

SECTION 13. The county board of supervisors are hereby empowered to locate and construct any ditch, drain or water-course through the land of other persons, for the purpose of draining any of the lands known as swamp and overflowed lands in their respective counties, and shall, if they shall deem it advisable, authorize and empower the drainage fund commissioners for the county to locate and construct any such ditch, drain or water-course, as aforesaid, through the lands of other persons, whenever he [they] may deem it expedient, in order to thoroughly drain any of said lands.

Swamp and overflowed lands may be drained.

SECTION 14. The damages and costs incurred under the provisions of section 13 of this act, shall be paid out of the swamp land fund belonging to the county.

How damages, &c., paid.

SECTION 15. This act shall be in force from and after its passage.

Approved June 18, 1862.

CHAPTER 399.

[Published June 26, 1862.]

AN ACT to amend and revise chapter 129 of the general laws of 1861, entitled "an act to amend 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. The county board of supervisors of each of the organized counties of this state, shall consist of three electors, one to be elected in and for each of the supervisor districts hereinafter mentioned, by the qualified voters of such district; but in those counties which contain three or more assembly districts, there shall be elected one supervisor in and for each assembly district, by the qualified voters of such district; and in those counties where there are more than three and an even number of assembly districts, there shall be elected one additional supervisor for the county at large, by the qualified voters of such county. Such supervisors shall be elected biennially, on the Tuesday succeeding

Number of members of county board.

To be elected biennially.

the first Monday in November, in each alternate year, next preceding the commencement of their term, and shall hold their office for the term of two years, and until their successors are elected and qualified. The votes for such supervisors shall be returned and canvassed in the same manner as the votes for county officers are required to be returned and canvassed. The supervisors who were elected pursuant to chapter 129 of the general laws of 1861, and who qualified according to law, shall hold their offices, respectively, until the first Monday in January, A. D. 1864, and until their successors are elected and qualified. The first election for district and county supervisors, under this act, shall be held on the Tuesday succeeding the first Monday in November, A. D. 1863.

Terms of office of present supervisors.

First election.

Division of counties into supervisor districts.

SECTION 2. In each of the counties in this state in which there shall be less than three assembly districts, the county board of supervisors shall, by an order to be recorded at length by the clerk of such board, and published in one or more newspapers printed in said county, if there be any, divide such county into three supervisor districts; but no two of such districts shall be within the same town, city or village, nor shall any part of such districts be within the same town, city or village, if there shall be more than one organized town in such county; and the supervisors hereafter to be elected, may alter or change the boundaries of such districts, but such alterations shall not take effect within six months from the time of making such alterations.

Board to be body corporate—powers.

SECTION 3. The board of supervisors to be elected as provided in this act, shall be a body corporate and politic, by and under the name and style of the county board of supervisors of (naming the county,) and as such shall possess and exercise all and singular the powers and perform all the duties devolved by law upon the board of supervisors in each county respectively.

Election of chairman.

SECTION 4. The board of supervisors of each county shall, at each annual meeting, choose by ballot one of their number chairman of the board for the ensuing year; and in case of his absence at any meeting of the board, they may appoint one of their number as chairman *pro tem.*, to hold until the adjournment, or the chairman shall be present at their meeting. In case of a vacancy in the office of chairman, the board shall

Vacancy.

have the power to fill such vacancy for the unexpired term. A majority of such board shall constitute a quorum for the transaction of business.

SECTION 5. Should there be a vacancy in the board of county supervisors previously to the first day of October, in any year, the clerk of the board shall immediately notify the sheriff of the county, whose duty it shall be to order an election to be held, on the Tuesday succeeding the first Monday in November next ensuing, for the purpose of filling such vacancy, thirty days' previous notice being given of such election, by publishing the same in each newspaper published in the district or county, if there be any, and by posting up a notice thereof in some public place in each town in the county, or supervisor district, as the case may be; and the person elected at such election shall hold his office for the unexpired term of such vacancy. But such vacancy may be filled by the appointment by the governor, of some suitable elector of the proper district or county, as the case may be, to hold his office until the first Monday of January next after such appointment, and until his successor is elected and qualified, as hereinbefore mentioned.

Election to fill
vacancy.

Vacancy may be
filled by govern-
nor.

SECTION 6. The clerks of the boards of supervisors in office at the time of the taking effect of this act, shall continue in office until the first Monday of January, 1863, and until their successors shall be elected and qualified; and the first election for clerk of the board of county supervisors, shall be on the Tuesday succeeding the first Monday in November, A. D. 1862.

First election of
clerks.

SECTION 7. The boards of supervisors elected in pursuance of this act, shall meet annually, on the Tuesday succeeding the general election in each year, at the county seat, if there be one, in their respective counties, for the purpose of transacting such business as may be required; and the said boards are hereby authorized to hold extra sessions at the seat of justice in case the business of the county requires it, which shall be called in the manner provided in section forty-eight of chapter thirteen of the revised statutes. The said supervisors shall each receive two dollars per day for each and every day they [he] shall be employed on the session of the board, and six cents per mile for going to and returning from the place of holding such ses-

Annual meet-
ing.

Extra sessions.

Per diem.

- Limit.** sion. But no supervisor shall be allowed to draw pay for more than twenty-five days' attendance on the county board, in one year.
- Oath.** SECTION 8. Each person elected or appointed as a supervisor shall, within twenty days after receiving a certificate of his election or appointment, take and subscribe an oath or affirmation to support the constitution of the United States and of the state of Wisconsin, and faithfully and impartially discharge the duties of his office as such supervisor, which oath or affirmation shall be filed in the office of the clerk of the circuit court; and the same being certified by such officer upon the back of the certificate, shall be sufficient to authorize such supervisor to take his seat with and act as a member of the board, during the time for which he was elected or appointed.
- Old business.** SECTION 9. The boards of supervisors elected under this act, shall proceed with and determine all matters and things pending before their predecessors at the time of entering upon the discharge of their duties, in the same manner and with like effect as if commenced before them.
- Repeal.** SECTION 10. Sections twenty-five, thirty-five and forty-nine of chapter thirteen, and section sixty-three of chapter fifteen of the revised statutes, are hereby repealed; and section ninety-four of said chapter fifteen, is hereby amended so as to read as follows:
- Amendment.** "Section 94. The chairman of the board of town supervisors of each town shall, on or before the day fixed by law for the annual meeting of the county board of supervisors, file one of each such duplicate statements with the clerk of the said board, who shall carefully preserve the same. The county board of equalization of each of the several counties in this state, for equalizing assessments of real property, as now required by law, shall hereafter consist of the chairman of supervisors of each of the several towns, the president of each incorporated village, and one alderman from each ward in any city in each of such counties."
- Board of equalization.** SECTION 11. Section fifty-six of chapter seven of the revised statutes, is hereby amended [so as] to read as follows: "Section 56. One of said statements shall forthwith be delivered to the town clerk, to be filed and preserved by him, or if made in any ward of a city,
- Amendment.**
- Statement and poll list.**

then to the clerk of such city, for the like purpose; and the other, with one of the poll-lists, shall be carefully enclosed, sealed up and directed to the clerk of the board of supervisors of the proper county, and delivered to the chairman of the supervisors of the town, or such person as may be performing the duties of such chairman; and such officer to whom such statement and poll-list shall be so delivered, shall, within seven days after the election, deliver the same, with the seals and envelopes unbroken, to such clerk, and shall receive for such service six cents per mile for going to and returning from the office of said clerk of the board of supervisors."

SECTION 12. So much of any law of this state as authorizes the election by any city, village or other municipal corporation, of one or more members of the board of county supervisors, shall have no force or effect whatever from and after the first day of January, 1862, anything contained in any charter of any such city, village or other municipal corporation, to the contrary notwithstanding.

Members of municipal corporations not to be members of county boards.

SECTION 13. This act shall take effect from and after its passage and publication; and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Repeal.

Approved June 18, 1862.

CHAPTER 400.

[Published June 26, 1862.]

AN ACT to legalize the official acts of Geo. M. Bartholomew, a justice of the peace.

(See supplement to local laws.)