

and pay over such tax to the persons entitled to the same.

SECTION 9. This act is declared a public act and shall take effect and be in force from and after its passage.

Approved March 9, 1869.

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## CHAPTER 127.

[Published March 23, 1869.]

AN ACT in relation to actions of *quo warranto*.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. In all actions of *quo warranto* or to determine the right to any office in this state, it shall be necessary for the plaintiff or relator in every case where the defendant is in possession of the office in controversy, under a certificate of election issued by the proper officer or board of canvassers, to state in his complaint in what respect such certificate was improperly or illegally issued, and in case it is claimed that the relator received a majority of legal votes cast for the office, at any legal election to fill such office, he shall also state in such complaint the actual number of legal votes cast for the relator, and for the defendant for such office respectively, and also the number of votes cast for the relator and for the defendant respectively, for such office as determined by the legal canvass of such election, and shall also state the names of the persons whom such relator shall claim voted illegally at such election for the defendant which were canvassed, and in what such illegality consists, and the township or ward where such illegal votes were cast, and the plaintiff and relator shall upon the trial of any such action be confined and restricted to proof as to the illegality of such alleged illegal votes so specified, and shall not be permitted to give evidence of any other illegal votes than those so specified, and if such

Relator shall state in what respect certificate of election is defective.

complaint shall not contain such specifications, the same shall be held bad upon general demurrer.

Shall apply to all actions of *quo warranto*.

SECTION 2. This act and the provisions of the preceding section shall apply to all actions of *quo warranto*, or actions brought to determine the right to any office now pending, and the defendant may at any time before the trial, demand in writing that the complaint in any such action shall be amended to conform to the requirements of the preceding section and of this act, and the plaintiff and relator shall serve an amended complaint, embracing and containing allegations of facts as required by the preceding section, within twenty days after such demand, and the defendant shall have a like time to answer such amended complaint, and in case such demand is made, all proceedings in the action shall be stayed until such amended complaint be served.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1869.

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## CHAPTER 128.

[*Published March 16, 1869.*]

AN ACT to amend sections 95 and 97 of chapter 13 of the revised statutes, entitled "of counties and county officers."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Section 95 amended.

SECTION 1. Section 95 of chapter 13 of the revised statutes, entitled "of counties and county officers," is hereby amended so as to read as follows: "Section 95. A sheriff shall be elected in each county of this state, organized for judicial purposes, for the term of two years, and shall before he enters upon the duties of his office, execute to the people of this state a bond, with at least three sureties, being freeholders, in such penal sum, not less than five thousand dollars nor more than twenty-five thousand dollars, as the officers approving the same shall specify, which bond shall be approved