

thereof, suit may be brought in the names of the county commissioners aforesaid, and the amount recovered shall be appropriated to the use of the respective counties.

SECTION 2. *And be it enacted*, That where by law, the clerk of the county court or the township clerk is now authorized or required to perform any official act, such power or duty shall hereafter devolve upon the clerk of the board of county commissioners.

County clerks' duty, to whom transferred.

Approved June 22, 1838.

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### No. 13.

AN ACT to locate the seat of justice of Cedar county.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin*, That the county commissioners for Cedar county are hereby authorized to raise by tax or by donation the sum of two hundred dollars, to defray the expenses of locating the permanent seat of justice for said county, and so soon as the said sum is collected and paid into the county treasury, the county commissioners shall certify the same to the governor of the territory, who shall thereupon appoint three commissioners, neither of whom shall be a resident of the county of Cedar nor of any of the adjoining counties.

Commissioners, when and how appointed.

SECTION 2. The commissioners so appointed, shall, within ten days after their appointment, notify the governor of their acceptance or non-acceptance of the appointment, and in case of non-acceptance the governor shall appoint others to fill such vacancy.

SECTION 3. The commissioners shall, on the first Monday of September next, meet at the town of Rochester, in Cedar county, and proceed forthwith to examine and locate a suitable place for the seat of justice for said county, having particular reference to the health, conveniences, and future prosperity of the inhabitants of the said county of Cedar.

To locate the seat of justice.

SECTION 4. The commissioners shall, within ten days after their first meeting at the aforesaid town of Rochester, make out and certify to the governor of the

And make returns.

territory, under their hands and seals a certificate of the number of the quarter section, or fractional quarter section, upon which they or a majority of them, shall have located the seat of justice for said county; and on receipt of such certificate, the governor shall issue his proclamation confirming and declaring the said location to be the seat of justice for said county of Cedar.

Oath.

SECTION 5. The commissioners aforesaid, shall, before entering upon their duties, severally take and subscribe an oath before some judge or justice of the peace of the county of Cedar as follows:

"I, A. B. do solemnly swear (or affirm) that I am not either directly or indirectly interested in the location of the seat of justice of Cedar county nor do I own any property in lands or any claims within said county of Cedar, so help me God."

(signed)

A. B.

Penalty for receiving bribes, &amp;c.

SECTION 6. If at any time within one year thereafter, it shall be shown that the said commissioners, or any of them, received any present, gratuity, fee or reward, in any form other than that allowed by law, or before the expiration of six months, after the governor's proclamation declaring the said seat of justice permanent, become interested in said town, or any lands in its immediate vicinity, the commissioner or commissioners shall upon conviction thereof, by indictment in the district court of the county in which he or they may reside, be guilty of a high misdemeanor, and be forever after disqualified to vote at any election or to hold any office of honor or trust within this territory.

Compensation.

SECTION 7. The commissioners aforesaid shall receive upon making out their certificate of the location of the seat of justice of said county, each three dollars a day, and also three dollars for every twenty miles going and returning from and to their respective homes.

SECTION 8. Upon the presentation of the certificate aforesaid to the treasurer of Cedar county, the treasurer is hereby authorized and required to pay the respective sums as allowed by this act.

Approved June 22, 1838.