

AN ACT

To provide for the organization of the county of La Fayette, and for other purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

SECTION 1. That all that portion or district of country now embraced in and forming a part of Iowa county, designated as follows, viz: towns one, two, and three, north of ranges one, two, three, four, and five, east, and the south half of town four, north of ranges one, two, three, four, and five, east, is hereby set off into a separate county, by the name and style of La Fayette county; and from and after the first day of May next said county shall be fully organized for all judicial and county purposes, and shall have and enjoy all the rights, privileges, immunities, and powers of the other counties within this territory.

Boundaries of county of La Fayette.

When organized.

SEC. 2. All suits and causes pending and undetermined in the county of Iowa, upon appeal or otherwise, on the first day of May next, in which the defendant or defendants, or either of them, his, her, or their agent or attorney, shall make an affidavit setting forth that said defendant, or where there are several defendants, that all of said defendants who are residents of this territory, are residents of the county of La Fayette, and shall file such affidavit in the office of the clerk of the district court of Iowa county, shall be transferred to the district court of La Fayette county: and it shall be the duty of the clerk of the district court of Iowa county, within twenty days after the filing in his office of the affidavit hereinbefore specified, to transmit to the clerk of the district court of the county of La Fayette all writs, process, recognizances, pleadings, returns, and other proceedings in said suits and causes remaining in his office, together with a certified transcript of the record in each of said suits and

Suits pending how removed.

Duty of clerk of dist. court of Iowa co.

causes in the district court of Iowa county. The clerk of the district court of said county of La Fayette shall enter said suits and causes upon the docket of causes in the same manner as the same would have stood if originally commenced in said court; and said district court shall proceed to find judgment and execution in such suits and causes in the same manner as if they had originated in said court.

Duty of clerk of La Fayette county. **Same subject.** SEC. 3. It shall be the duty of the clerk of the district court of the county of La Fayette, whenever execution or other final process shall issue in any of such suits and causes, to endorse upon the back of said execution or other final process, the amount of costs that accrued in the district court for the county of Iowa, as taxed, together with the fees of the clerk of the district court for the county of Iowa for transcripts of said record, and to include the same in the amount of costs to be collected on such execution or process; and it shall be the duty of the sheriff, or other officer of the county of La Fayette, upon the receipt of any of said costs, to pay the same to the clerk of the district court of the county of Iowa, who shall distribute the same to such person or persons as may be entitled thereto.

Certain persons now in office to hold out their terms. SEC. 4. That for the purpose of carrying out the provisions of this act, the officers elected for the county of Iowa, residing in the county of La Fayette at the time of the passage of this act, shall be and remain officers of the county of La Fayette, with the power and jurisdiction which of right appertains to officers of other counties of this territory, for the term for which they were respectively elected; and to fill all such offices as the county of La Fayette, by virtue of its organization, shall be entitled to, the legal voters thereof shall hold a special election on the first Tuesday of April next, at the usual place of holding elections in the respective precincts of said county of La Fayette, and then and there elect all necessary officers to fill all such vacancies, whose term of service shall commence on the first day of May next, and continue until the time now provided by law for the election of their successors. The said election shall be conducted in all respects in the manner now provided by the law regulating general elections, and the votes cast at the same shall

Special election when held.

Election how conducted.

be returned and canvassed as therein provided; and the clerk of the board of county commissioners of the county of Iowa shall issue certificates of election to the persons duly elected under the provisions of this act.

SEC. 5. The clerk of the board of county commissioners for Iowa county shall cause notice to be posted up in all the precincts of said county of La Fayette, for the election of the officers to fill the aforesaid vacancies, at least thirty days before the time of holding the same. Notices of election.

SEC. 6. The county of La Fayette shall form a part of the first judicial district; the first term of the district court shall be held on the first Monday of September next, and thereafter semi-annually, at the seat of justice for said county, one term on the first Monday of September, and another on the third Monday of April of each year. District court when held.

SEC. 7. That until suitable buildings are provided at the seat of justice for said county of La Fayette for the accommodation of the district court and the officers which by law are now required to be held at the seat of justice, it shall be the duty of the county commissioners of said county to provide rooms for holding the sessions of the district courts at such place in said county as they may deem most convenient for its inhabitants; and the said commissioners shall give public notice at three several places in each precinct of said county, of the place selected by them for holding the said court, and forward to the judge of the said district court, a copy of said notice, sixty days before holding the said first session; and the place so selected shall be deemed, for all intents and purposes, the court house of the said county for the time being. Court where held.

SEC. 8. All officers residing in the county of Iowa at the time of the adoption of this act, who were elected for Iowa county at the last general election, and who do not reside within the limits of the county of La Fayette, as defined in the first section of this act, shall be and remain officers of Iowa county during the term for which they were respectively elected; and to fill the vacancies in all such offices in the county of Iowa as by virtue of this act shall become vacant, Officers of Iowa to hold out their terms.
Vacancies how filled.

the legal voters of said county of Iowa shall hold a special election on the first Tuesday of April next, at the usual places of holding elections, in the respective precincts of said county of Iowa, whose terms of service shall commence on the first day of May next, and continue until the time now provided by law for the election of their successors.

Concerning
debt of Iowa
county.

SEC. 9. The debts and liabilities of the county of Iowa, as the same may exist on the first day of May next ensuing the passage of this act, shall be divided between the said counties of La Fayette and Iowa; and each of said counties shall pay such a proportion of such debts and liabilities as their population, respectively to be ascertained as hereinafter provided, shall bear to the whole population of both counties, when so ascertained.

Governor to
appoint mar-
shal to take
census.

SEC. 10. The governor shall appoint in each of said counties of La Fayette and Iowa, some suitable person who is hereby authorized and required to cause the number of inhabitants in his respective county to be taken, omitting in their enumeration, Indians not citizens, and soldiers of the United States army; and the persons so appointed shall have power to appoint assistants to aid them in taking the census.

Marshal to
take oath.

SEC. 11. The persons appointed to take the census, and their assistants, shall severally take and subscribe an oath or affirmation before some person authorized by law to administer oaths, previous to entering upon the discharge of the duties imposed by this act, that they will well and truly cause to be made a just enumeration of all the inhabitants resident within their county, and a true return thereof make in pursuance of the provisions of this act, which oath or oaths shall be returned with the census as hereinafter provided, to the secretary of this territory.

Return to
whom made.

Census how
taken.

SEC. 12. The said enumeration shall be made by an actual enquiry by the persons taking the census at every dwelling, or by personal enquiry of the head of every family in their respective counties; and shall commence the first day of March next, and shall be closed and completed in twenty days thereafter, and shall embrace the several families by the name of the head thereof, and the aggregate population in the several counties.

SEC. 13. The several persons appointed in pursuance of the provisions of this act to take the census in their respective counties, shall transmit one of said copies to the secretary of the territory, and deliver the other to the register of deeds of Iowa county, and the said register shall preserve the same on file in his office, subject to the inspection of all persons.

Returns
where made.

SEC. 14. The persons appointed to take said census and their associates, shall receive, from the treasurer of Iowa county, for the service to be performed in taking such census, at the rate of one dollar and fifty cents for every one hundred persons enumerated by them respectively, and they shall be allowed the sum of five dollars for making the abstract, or copies required.

Compensation of marshals.

SEC. 15. The register of deeds of the county of La Fayette shall have the privilege of transcribing, from the records of Iowa county, free from charge, any record of conveyance of land, or personal property, or any charge or mortgage concerning the same, lying and being in the county of La Fayette, and the same to record in his own office, and such record shall be as good evidence in all courts as the original records of Iowa county can be.

Certain records to be transcribed.

SEC. 16. To provide for the division of the property and effects of Iowa county, John W. Blackstone, and Robert C. Hoard, of said county, be, and they are hereby appointed commissioners, with a third person, whom they shall select, to appraise the value of said property and effects, for which purpose the said commissioners shall meet, on or before the first Monday of June next ensuing the passage of this act, and after being sworn by an officer authorized by law to administer oaths, to make a fair and true appraisal of said property and effects, and file the said appraisal, or amount of valuation agreed upon by them for said property and effects, with the clerk of the board of county commissioners of each of the counties of La Fayette and Iowa, after the appraisal of said property and effects, by the said commissioners, it shall by them be offered for sale at public auction, in the town of Mineral Point, within sixty days after the said ap-

Commissioners to appraise and divide certain property.

Property when sold.

Proviso.

praisement is made, and sold to the person making the highest bid: *Provided* such bid be not less than two-thirds of such appraised value, and the proceeds of said sale shall be by the said commissioners divided between the said counties of La Fayette and Iowa, according to the ratio of dividing the debts and liabilities of Iowa county, as provided in section nine of this act. And the said property and effects, if not sold by said commissioners, according to the provision herein before contained, then the said commissioners, or their successors in office, shall rent said property and effects, for public or private use, for such sum as they shall deem proper, until said property and effects shall be sold by said commissioners, for the said two-thirds of said valuation, or otherwise disposed of by the county commissioners of La Fayette and Iowa counties, and the proceeds of, or rent so acquired by the said first mentioned commissioners, shall be divided between the counties of La Fayette and Iowa, in the same proportion as provided for the division of the proceeds of the sale of said property and effects.

**Concerning
claims against
Iowa county.**

SEC. 17. The county commissioners of the counties of La Fayette and Iowa shall insert in one of the newspapers published at Galena, Illinois, and in one of the newspapers published at Madison, in this territory, a notice to the creditors of Iowa county, requiring said creditors to present their several claims against said Iowa county, to the board of county commissioners of said county, or file the same with the clerk of the board of county commissioners for said county, on or before the first Monday of December next ensuing the passage of this act, and all persons refusing, or failing to present or file their several claims as aforesaid, shall be, and are hereby forever barred. The said notice shall be published once a week, for six months, in each of the said newspapers, previous to the said first Monday of December next.

**Tax deeds by
whom executed.**

SEC. 18. The clerk of the board of county commissioners for Iowa county shall execute in all cases required by law, title deeds on all lands sold for taxes, lying and situate in said county of La Fayette, before the said first day of May next, and he is hereby authorized to receive redemption money for lands so sold, and issue certificates therefor.

SEC. 19. Any and all records of Iowa county, relating to persons or property in La Fayette county, shall be free of access to, and shall be free of charge to the proper officer of La Fayette county, to transcribe. ^{Access to records.}

SEC. 20. That until otherwise provided by law, the counties of Iowa, La Fayette, and Highland, shall continue to be represented in the legislative assembly as at present, and be entitled to one member of the council, and three members of the house of representatives. ^{Representative district.}

SEC. 21. All acts, or parts of acts, which in any way conflict, in whole, or in part, with this act, be and are hereby repealed.

WILLIAM SHEW,

Speaker of the House of Representatives.

MASON C. DARLING,

President of the Council.

APPROVED February 4, 1847.

HENRY DODGE.

AN ACT

Granting to Alexander D. Ramsey and Orris McCartney the right to keep and maintain a ferry across the Mississippi river, at Ray's Landing, in Grant county.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

SECTION 1. That Alexander D. Ramsey and Orris McCartney, their heirs, executors, and administrators, or assigns, shall have the exclusive right and privilege for the