in said county.
- Money advanced by county officer to be first paid.** SECTION 9. It shall be the duty of the board of commissioners, at their April session, in each year, to receive and inspect the assessors' books, and levy a county tax, according to law; and cause their clerk to make out a duplicate, for collection, accordingly.
- Judgments how satisfied.** SECTION 10. The commissioners of each county,
- In case of a division, cause to be continued.**
- Vacancy, how filled.**
- County tax to be levied at the April term.**
- Common seal.**

respectively, shall have and use a common seal, for the purpose of sealing their proceedings; and copies of the same, when signed and sealed, by said commissioners, and attested by their clerk, shall be good evidence of such proceedings, on the trial of any cause, in any court in this territory. The commissioners aforesaid, at their session in January, or when the district term prevents their meeting in January, then at their first meeting thereafter, in every year, shall make a fair and accurate statement of the receipts and expenditures of the preceding year, and have the same set up at the court house door, and at two other public places in their county, respectively, and published in some newspaper in their county, if there be any. And if the said commissioners, or either of them, after accepting their appointment, shall neglect or refuse to do his or their duty, in office, he or they so offending, shall, on conviction by indictment before the district court of the proper county, be fined in any sum not exceeding two hundred dollars.

Proceedings when signed by commissioners to be evidence.

Statement of receipts and expenditures—when made.

Penalty for non-performance of duty.

SECTION 11. That all the duties, heretofore required of the board doing county business in the several counties in this territory, and not included or otherwise directed in this act, be and the same is hereby made the duty of said commissioners, to do and perform, in the same manner as though it was named in this act.

Commissioners to perform the duties of former county board.

SECTION 12. The commissioners so elected and qualified, shall receive three dollars per day for each and every day that they may necessarily be employed in transacting the county business; and said board of commissioners, when organized, shall possess the powers and authority, heretofore given to the county board of supervisors.

Compensation.

Powers.

SECTION 13. All suits, pleas, complaints, prosecutions and proceedings, which may be pending in any court, to be tried for or against any board of supervisors, previous to the taking effect of this act, shall be prosecuted to a final judgment and execution, in the same name and manner, as the same might have been done had this law not been passed; and all contracts, either written or verbal, made by such board of supervisors, previous to the taking effect of this act, shall remain valid in law and equity, and suit may be thereupon brought, in the same way and manner, as

Suits not to abate

nor contracts to be invalidated.

the same might have been, had this act not been passed, with the difference, that the corporate name of the commissioners shall be used, instead of the board of supervisors.

Duties of clerks. SECTION 14. It shall be the duty of the clerks of the several boards of commissioners, to keep fair books, wherein shall be kept the accounts of the county, to attest all orders issued by the board for the payment of money, and enter the same in numerical order, in a book to be kept for that purpose; and shall copy into their said books the reports of the treasurer of the receipts and disbursements of their respective counties; and whenever the duplicate shall be put into the hands of the collector, it shall be the duty of the said clerks to send a statement of the sum wherewith such collector stands charged, to the county treasurer.

County order may be divided to pay taxes.

SECTION 15. When the holder of an attested county order in his own name, of a larger amount than his county tax, is desirous of appropriating a part of such order to the payment of such tax, he is hereby authorized to apply to the clerk of the board of commissioners, whose duty it shall be to give to the holder of such order, and in exchange therefor, two or more attested county orders, making together the same amount with the original order, which shall be thereupon cancelled. And such clerk shall insert in every such order, that the same, with others, were so given in exchange to (name the person,) for such original order, together with the number and amount of such original order, one of which orders shall be for the amount of his tax, and shall appear on its face to have been intended for the payment thereof.

Must be received in payment.

SECTION 16. Every collector of county taxes is hereby required to receive any regularly attested county order made by the board of commissioners, when the same may be tendered to him by any person in payment of such person's taxes due such county.

Officers not to buy county orders at a discount.

SECTION 17. No collector or other person doing county business, shall, either directly or indirectly, purchase or receive in payment, exchange, or in any way whatever, any demand against his county or any county order for a claim allowed by the board of commissioners, at any time during the period for which he

may be elected, for a less amount than that expressed on the face of such order or demand against the county; and every person elected or appointed to do county business, before entering upon the duties of his office, shall take an oath not to violate the provisions of this section. And any collector or other person doing county business offending against the provisions of this section, on conviction thereof upon indictment or presentment, shall be fined for every such offence in any sum not exceeding five hundred dollars.

Must take oath to that effect.

Penalty.

SECTION 18. The boards of commissioners shall annually allow their clerk such compensation per day as they may deem reasonable, not to exceed three dollars while in session; and likewise to the sheriff, one dollar and fifty cents per day for his attendance upon the board; and further, that the board of commissioners may allow the clerk and sheriff any sum they may deem reasonable for extra services, not exceeding seventy-five dollars to each per annum.

Compensation of clerk

and sheriff.

Extra pay.

SECTION 19. From all the decisions of the several boards of commissioners there shall be allowed an appeal to the district court by any person or persons aggrieved; and the person or persons appealing shall take the same within thirty days after such decision, by giving bond, with security to the acceptance of the clerk of said board, conditioned for the faithful prosecution of such appeal and the payment of costs already accrued and which may thereafter accrue, if the same shall be adjudged by the said court to be paid by such appellant; and the clerk shall record such appeal, with the cases pending in the district court within twenty days after the taking of such appeal.

Appeals.

When to be recorded.

SECTION 20. In any county where there is no court house provided, it shall be the duty of the board of commissioners to provide suitable rooms for the holding of the district court in said county.

Board to provide rooms for the district court.

SECTION 21. It shall be the duty of the board of commissioners to provide all books and stationery necessary for the use of said board, all books and stationery necessary for the use of the register of deeds, and all books and stationery necessary for the use of the clerk of the district court, the probate court and treasurer.

To provide books and stationery.

SECTION 22. The said board of commissioners are

Extra sessions
how called.

hereby authorized to hold extra sessions in case they may think the business of the county requires the same; and notice from any two of the said commissioners to the third, shall be considered a sufficient call for said extra session, due notice thereof being given, and that no such extra session shall exceed three days.

Supervisors to
deliver up
books and pa-
pers.

SECTION 23. That the board of supervisors heretofore existing in the several counties in this territory shall, upon the first meeting of said commissioners upon demand, deliver over to them all books, papers, accounts and demands, of whatever nature, belonging to said county; and upon failure so to do, may be indicted for misdemeanor in office.

Penalty for fall-
ure.

Repealing
clause.

SECTION 24. That all acts or parts of acts contravening any of the provisions of this act shall, from and after the first organization of the board of county commissioners, in the several counties under the provisions of this act, be, and the same are hereby repealed and of no effect.

Approved December 20, 1837.

No. 8.

AN ACT to amend an act entitled "an act to incorporate the bank of Wisconsin."

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That so much of an act entitled "an act to incorporate the bank of Wisconsin," as prohibits any incorporated company from holding stock in the said bank of Wisconsin, is hereby repealed.

Approved, December 20, 1837.