

and keep a ferry across the Mississippi river at the town of Fort Madison, commencing at the west line of Broadway street, and extending along the western shore of said river two miles northward; and that said White, his heirs and assigns have the exclusive privilege of ferrying within said limits for the term of ten years.

SECTION 3. *Provided always*, that said ferries when so established shall be subject to the same regulations and restrictions, as other ferries are or may hereafter be by law in this territory, fixing the rates of tolls and prescribing the manner in which ferries shall be kept and attended to; *and provided further*, that said Webster and White shall put in full and complete operation at each of said ferries a good steam or horse ferry boat, within the term of twelve months from and after the passage of this act.

SECTION 4. This act to take effect from and after its passage.

Approved January 19, 1838.

### No. 83.

AN ACT to authorize the appointment of public administrators, in the several counties of this territory and prescribe their duties.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin*, That the governor of this territory shall appoint in each county of this territory, a suitable person, to be known and named the public administrator for such counties, respectively, whose office and duties shall be prescribed as follows. Mode of appointment.

SECTION 2. That when any person shall die intestate in any county in this territory, or when any person, a non-resident, shall die intestate, having goods and chattels, rights and credits, or either, in this territory, and no widow or next of kin, or creditor or creditors shall be living within this territory, administration of the goods and chattels rights and credits of such intestate shall be granted to the public administrator of the county in which such intestate died, or in which the goods and chattels, rights and credits Duties.

shall be found, in case such intestate shall have been a non-resident, and his successors in office.

Oath. SECTION 3. Each and every public administrator who may at any time be appointed as aforesaid, shall before entering upon the duties of his office, take and subscribe the following oath, to wit: "I, A. B. public administrator in and for the county of \_\_\_\_\_ and territory of Wisconsin, do solemnly swear (or affirm,) that I will well and truly perform all such duties as may be required of me by law as such administrator, to the best of my knowledge and abilities, so help me God;" which said oath shall be taken before the judge of probate of the proper county, reduced to writing, and subscribed by the public administrator, and filed in the office of the said judge.

Bond. SECTION 4. It shall be the duty of the public administrator before entering upon the duties of his office as aforesaid, to enter into bond with good and sufficient security, to be approved by the judge of probate, in the penal sum of \_\_\_\_\_ thousand dollars, conditioned for the due administration according to law, of all such goods and chattels, rights and credits and assets, as may belong and appertain to the several estates upon which administration may be granted to him as aforesaid; which said bond shall be in the following form, to wit: "know all men by these presents, that we A. B., C. D. and E. F. of the county of \_\_\_\_\_ and territory of Wisconsin are held and firmly bound unto the people of the territory of Wisconsin in the penal sum of \_\_\_\_\_ thousand dollars current money of the United States, which payment well and truly to be made and performed, we, and each of us bind ourselves, our heirs, executors, administrators and assigns, jointly, severally and firmly by these presents, as witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_ 18—. The condition of this obligation is such that whereas, the said A. B. has been appointed public administrator in and for the county of \_\_\_\_\_; now if he, the said A. B. as such public administrator shall well and truly administer all such goods, chattels, rights, credits and assets as shall come to his hands or possession, or to the possession of any other person for him, and which may belong to the estate or estates of any person or persons, upon which administration may at any time be granted to him by the

court of probate of the said county of ——— and do make or cause to be made a true and perfect inventory of the goods, chattels, rights, credits and assets of all such deceased persons, the administration of whose estates shall be committed to him, as aforesaid, and the same so made doth exhibit in the said court of probate, when he shall thereinto be required by law, and do make and render a just account of all his actions and doings, as such in each separate estate, to the court of probate of the proper county, when required so to do, and shall in general, do and perform all such other duties as may from time to time be required of him by law, then the above obligation to be void, otherwise to remain in full force and virtue;” which said bond shall be signed and sealed by the said public administrator and his securities, and attested by the judge of probate, and filed in his office.

SECTION 5. In all cases when administration shall have been granted to any public administrator, as aforesaid, and it shall afterwards appear that there is or are, a widow or next of kin, or creditor or creditors of the deceased entitled to the preference of administrator, by this act, it shall be the duty of the court of probate to revoke the letters granted to such public administrator, and to grant the same to such widow, next of kin, creditor or creditors, as shall or may be entitled thereto: *provided*, that application shall be made to the court of probate of the proper county, by such person or persons, within six months after letters shall have been granted to the public administrator as aforesaid saving to such administrators in all cases all such sum or sums of money as may be due to him from such estate, on account of commission and expenses due to, and incurred by him, in the management of said estate.

When letters to public administrator revoked

SECTION 6. If any balance of any such intestate's estate as may at any time be computed to any public administrator, as aforesaid, shall remain in the hands of such administrator, after all just debts and charges against such estate shall have been fully paid, which shall have come to the knowledge of such public administrator, for two years after the administration of such estate shall have been committed to him as aforesaid, such administrator shall cause the amount thereof with the name of the intestate, the time and place

Where a balance remains notice to be given by public administrator.

of his or her decease to be published in some one of the newspapers printed in the territory, for eight weeks successively, notifying all persons, having claims or demands against such estate, to exhibit the same, together with the evidence in support thereof, before the court of probate of the proper county within six months after the date of such notice, or that the same will be forever barred; and if no such claim be presented for payment or distribution within the said time of six months, such balance shall be paid into the county treasury, and the county shall be answerable for the same, without interest to such person or persons as shall thereafter appear to be legally entitled to the same if any such shall ever appear.

When public administrator to prevent waste.

SECTION 7. Upon the death of any person intestate, not leaving a widow, or next of kin, or creditor or creditors within any county of this territory, it shall and may be lawful for the public administrator of the county, wherein such person may have died as aforesaid, or wherein the goods and chattels, rights and credits of such descendant shall be, in case such person shall have been a non-resident, to take such measures, as he may deem proper for the protection and securing the property and effects of such intestate, from waste and embezzlement until administration thereon shall be granted to the person entitled thereto as aforesaid, the expenses whereof shall be paid to such public administrator upon the allowances of the court of probate, in preference to all other demands against such estate, funeral expenses, excepted.

Approved January 19, 1888.

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## [No. 84.]

AN ACT to incorporate the city of Burlington.

Boundaries of the city.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That all that part of the territory, included in the following defined limits, to wit: beginning on the west bank of the Mississippi river in the county of Des Moines, at a point where the southern boundary line of the official