

# LAWS OF WISCONSIN.

## AN ACT

In relation to the formation of a State Government in Wisconsin, and to change the time for holding the annual session of the Legislature.

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

SECTION 1. That on the fifth Monday of November, A. D. 1847, every white male inhabitant of the Territory of Wisconsin, above the age of 21 years, and who shall have resided therein, for six months next preceding said day, and who shall be a citizen of the United States, or shall have declared his intention to become such citizen, according to the laws of the United States on the subject of naturalization, shall be authorized to vote by ballot for the number of Delegates to a Convention to form a Constitution for the State of Wisconsin, which is hereinafter apportioned to the county in which he shall vote: *Provided*, That no person shall vote in any county for such delegates unless he shall have been a resident of that county for the period of ten days next preceding the time of offering his vote; and all legal voters resident upon Indian Territory shall, under the qualifications prescribed by this act, have the right to vote for delegates in the counties nearest to their residence.

SEC. 2. Every person authorized by this act to vote for delegates to the Convention herein provided for shall be eligible

Qualification of voters for delegates to form a state constitution.

*Provided.*

Who eligible as delegates.

ble as a delegate to said Convention for the county or district in which he resides.

**SEC. 3.** The number of delegates to be elected to said Convention in the several counties of the Territory shall be as follows, to wit:

Number of delegates apportioned to each county.	In the county of Racine,.....	Eight Delegates
	In the county of Milwaukee,.....	Seven Delegates
	In the county of Walworth,.....	Six Delegates
	In the county of Waukesha,.....	Six Delegates
	In the county of Rock,.....	Six Delegates
	In the county of Grant,.....	Five Delegates
	In the county of Jefferson,.....	Four Delegates
	In the county of LaFayette,.....	Three Delegates
	In the counties of Iowa and Richland,.....	Three Delegates
	In the county of Dane,.....	Three Delegates
	In the county of Dodge,.....	Three Delegates
	In the county of Washington,.....	Three Delegates
	In the county of Green,.....	Two Delegates
	In the county of Fond du Lac,.....	Two Delegates
	In the counties of Sheboygan and Manitowoc,.....	One Delegate
	In the county of Brown,.....	One Delegate
	In the county of Calumet,.....	One Delegate
	In the counties of Winnebago, and Marquette,.....	One Delegate
	In the counties of Portage and Sauk,.....	One Delegate
	In the counties of Crawford and Chippewa,.....	One Delegate
	In the counties of St. Croix and La Pointe,.....	One Delegate
	In the county of Columbia,.....	One Delegate

**SEC. 4.** The votes cast for such delegates shall be taken, canvassed, certified and returned, and certificates of election made out and delivered in the same manner as is provided by law for taking, canvassing, certifying and returning votes, and making out and delivering certificates of election for members of the House of Representatives: *Provided,*

That the returns of the said votes to the officers now designated by law in the several counties to receive the same, shall be made on or before the first Monday succeeding the day of election herein provided for: *Provided further,* That the clerk of the Board of County Supervisors or of County Commissioners, as the case may be, of each county, shall make out and deliver certificates of election to such persons as may have been elected delegates in said county, and shall not in any case be required to transmit the returns of the

Votes how canvassed and returned.

Returns when to be made, and certificates of election by whom given.

votes of said county to any other county, except that the returns of Richland county shall be transmitted to the county of Iowa; the returns of Manitowoc county shall be transmitted to the county of Sheboygan; the returns of the county of Winnebago shall be transmitted to the county of Marquette; the returns of the county of Portage shall be transmitted to the county of Sauk; the returns of the county of Chippewa shall be transmitted to the county of Crawford, and the returns of the county of La Pointe shall be transmitted to the county of St. Croix, and the person or persons voted for for delegate or delegates, equal in number to that above apportioned to such county or district who shall have received the greatest number of votes, shall be declared duly elected.

SEC. 5. The said delegates shall assemble in the Representatives' Hall in the Capitol, at Madison, in the said Territory, on the third Wednesday of December, A. D. 1847, at 12 o'clock, meridian, and when so assembled, shall have full power and authority to form a Republican Constitution for the State of Wisconsin.

Convention when to be held.

SEC. 6. The Convention shall elect one of their number President, and appoint one or more Secretaries, and such other officers as may be necessary to the permanent organization of their body, and shall adopt rules for the regulation of its members and officers, and have full power to enforce the same.

Powers of the convention.

SEC. 7. Each Delegate shall receive two dollars and fifty cents per day for his services in said Convention, and ten cents per mile for travel going to and returning from the same. The officers of said Convention shall receive such compensation as the Convention shall deem proper to allow; and the compensation of the members and officers of said Convention, together with the incidental expenses of the Convention, shall be paid out of the Territorial Treasury on the certificate of the President; and the auditor is hereby authorized to receive said certificates, and issue warrants on the Territorial Treasury therefor in such sums as the holders may desire.

Pay of members and officers.

Auditor authorized to issue warrants upon the treasury.

SEC. 8. It shall be the duty of said Convention to give publicity to the Constitution adopted by them by providing

Constitution to be published.

ed and submitted to a vote of the people and congress. for its publication in all the newspapers published in the Territory; *Provided*, That such papers will publish the same for a sum not exceeding twenty dollars per paper, and no expenseshall be incurred for its publication in pamphlet form; to submit the same to a vote of the people for their approval, and to provide how the votes cast upon that subject shall be taken, canvassed, and returned; and the said Convention shall also have the power to submit the said Constitution to the Congress of the United States, and to apply in such manner as they may deem proper for the admission of the State of Wisconsin into the Union.

**Of challenges** SEC. 9. When any person shall offer to vote at any election provided for by this act, and either of the Judges of Election shall suspect that such person does not possess the qualifications of a voter, or if his vote shall be challenged by any voter, one of the Judges of election shall tender to such person an oath or affirmation in the following form: "I, A. B. do solemnly swear (or affirm as the case may be) that I have resided in this Territory six months, and in this county ten days immediately preceeding this election; I am twenty-one years of age, as I verily believe; I am a citizen of the United States (or have declared my intention to become such according to the laws of Congress on the subject of naturalization) and I have not voted at this election." And if such person shall take such oath or affirmation, his vote shall be received unless it shall be proved by evidence satisfactory to a majority of the Judges that he does not possess the qualifications of a voter; and if such person refuses to take said oath or affirmation, his vote shall be rejected.

**Oath to be taken.**

**Penalty for voting when not qualified.**

SEC. 10. If any person shall vote at any election provided for by this act knowing that he does not possess the qualification of a voter therein prescribed, he shall be liable to be indicted for so voting; and upon conviction thereof, shall be punished by imprisonment in the county jail of the county in which he shall be convicted, for a period not less than three months nor more than one year. And if any person shall take the oath or affirmation prescribed by this act relative to the qualification of voters, knowing the same to be false, he shall be deemed to be guilty of perjury; and upon con-

**Voters when guilty of perjury.**

violation thereof, shall be punished in the same manner as is now provided by law for the punishment of the crime of perjury.

SEC. 11. The qualified electors present at the place of holding any election provided for in this act, shall have power to fill any vacancy (for the time being) that may exist in the board of election as now constituted by law. Vacancies in the board of election may be filled.

SEC. 12. At any election held in pursuance of the provisions of this act, the polls shall be opened at the several places where the last annual election was held, between the hours of eight and ten o'clock A. M., and shall be closed at five o'clock P. M.; any law of this Territory to the contrary notwithstanding. Where the election to be held, and the polls when opened and closed.

SEC. 13. The Governor shall within ten days from the passage of this act, appoint in each of the counties of the Territory, some suitable person who is hereby authorized and required to cause the number of inhabitants in the county for which he shall have been appointed to be accurately taken, omitting in the enumeration Indians not citizens and officers and soldiers of the regular army of the United States; and every person so appointed shall have [power] to appoint as many assistants to aid him in taking the census as he may deem necessary, and shall assign to each assistant a certain division of his county which shall be accurately defined either by Congressional Township lines or the boundaries of towns organized for town government or shall be distinctly bounded by water courses or public roads: *Provided, That* if any person so appointed shall refuse or fail to perform the duties required by this act, it shall be the duty of the Governor forthwith to appoint some other suitable person to perform the same; and he is hereby authorized, should he deem it necessary, to extend in such case the time limited by this [act] for the performance of said duties for such period as he may deem proper. Governor to appoint persons to take the census. Assistants may be appointed. Provide.

SEC. 14. The Governor shall immediately upon making such appointments, furnish to the Secretary of the Territory the names of all persons so appointed, and their residence so far as he can ascertain the same, which the Secretary List of marshals to be furnished the secretary and to be recorded.

shall record in the Executive Journal; and the Secretary shall furnish to every person so appointed a certificate of such appointment, and shall at the same time forward to him the necessary blank forms for carrying into effect the provisions of this act, to be prepared by the Secretary, the expense of preparing which shall be paid by the Territory.

Marshals to take oath.

Sec. 15. 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 and perfect enumeration of all the persons resident within their county or division as the case may be, and a true return thereof make in pursuance of the provisions of this act according to the best of their abilities, which oath or oaths shall be returned with the census as hereinafter provided, to the Secretary of the Territory. Every assistant so appointed, shall return to the person by whom he was appointed, a just and perfect enumeration of the inhabitants of the district or division as signed to him in the form so as aforesaid to be prepared by the Secretary. And the several persons appointed in pursuance of the provisions of this act, to take the census in their respective counties, shall by the twenty-fifth day of December next, prepare duplicate copies of the enumeration of the inhabitants of their respective counties, specifying the number of inhabitants in each town in the counties under the town system of government, and in each precinct in those counties under the county system of government; and forthwith transmit one of said copies properly certified to the Secretary of the Territory, and the other to the Register of Deeds of said county, or if there be no Register in such county, to the Register of Deeds of the county to which it is attached for judicial purposes, and the said Register shall preserve the same on file in his office subject to the inspection of all persons.

Assistants to make return to their principals.

Duplicate returns when and where made.

Penalty for making false returns.

Sec. 16. If any person appointed in pursuance of the provisions of this act, to take the census shall fail to complete said census, and make returns thereof by the time limited by this act, he shall not be entitled to receive any compensation

therefor, and every person so appointed who shall accept said appointment, and every assistant who shall be appointed and shall accept such appointment who shall knowingly make a false return, shall forfeit and pay the sum of two hundred dollars, to be recovered in the name and for the use of the Territory, before any court of competent jurisdiction.

SEC. 17. The said enumeration shall commence on the first day of December, A. D. 1847, and shall be completed and closed within fifteen days thereafter. It shall include only those who are residents of said respective counties or divisions on the first day of December aforesaid, and shall be made by an actual enquiry by the persons taking such census at every dwelling, or by personal enquiry of the head of every family in their respective counties or divisions.

Enumeration when to be commenced and completed, and how made.

SEC. 18. Every assistant shall by the twentieth day of December, A. D. 1847, make and deliver to the person by whom he was appointed, a true and accurate copy of the enumeration of all persons whose enumeration is herein provided for, which shall be set forth in a schedule designating the townships, precincts or districts constituting his division according to the civil or geographical boundaries thereof, and shall embrace the several families by the name of the head thereof, and the aggregate number therein.

Returns of assistants when, to whom and how made.

SEC. 19. The persons appointed to take such census shall each be allowed the sum of five dollars for making the abstracts or copies required by section fifteen, and said persons and their assistants, shall receive as compensation for the service performed in taking said census at the rate of one dollar for every one hundred persons enumerated by them respectively: *Provided*, That in the counties of St. Croix, Chippewa, and La Pointe said compensation shall be at the rate of three dollars for every one hundred persons enumerated therein, and in the county of Richland at the rate of five dollars for one hundred, and in the county of Portage three dollars for every one hundred: *Provided also*, that each county shall pay for taking the census in its own limits and for the abstracts and copies of the same, in the same manner as other county expenses are paid.

Compensation for taking the census.

If constitution not adopted, governor to call a new convention.

SEC. 20. If it shall appear from the returns of the votes cast upon the question of adopting the constitution which shall be submitted by the convention to the people, that the same has not been adopted, it shall be the duty of the Governor of the Territory forthwith to issue a proclamation authorizing an election of delegates to form a constitution for the State of Wisconsin at such time as he may designate. The number of delegates so to be elected in each county, the eligibility of persons to the office of delegate, the qualifications of voters at such election, the manner of conducting the same, and of taking, canvassing and returning the votes cast at such election and of making out and delivering certificates of election, shall in all respects be the same as is herein before provided.

Convention so called when to be held.

SEC. 21. The delegates so elected, under the twentieth section of this act, shall assemble at the Representatives' Hall, in the Capitol at Madison, in said Territory, on the fourth Monday after such election, at twelve o'clock, M., and when so assembled shall have the same powers and shall perform the same duties and receive the same pay as is herein before prescribed in relation to the delegates first above provided for.

Stationery to be purchased.

SEC. 22. The Superintendent of Territorial Property is hereby directed to procure, previous to the assembling of the Convention first above provided for, a requisite supply of stationery for the use of the members thereof; and the sum of six hundred and ninety dollars is hereby appropriated out of the Territorial Treasury for that purpose, and the further sum of six hundred and ninety dollars is hereby appropriated, to be expended in the same manner, for the use of the second convention above provided for, in case the same shall be authorized by proclamation of the Governor as aforesaid, and to be drawn out of the Territorial Treasury after such proclamation shall have been issued.

Appropriation therefor.

The next annual session of the legislature when to be held.

SEC. 23. The annual session of the Legislative Assembly which is required by law to be held at the capitol, on the first Monday in January next, shall be held at the same place, commencing on the first Monday of February next; and all Territorial officers elected at the last annual session for the term



of one year, shall hold their respective offices until the close of said February session, or until others shall be elected and qualified in their stead.

I. P. WALKER,

*Speaker of the House of Representatives.*

HORATIO N. WELLS,

*President of the Council.*

APPROVED, October 27th, 1847.

HENRY DODGE.

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## AN ACT

To provide for the payment of the expenses of the special session of the Legislative Assembly for A. D. 1847.

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

SECTION 1. There shall be paid out of the sum appropriated by Congress at its session of A. D. 1846 and 1847 for defraying the expenses of the Legislative Assembly of this Territory, as follows, viz:

To Mason C. Darling as President *pro tem* of the Council, one day, three dollars. To M. C. Darling.

To H. N. Wells as President of the Council, three dollars per day extra for ten days services, thirty dollars. H. N. Wells.

To Benjamin H. Mooers as Speaker *pro tem* of the House of Representatives, six dollars for two days services. B. H. Mooers.

To I. P. Walker as Speaker of the House of Representatives, three dollars per day extra for nine days services, twenty-seven dollars. I. P. Walker.