

AN ACT to amend an act entitled "An act to prescribe Township and County Government," approved February 18th, 1841.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

CHAPTER 1.

OF ANNUAL AND SPECIAL TOWN MEETINGS.

SECTION 1. The electors of the several towns in this state qualified by law to vote for elective officers, shall annually assemble and hold town meetings in their respective towns, on the first Tuesday in April in each year at such place in such town as the electors thereof at their annual town meeting shall from time to time appoint which meetings shall be opened between the hours of nine and eleven o'clock A. M. and kept open until five o'clock P. M. and the first election under this act shall be holden at the places prescribed by law.

SEC. 2. There shall be chosen at the annual town meetings in each town, three supervisors one of whom shall be designated on the ballots as chairman, one town clerk, one assessor, one treasurer, one superintendent of common schools, and from one to three constables, as the town may direct and as many overseers of highways as there may be road districts in said town.

SEC. 3. The electors of each town may have power at their annual town meetings,

- 1st, To elect such town officers as may be required to be chosen.
- 2d, To raise such sums of money for the support of schools, for the contingent expenses of such towns, for roads and bridges, and for the support of the poor for the ensuing year as they may deem necessary.
- 3d, To direct the institution or defence of suits at law or in equity in all controversies between such town and corporation, individuals or other towns and to raise money for the prosecution or defence of such suits.
- 4th, To take measures and give directions for the exercise of their corporate powers.

5th, To make from time to time such prudential rules and regulations as they may think proper for the better improvement of all lands owned by such town in its corporate capacity whether commons or otherwise.

6th, To make the like rules and regulations for ascertaining the sufficiency of all fences in such town, for determining the time and manner in which cattle, horses, sheep or swine shall be permitted to run on highways, and for impounding cattle.

7th. To impose such penalties on persons offending against any rule or regulation of such town, except such as relate to the keeping and maintaining fences as they may think proper, not exceeding ten dollars for each offence.

8th, To apply such penalties when recovered to the support of common schools in said town.

SEC. 4. No previous notice need be given for annual town meetings, but the town clerk shall at least eight days before the holding of any special town meetings, cause notice thereof under his hand to be posted up at three or more of the most public places in the town, which notice shall specify the time, place and purpose of such meeting.

SEC. 5. Every order or direction, and all rules and regulations made by any town meeting shall remain in force until the same be altered or repealed at some subsequent meeting.

SEC. 6. No civil process shall be served except in cases of attachment of personal property in such town on any elector entitled to vote therein on any day on which such town meeting shall be held. And if any such process be made returnable on such day it shall be continued to some subsequent day.

SEC. 7. There shall be elected at the first annual town meeting four justices of the peace, two of which to be determined by lot, shall go out of office at the end of one year, and thereafter two justices may be elected annually to hold their offices for the term of two years.

CHAPTER II.

GENERAL POWERS AND DUTIES OF TOWNS AS BODIES CORPORATE.

SECTION 1. Every town now organized, or which may hereafter be organized by the laws of this state, shall be a body corporate and shall have power,

1st, To sue and be sued in the manner prescribed by law.

2d, To hold real estate for the public uses of the inhabitants, and to con-

vey the same, either by a vote of the inhabitants, or by a deed of their committee or agents.

3d, To hold personal estate for the public uses of its inhabitants, and to alienate and dispose of the same by a vote or otherwise.

4th, To hold real or personal estate in trust, for the support of schools, and for the promotion of education within the limits of the town.

5th, To make such contracts as shall be necessary to the exercise of its corporate or administrative powers, and

6th, To make such orders for the disposition, regulation or use of the corporate property as may be conducive to the interest of its inhabitants.

SEC. 2. No town shall possess or exercise any corporate powers except such as are enumerated in this chapter, or be specially conferred on them by law.

SEC. 3. All acts or proceedings by or against a town in its corporate capacity shall be in the name of such town, but every conveyance of land within the limits of such town, made in any manner for the use or benefit of its inhabitants shall have the same effect as if made to the town by name.

SEC. 4. When a town possessed of or entitled to money, rights and credits, or other personal estate shall be divided or altered, such personal estate including monies belonging to the towns in the hands of town officers shall be apportioned between the towns interested therein, by the supervisors of such towns (who shall meet for that purpose as soon as may be after the first town meeting subsequently held in such towns) which division shall be made equitable according to the respective interests of such town or towns.

SEC. 5. Whenever a meeting of the supervisors of two or more towns shall be required, in order to carry into effect the provisions of the preceding section such meeting shall be called by either of said supervisors but the supervisors calling the same shall give at least six days notice in writing to all the other supervisors of the time and place at which such meeting is to be held.

SEC. 6. Debts owing by a town so divided or altered shall be apportioned in the same manner as the personal property of such town and such town shall thereafter be charged with its share of such debts according to apportionment.

CHAPTER III.

OF THE MODE OF CONDUCTING TOWN MEETINGS.

SECTION 1. It shall be the duty of the chairman of the board of supervisors, to act as moderator of town meetings, but if from sickness or any other cause the chairman shall not be present at such meeting, it shall be the duty of some one of the other supervisors to act as moderator for the time being, if no one of the supervisors shall be present then the voters present may elect a moderator for such meeting.

SEC. 2. If the town clerk be present, he shall act as the clerk of the town meeting and shall keep faithful minutes of the proceedings, in which he shall enter at length every order or direction and all rules or regulations made by such meetings. But if the town clerk be absent, then such person as shall be chosen by the electors, shall act as clerk of such meeting.

SEC. 3. If any person offering to vote at any election, and upon any question arising at such town meeting and whose right of voting shall be challenged by any elector, it shall be the duty of the presiding officer before receiving such vote, to administer to such person claiming the right of voting, the oath prescribed by law, and no person whose vote shall be so received, shall be again challenged upon any other question arising at the same town meeting.

SEC. 4. At the opening of every town meeting the presiding officer shall state the business to be transacted, and the order in which such business will be entertained, and no proposition to vote any tax shall be acted on out of the order of business as stated by such presiding officer. No reconsideration of any vote shall be entertained at any town meeting unless the same shall be decided within one hour from the time in which the vote passed which may be proposed to be re-considered.

SEC. 5. The minutes of the proceedings of every town meeting subscribed by the clerk and chairman of such meeting, shall be filed in the office of the town clerk, within five days after such meeting, and an abstract of the same returned within twenty days to the clerk of the county board of supervisors.

CHAPTER IV.

OF THE ELECTION AND QUALIFICATION OF TOWN OFFICERS AND THE
TENURE OF THEIR OFFICES.*Of the Election of Town Officers.*

SECTION 1. Before the electors shall proceed to elect any town officers, proclamation shall be made of the opening of the poll, and proclamation shall be made in like manner of each adjournment and of the opening and closing of the polls, until the election be ended.

SEC. 2. All town officers shall be chosen by ballot, excepting overseers of highways.

SEC. 3. All officers voted for may be named in one ballot, and the offices to which such persons are intended to be chosen designated: and the said ballots shall be delivered to the presiding officer.

SEC. 4. The votes shall be so taken by the presiding officer that the clerk can enter the name of each voter upon the list of voters by him to be taken at the time of voting.

SEC. 5. At the close of every election, the chairman or moderator with the assistance of the clerk shall proceed publicly to canvass the votes which canvass when commenced shall be continued without adjournment or intermission until the same be completed.

SEC. 6. Before the ballots are opened they shall be counted and compared with the names upon the list of voters, and if the ballots shall be found to exceed in numbers the whole number of votes in the correspondent columns of the poll lists, they shall be placed in the box, and one of the inspectors shall publicly draw out and destroy unopened as many ballots as shall be equal to such excess, the ballots and numbers on the poll lists agreeing or being made to agree, the board shall then proceed to canvass and estimate the votes.

SEC. 7. The canvass being completed, a statement of the result shall be entered at length by the clerk of the meeting in the minutes of its proceedings, to be kept by him as before required, which shall be publicly read by him to the meeting; and such reading shall be deemed notice of the result of such election to every person whose name shall appear upon the poll list as a voter.

SEC. 8. The town clerk within ten days thereafter shall transmit to

each person elected to any town office whose name shall not have been found upon the poll list as a voter, a notice of his election:

CHAPTER V.

OF THE QUALIFICATIONS OF TOWN OFFICERS AND TENURE OF THEIR OFFICES.

SECTION 1. No person shall be eligible to any town office unless he shall be an elector of the town for which he shall be chosen.

SEC. 2. Every person chosen or appointed to the office of supervisor, town clerk, assessor or treasurer, before he enters upon the duties of his office, and within ten days after he shall be notified of his election, shall take and subscribe before the town clerk or some person authorized to administer oaths, an oath to support the constitution of the United States, the constitution of this state and faithfully and impartially to discharge the duties of his office (naming the same) and the person before whom such oath shall be taken, shall certify in writing the day and year the same was taken and shall deliver such certificate to the person by whom the oath was made.

SEC. 3. Such person within ten days thereafter and before entering upon the duties of his office, shall cause such certificate to be filed in the office of the town clerk.

SEC. 4. If any person chosen or appointed to either of the town offices above mentioned, shall not take, subscribe and file the oath as above required such neglect may be considered a refusal to serve in such office.

SEC. 5. Town officers shall hold their offices for one year, and until others are chosen and qualified to fill their places.

SEC. 6. No person shall be compelled to serve in any one town office more than one year in succession provided he shall refuse so to do. But every person being able in person to discharge the duties of an office, shall when legally chosen, unless legally excused from the same, serve for one year, or shall be liable to a fine of ten dollars, to be recovered in an action of debt by the treasurer for the benefit of the town.

CHAPTER VI.

MISCELLANEOUS PROVISIONS OF A GENERAL NATURE.

SECTION 1. The following may be deemed town charges:

1st. The compensation of town officer for services rendered in their respective towns.

2d. The contingent expenses necessarily incurred for the use and benefit of towns.

3d. Moneys authorized to be raised by the vote of a town meeting for any town purposes; and

4th. Every sum directed by law to be raise for any town purpose.

SEC. 2. The supervisors, assessors, town clerk and superintendent of schools, shall receive as compensation for their services one dollar for each day actually employed.

SEC. 3. The moneys necessary to defray the town charges of each town, shall be laid upon the taxable property in the town in the manner prescribed by law.

SEC. 4. Whenever the term of office of any town officer shall expire and another person be elected or appointed to such office, such person immediately after qualifying for such office as the law requires shall demand of his predecessor all records, books and papers or any other property appertaining to such office, be onging to such town; and refusing to deliver such records, books, papers or other property, shall be liable to a fine of not less than fifty nor more than one hundred dollars to be recovered for the use of the town.

CHAPTER VII.

OF THE DUTIES OF SUPERVISORS.

SECTION 1. The supervisors shall have charge of, and provide for the town poor, agreeable to the provisions of law, they shall have power to lay out, alter and establish highways in their respective towns, and to do all other business which by law is now conferred on road commissioners, and to organize, alter and establish school districts in their several towns and further to have charge of all such affairs of the town as not by law made the special duty of other town officers: provided, that in all cases when said board are called upon to lay out, alter, establish or discontinue any highway, the expenses shall be paid by those applying, unless it shall be deemed for the public interest to grant the prayer of the petitioner.

SEC. 2. It shall be the duty of the supervisors and they shall have power to draw their orders upon the town treasurer for the disbursement of such sums as may be necessary for defraying the incidental expenses of the town: Also such further sums as shall be appropriated and made pay.

able by law out of the town treasury, they shall however keep a full and accurate account of all expenditures by them so made and the amount so drawn.

SEC. 3. The supervisors on the Monday preceding the annual town meeting in each year, shall meet at the place of holding such meetings, to settle with the treasurer, and audit the accounts of all disbursing officers, and make a detail report of the fiscal concerns of the town to the annual town meeting; which shall be accompanied with an estimate of the current expenses of such town for the ensuing year. Such report and estimates shall be referred to a committee of the electors of such town, whose duty it shall be to examine the same with reference to the supervisors accounts and doings and report the same for acceptance or otherwise at said meeting.

SEC. 4. The chairman shall annually lay before the board of county supervisors attested copies of all records which shall require to be acted upon by that board.

SEC. 5. The board of supervisors of each town, together with the town clerk, shall constitute a board of inspectors of elections and discharge their duties as such according to law.

SEC. 6. In case there shall be only one organized town in any county then in that case the board of town supervisors shall constitute a board of county supervisors for such county.

CHAPTER VIII.

DUTIES OF THE TOWN CLERK.

SECTION 1. That the town clerk of each town in this state shall have the custody of all records, books and papers of the town, and he shall duly file all certificates of oaths, and other papers required by law to be filed in his office. He shall be the clerk of the board of supervisors at all their regular or special meetings and transcribe in a book of records of his town, the minutes of the proceedings of every meeting of the board of supervisors with their doings and of any town meeting held therein, and he shall enter in such book every order or direction all rules and regulations made by any such town meeting.

SEC. 2. The town clerk immediately after the qualifying of any constable chosen or appointed in their respective towns shall return to the clerk of their respective counties the name of such constable.

Sec. 3. If any town clerk shall wilfully omit to make such return, such omission is hereby declared to be a misdemeanor and on conviction thereof the person so offending shall be adjudged to pay a fine not exceeding ten dollars.

Sec. 4. Immediately after the completion of any assessment roll the town clerk shall make out a duplicate or transcript of the same together with a precept in the name of the state under his hand and seal directed to the treasurer of the town, commanding him to collect the taxes charged in such transcript by demanding payment of the persons charged therein if within his town, and making sale of their goods and chattels according to law, and the town clerk shall in like manner, require of the treasurer to pay over to the county treasurer the amount by him so collected on account of county and state taxes at such time and in such sums as may be expressed therein according to law and to make return of his precept together with his doings thereon to the town clerk on or before the fifteenth day of January next following.

Sec. 5. Copies of all papers duly filed in the office of the town clerk and transcript from the book of records, certified by him, shall be evidence in all courts in like manner as if the originals were produced.

Sec. 6. It shall be the duty of the town clerk on the reception of the corrected assessment roll, and the amount of county tax to be paid by his town, forthwith to calculate and carry out the amount of taxes including town and county taxes in an additional column or that purpose prepared in the assessment roll opposite to the several sums set down as the valuation of real and personal estate.

Sec. 7. The town clerk of every town shall take for the use of the town one copy of each newspaper printed in the county in which such town is located which paper shall be safely preserved with the books of the town and bound in volumes as shall be directed by the supervisors of the town.

CHAPTER IX.

DUTY OF ASSESSORS.

SECTION 1. The assessor in each town shall once in each year, between the first day of May and the first day of June make out an assessment roll of all the taxable persons and property in their towns in the manner hereinafter provided.

Sec. 2. The assessor of each town according to the best evidence he may have or can obtain by enquiring personally of the owner or occupant of any estate real or personal to be taxed, shall make out a true list of all the estate, real and personal not exempted from taxation within their towns respectively and shall appraise the same at its true cash value.

Sec. 3. He shall prepare an assessment roll in which he shall set down in separate columns and according to the best information in his power.

1st, The names of all taxable inhabitants of his town.

2d, A correct description of the lands or lots subject to taxation.

3d, The number of acres and parts of acres.

4th, The value of such lands and all the improvements thereon, and,

5th, The amount of all personal property subject to taxation.

Sec. 4. The assessors shall complete their assessment rolls in their respective towns on or before the first day of June in each year and shall then forthwith cause notice thereof to be posted up at three or more public places in their towns.

Sec. 5. Such notice shall set forth that the assessor has completed his assessment roll and that a copy thereof is left at some place to be specified therein where the same may be seen and examined by any of the inhabitants of the town during twenty days, and that the assessor will meet on such a day and at such a place (naming them) to review the assessment on the application of any person considering himself aggrieved.

Sec. 6. The assessor shall meet at the time and place specified in the notice and make all such alterations in the assessment roll as shall be shewn to be reasonable by any person considering himself aggrieved by his assessment, but in all cases the assessor may require such person or agent to make affidavit of the facts in relation to his assessment if he deem necessary.

Sec. 7. The affidavit specified in the preceding section shall be made before the assessor, who is hereby authorized to administer an oath for that purpose, and the assessor shall cause all such affidavits to be filed in the office of the town clerk.

Sec. 8. After having corrected the assessment roll as herein provided the assessor shall sign the same and shall attach thereto a certificate in the following form which shall also be signed by him, viz:

I do certify that the foregoing assessment roll comprises all the real and personal estate liable to taxation by law, situated in the town of _____ according to the best of my information and belief and that with the exception of those cases in which the real estate has been sworn to by the owners or possessors thereof I have appraised the same under my oath as assessor according to law.

CHAPTER X.

DUTIES OF THE TOWN SUPERINTENDANT OF COMMON SCHOOLS.

SECTION 1. It shall be the duty of the superintendent of common schools to examine all teachers and to visit all the schools in his town at least once in each quarter. It shall be his duty in visiting such schools to examine into the condition of such school both as respects the progress of the scholars in learning and good order and to give his advice and direction to the trustees and teacher as to the government of such school and the books to be used, and the course of studies to be pursued therein.

SEC. 2. In the examination of the teacher it shall be the duty of the superintendent to ascertain the qualification of the candidate as to moral character, learning and ability and if on examination of such candidates the superintendent be satisfied that the candidate possesses the required qualifications he shall give such candidate a certificate of approbation.

SEC. 3. The said superintendent shall have the power at any time to re-examine each and every teacher in his town for the purpose of ascertaining his, her or their qualifications to continue as such teacher and on such re-examination the superintendent may annul or revoke any certificate given by him or his predecessor, giving the trustees of such district five days notice thereof.

SEC. 4. The superintendent of common schools shall in all cases be under the control and direction of the state superintendent of public instruction and shall whenever called on by the state superintendent give any information in his possession relating to the several schools in his town.

SEC. 5. In case of a vacancy in the office of the superintendent of common schools from any cause whatever, the town clerk shall act as such superintendent and do and perform all the duties required by law of the said superintendent.

CHAPTER XI.

RELATING TO THE DUTIES OF TOWN TREASURER.

SECTION 1. The town treasurer shall within ten days after notice of his election and before he enters upon the duties of his office, file with the town clerk his bond to the supervisors of such town with one or more sufficient sureties to be approved by said supervisors in the penal sum of double the amount of the sums voted to be raised at the town meeting at which he was elected. And shall also before he shall receive the tax list and warrant annexed make and execute to the supervisors aforesaid a bond with good and sufficient sureties in double the amount of the county and state taxes to be collected in his town both of said bonds conditioned for the faithful discharge of his duties both as treasurer of such town and as collector of the assessments in said town. And shall also take and subscribe before such clerk an oath to support the constitution of the United States and constitution of the state of Wisconsin and faithfully to discharge the duties pertaining to his office as prescribed by law according to the best of his ability, which oath shall be filed by said clerk together with said bond.

SEC. 2. Upon receipt of the assessment roll for the current year with the tax list and warrant annexed, the treasurer shall forthwith post up notices in three or more public places in such town that the taxes levied in such town are placed in his hands for collection, and that the taxes charged therein are subject to payment at his office, or tender of the same at any time previous to the 15th day of November in such year.

SEC. 3. On all taxes so paid or tendered at the office of such treasurer previous to said 15th day of November, it shall be lawful for the treasurer to demand and receive from the person so paying one per centum for his fees.

SEC. 4. The said treasurer shall after the said 15th day of November proceed to collect all taxes charged in such assessment and remaining unpaid by demanding the same of the persons charged therewith or upon the premises charged therein, and in case of payment on such demand it shall be lawful for the treasurer to demand from the person paying the same five per centum on the amount so charged.

SEC. 5. In case of assessment of taxes in gross upon any tract or lot of land, the treasurer shall upon application of any claimant to any part

thereof whether his interest be divided or undivided receive a part of the tax charged thereon proportionate to the part of such lot or tract so owned or claimed, and the balance of the tax charged thereon shall be a lien only on the balance of such tract or lot of land.

SEC. 6. In case of refusal or neglect to pay such tax or any part thereof on demand as provided in section 4 it shall be lawful for said treasurer to levy the same by distress of the goods and chattels of the person charged therewith.

SEC. 7. The treasurer shall give public notice by posting in three or more public places in such town of the time and place of such sale containing a description of such property, which notice shall be posted up at least six days previous to the day of sale, which sale shall be by public auction.

SEC. 8. It shall be lawful for said treasurer to deduct from the proceeds of such sale the amount of tax charged and for which sale was made together with ten per centum on the amount so charged and fifty cents for advertising.

SEC. 9. If the property distrained shall be sold for more than the amount of taxes and costs of sale the surplus shall be returned to the person from whom the property was taken, on demand.

SEC. 10. If no goods or chattels can be found out of which to make the taxes charged upon any lands or town lots or if sufficient goods and chattels cannot be found, the said treasurer shall on or before the 15th day of January then next, return his transcript roll together with his doings thereon to the town clerk's office; said returns shall specify,

1st, The amount of all taxes by him so collected.

2d, The description of all lands in which the taxes are unpaid and the name of the owner thereof if known.

3d, He shall file in the town clerk's office a verification under oath that he has made diligent enquiry in his town as the law requires but has not been able to find goods and chattels liable to be taken for the payment of taxes so returned or any part thereof, sufficient to cancel the same.

SEC. 11. When any treasurer discovers that any tract of land or town lot have been assessed more than once for the same year he shall demand only the taxes really due and shall return the balance as an illegal assessment and shall describe the same to the town clerk, and if the same shall be correctly returned it shall be so certified by the clerk and credited to the

treasurer and when any treasurer shall discover any lands not entered in his assessment roll and subject to taxation he shall enter the same and collect the tax on the same and in the same manner as other taxes but shall in no case tax such lands higher than similar adjoining lands.

Sec. 12. If any individual shall be injured by the false return of any treasurer made to any precept under the provisions of this act or other illegal or fraudulent act of such treasurer in the collection of taxes, such individual upon suit brought against such treasurer and his securities upon their bond for his use shall recover double damages and full costs and charges.

Sec. 13. The treasurer shall in the collection of taxes for town taxes take such town orders drawn by the supervisors as may be presented and for county taxes such county orders as may be presented to him in payment for any tax so assessed.

Sec. 14. On or before the 25th day of January in each year it shall be the duty of the treasurer of every town to pay over the amount of all taxes by him collected for county and state purposes to the county treasurer, and if the said treasurer shall fail to pay over to the county treasurer any money by him collected for county or state purposes for more than two weeks after the said 25th day of January annually the county treasurer may sue for and collect the same upon the bond of the said town treasurer with twenty per centum damages, besides costs of suit.

Sec. 15. If any treasurer shall fail to return the precept and duplicate to the clerk or shall fail to account for and make payment of the sums collected as hereinbefore provided or shall make a false return thereto the supervisors of the town or the treasurer of the county as the case may be shall institute suit against said treasurer, and the judgments thereon shall be for the full amount of the taxes required to be collected by the precept accompanying said assessment and payable to such town or county together with costs and charges, and the duplicate of said assessment and the receipt of said treasurer on receiving said assessment from the town clerk shall be sufficient evidence of such amount.

Sec. 16. The treasurer may appoint one or more deputies for the collection of taxes who shall be sworn and possess the same powers and authority in the collection of taxes granted by this act to the treasurer but the said treasurer shall be responsible upon his bonds for all the acts of such deputy or deputies.

Sec. 17. The town treasurer shall receive and take charge of all moneys belonging to his town and pay over and account for the same, according to the order of said town, upon the orders of the officers hereof duly authorized in that behalf.

Sec. 18. Every town treasurer shall keep a true and accurate account of all moneys by him received and for what account the same was received and the manner in which and upon what evidence the same was disbursed in a book for that purpose and exhibit the same together with his vouchers annually on the Monday next preceding the annual town meeting to the board of supervisors for adjustment, and shall annually deliver all books and property belonging to his town and the balance of all moneys found due from him to his successor in office on demand after said successor shall have given bonds according to law.

Sec. 19. The town treasurer shall when so ordered by any two supervisors or by the town in town meeting prosecute any suit upon bonds notes or other securities given to him or his predecessor in office and may also sue for and recover all such fines and penalties as may be forfeited to his town for the violation of any rule or regulation adopted by such town or arising by the penalties of law, which suit or suits may be instituted in any court of competent jurisdiction in the name of such treasurer in his official capacity.

Sec. 20. The treasurer shall in like manner have power to prosecute for trespass committed on any public building or enclosure belonging to his town and when any public building is owned partly by the town and partly by the county the prosecution may be instituted either by the treasurer of the town or the county, whichever shall first prosecute therefor.

Sec. 21. Said treasurer shall be entitled to receive two per centum on all amounts by him disbursed which amount shall be audited and paid in the same manner as other town charges.

CHAPTER XII.

OF THE POWERS DUTIES AND PRIVILEGES OF COUNTIES AND OF COUNTY OFFICERS.

PART 1.

Of the Powers and Rights of Counties as Bodies Corporate.

SECTION 1. Every county now organized or which may hereafter be

organized within this state shall be a body corporate for all purposes prescribed by law, and shall have capacity,

1st, To sue and be sued, defend and be defended as the law prescribes :

2d, To purchase and hold lands within its own limits for county purposes, subject to the power of the legislature :

3d, To make contracts and to purchase and hold such personal property as may be necessary to the exercise of its corporate or administrative powers.

SEC. 2. No county shall possess or exercise any corporate powers except such as are specially given by law or shall be necessary to the exercise of the powers so given.

SEC. 3. The powers of a county as a body politic shall only be exercised by the board of supervisors thereof, or in pursuance of an order or resolution by them adopted.

SEC. 4. All acts and proceedings by or against a county in its corporate capacity shall be in the name of the board of supervisors of such county.

PART 2.

Of the Board of Supervisors.

SEC. 1. The board of county supervisors shall consist of the chairman of the board of supervisors of each town in the county, and representation from a majority of the towns in any one county shall constitute a quorum to transact business.

SEC. 2. An annual meeting of the board of county supervisors of each county shall be holden on the first Tuesday of October at the county seat, they may also hold special meetings at such time and places as they may deem necessary either by adjournment or by call as hereinafter prescribed.

SEC. 3. The board of supervisors in each county in this state shall have power,

1st, To have a common seal and alter the same at pleasure ;

2d, To make such orders concerning the corporate property of the county as they may deem expedient ,

3d, To examine, settle and allow all accounts chargeable against such county and to direct the raising of sums of money as may be necessary to defray the same ;

4th, To build and keep in repair county buildings and to raise money for

the same: Provided it shall be concurred in by a vote of two-thirds of the members present;

5th, To set off, organize and change the boundaries of towns in their respective counties;

6th, To lay out, alter, or discontinue roads in their respective counties and to appoint commissioners to co-operate with commissioners from other counties when roads pass through more than one county; and

7th, To perform all the duties that may be required of them by any law of this state.

The following legislative powers are hereby conferred on the boards of supervisors subject to the control of the legislature of this state:

1st, To alter, vacate, or discontinue territorial or state roads;

2d, to authorize the levying and collecting taxes for specific purposes, in any town or school district when the same powers are not conferred by the legislature on such towns or school districts;

3d, To transact such further local legislation which may be deemed beneficial to the county or any town therein, the effect of which shall not extend beyond the limits of their respective counties. Nothing herein contained shall be construed to confer on the boards of supervisors any power to grant any corporate privileges to any person or persons whatever.

SEC. 4. The board of supervisors shall set with open doors; and all persons conducting in an orderly manner may attend their meetings. It shall be the duty of the several boards of county supervisors to furnish the assessors of the several towns of their counties, respectively, suitable and convenient blank books for the assessment rolls of said towns.

SEC. 5. They shall at each annual meeting choose one of their number as chairman, who shall preside at such meeting, and at all other meetings held, by such board during the year. In case of his absence at any meeting, the members present shall choose one of their number as a temporary chairman.

SEC. 6. Every chairman shall have power to administer an oath or affirmation to any person concerning any matter submitted to the board or connected with their powers or duties.

SEC. 7. In case of the inability, by sickness or otherwise of any chairman of the town board of supervisors to attend a meeting of the county board, such chairman may appoint in writing one of his associate town supervisors to act in his stead.

SEC. 8. Each member of the board of county supervisors shall be allowed two dollars per day for each days actual attendance upon the session of the board and six cents per mile travel going to and returning from the place of meeting.

CHAPTER XIII.

SEC. 1. The term of all town officers now holding their office by virtue of territorial laws, shall expire as soon as the officers provided for in this act shall be elected and qualified.

SEC. 2. This act shall take effect from and after the first day of April A. D. 1849, and thereafter all acts and parts of acts contravening the provisions of this act shall be null and void.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate

Approved, August 21, 1848.

NELSON DEWEY.

AN ACT in relation to Public Schools.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever the supervisors of any town shall for a school district therein it shall be the duty of the clerk of such board to deliver to a taxable inhabitant of such district a notice in writing of the formation of such district describing its boundaries and specifying the time and place of the first meeting, which notice with the fact of its delivery shall be entered upon record by the clerk.

SEC. 2. The said clerk shall also direct such inhabitant to notify ev-