

CHAPTER 154.

[Published March 14, 1868.]

AN ACT to amend chapter sixty-seven (67) of the general laws of 1867, entitled "an act to authorize the secretary of state to procure and furnish to the clerks of the county boards of supervisors authenticated lists of deserters from the military and naval service of the United States, and to provide for their distribution," and for other purposes in connection with men charged with desertion.

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

SECTION 1. Section four of chapter sixty-seven of ^{Amended.} the general laws of 1867, is hereby amended by adding to said section the following words: "*provided, however,* that whenever any person so charged, as aforesaid, upon said list with having deserted the said military or naval service of the United States, shall present to any court, board of registry, or to the inspector of any election in this state, the certificate of the adjutant general of the state that he has made a careful examination, upon proof submitted, with said charge of desertion, and is satisfied from said proof that the charge is unfounded, such certificate shall be held and deemed to rebut and do away with the *prima facie* case made under this law by said list against such person so charged with desertion."

SECTION 2. Whenever it shall be made to appear, ^{How charge of desertion to be removed.} by competent testimony presented to the adjutant general of the state that any person has been wrongfully reported at the war department as a deserter from any Wisconsin military organization, or from any draft duly ordered in this state during the late war of the rebellion, he shall, upon such proof, issue his official certificate to the person, or to the legal representatives of the person, so improperly charged with desertion, as contemplated in the preceding section. As to the character of the testimony upon which the certificate of the adjutant general shall be based, he shall require the best proof of which the case is susceptible, complying in form and substance, as nearly as possible, with the requirements of the various departments of the general government in like case, all

papers filed as evidence to be in duplicate. He shall also consider in evidence in all cases when pertinent, the records of his office.

Duty of adjutant general.

SECTION 3. The adjutant general shall keep on file in his office, properly classified and arranged for reference, one set of the papers transmitted in such case. He shall also classify and arrange the duplicates in the same manner, and at the end of the three months next ensuing the passage of this act, he shall transmit to the war department at Washington a list of the names of all soldiers to whom during the said three months he shall have issued the certificates hereinbefore provided for, with complete sets of the papers upon which the same were based, accompanying said list and evidence, with an official request that the names thereon be stricken from the list of deserters on file in said department. At the end of each month after the transmission of the first list, he shall transmit a list of those to whom he has during said month, issued certificates with request and evidence as hereinbefore provided. When the department at Washington shall notify said adjutant general that the evidence in any case is insufficient to warrant the removal of the charge of desertion, as requested, he shall immediately advise the party applying for the removal of such charge of the additional evidence required, both as to form and substance.

Secretary of state to strike names from list when certified by adjutant.

SECTION 4. The adjutant general shall officially inform the secretary of state of the names of men to whom he has issued his said certificate, and upon receipt of such notice the secretary of state shall strike such names from the list of deserters on file in his office. There shall also be published once in each two months, after the transmission to Washington of the first list, as provided in section three of this act, a list over the official certificate of said adjutant general of the men to whom certificates as aforesaid have been issued and the names of all to whom they have been issued during the year, shall be published in the annual report of the adjutant general.

Further duties of adjutant general.

SECTION 5. The adjutant general shall make such regulations, with the approval of the governor, as shall be necessary and proper to faithfully and fully carry out the provisions of this act. He shall have authority to administer oaths, take depositions in cases arising under this act, and in general to do all things essential

to the proper discharge of the duties hereby imposed upon him.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 155.

[*Published March 14, 1868*]]

AN ACT to amend section 24 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 1. Section twenty-four of chapter thirteen of the revised statutes, entitled "of counties and county officers," is hereby amended so as to read as follows, to wit: "When a judgment shall be rendered against any county, or against the board of supervisors of any county, or against any county officer, in an action prosecuted by or against him in his name of office, when the same should be paid by the county, no execution shall be awarded or issued upon such judgment, but the same, unless reversed, shall be levied and collected in the manner herein provided, and in no other manner, and when so collected, shall be paid by the county treasurer to the person to whom the same shall be adjudged, upon the delivery of the proper vouchers therefor." Amended.

SECTION 2. The county board of supervisors, at their annual session held on the Tuesday next succeeding the general election, and after they shall have been notified of any such judgment, but not at any other session, shall, if all the persons elected as members of the board, or their successors in case of a vacancy, are present, ascertain the total amount of all such judgments as are mentioned in the preceding section, together with interest on the same up to the first Tuesday of June next thereafter, and shall according to their best judgment, apportion such amount County board to ascertain amount of judgments against county.