

No. 630, S.]

[Published August 2, 1919.

CHAPTER 694.

AN ACT to create subsection (1b) of section 59.90 of the statutes, authorizing counties having a population of two hundred and fifty thousand or more to issue bonds to purchase sites and to erect and equip and furnish buildings for the institutions and departments mentioned in section 46.21.

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

SECTION 1. A new subsection is added to section 59.90 of the statutes to read: (59.90) (1b) In counties having a population of two hundred and fifty thousand or more, to provide sites and buildings for the institutions and departments mentioned in section 46.21 of the statutes, and for the furnishing and equipping of same for use.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 30, 1919.

No. 565, S.]

[Published August 5, 1919.

CHAPTER 695.

AN ACT to consolidate, renumber and revise titles IX and X of the statutes; to consolidate and renumber chapters 45L, 45m and 45n of the statutes, relating to county government, the county board, and county officers; to amend, repeal, consolidate, revise and arrange in appropriate sequence the sections, subsections and provisions of said chapters; to assemble in said chapters as consolidated pertinent provisions from other chapters of the statutes; to transfer from said chapters as consolidated to other chapters or parts of the statutes sections, subsections and provisions that logically belong in such other chapters or parts; and to remove obsolete matter from and to correct inconsistencies and inaccuracies in the sections, subsections and provisions of said chapters 45L, 45m and 45n.

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

SECTION 1. Title IX and title X of the statutes are consolidated, renumbered and revised to read:

TITLE VIII.**FUNCTIONS AND GOVERNMENT OF MUNICIPALITIES.**

SECTION 2. The numbers and titles of chapters 45L, 45m and 45n of the statutes are consolidated, renumbered and revised to read:

CHAPTER 59.

COUNTIES.

SECTION 3. Section 650 of the statutes is renumbered to be section 59.01 and is amended to read:

59.01 BODY CORPORATE. * * * Each county organized in this state is * * * a body corporate, * * * empowered to sue and be sued, to purchase, take and hold real and personal estate for public uses, including lands sold for taxes, to sell and convey the same, to make such contracts and to do such other acts as * * * are necessary and proper to the exercise of the powers and privileges granted and the performance of the duties charged upon it * * * by law, and shall so continue until altered by law.

SECTION 4. Section 652 of the statutes is renumbered to be subsection (1) of section 59.02 and is amended to read:

59.02 POWERS HOW EXERCISED; DIRECT LEGISLATION. (1) * * * *Except as provided in subsection (2) of this section, the powers of a county as a body corporate can only be exercised by the county board thereof, or in pursuance of a resolution or ordinance * * * adopted by such board.*

SECTION 5. Section 670m of the statutes is renumbered to be subsection (2) of section 59.02 and is amended to read:

(59.02) (2) * * * Ordinances and resolutions may be adopted by any county board by a majority vote when a quorum is present, or by such larger vote as may be required by law in special cases; also in the special manner provided for cities by section 10.43, which section * * * is applicable to counties.

SECTION 6. Section 655a of the statutes is renumbered to be subsection (3) of section 4223 and is amended to read:

(Section 4223) (3) * * * *An action or proceeding to test the validity of a change of any county seat, * * * within three years after the date of the publication of the governor's proclamation of such change; and every defense founded upon the invalidity of any such change must be interposed within three years after the date of the aforesaid publication, and the time of commencement of the action or proceeding to which any such defense is made shall be deemed the time when such defense is interposed.*

SECTION 7 The first sentence of section 660 of the statutes is renumbered to be section 2618a, ACTIONS BY OR AGAINST COUNTY.

SECTION 8. The second sentence of section 660 of the statutes is renumbered to be section 2940a and is amended to read:

Section 2940a. In all * * * actions by or against a county, and in actions or proceedings by or against county officers in their name of office, costs shall be awarded to the prevailing party as in actions between individuals.

SECTION 9. Section 661 of the statutes is renumbered to be section 3038m, COLLECTION OF JUDGMENTS AGAINST COUNTIES.

SECTION 10. Sections 661a to 661o, inclusive, are renumbered to be respectively sections 4151c to 4151q, inclusive, under the subchapter title "*Destroyed public records of counties.*"

SECTION 11. Section 663a of the statutes is renumbered to be subsection (1) of section 59.03 and is amended to read:

COUNTY BOARD.

59.03 COUNTY BOARDS; COMPOSITION; ELECTION; TERMS; SUBSTITUTES; COMPENSATION; COMPATIBILITY. * * * *The boards of supervisors of the several counties classified according to population as shown by the last preceding state or United States census, shall be composed of representatives from within the county elected and compensated as follows:*

(1) SPECIAL COUNTIES. * * * In * * * each county having a population of at least two hundred and fifty thousand:

(a) *Composition.* Of a supervisor * * * from each assembly district * * * therein elected by the electors of said * * * district.

(b) *Election; term.* At the election * * * held on the first Tuesday in April, 1914, one supervisor from each odd-numbered assembly district shall be elected * * * for a term of two years and * * * one supervisor from each even numbered district * * * for a term of four years. Thereafter, beginning with the election * * * held * * * on the first Tuesday in April, 1916, all supervisors shall be elected for terms of four years at the election to be held on the first Tuesday in April * * * next preceding the expiration of their respective terms. * * *

(c) *Compensation.* Each * * * such supervisor shall be paid out of the county treasury * * * twelve hundred dollars per annum, except * * * the chairman of * * * the board who shall be paid * * * fifteen hundred dollars.

* * * They shall * * * receive * * * no further compensation for services rendered in their official capacity.

SECTION 12. Sections 662 and 663 of the statutes are consolidated as subsection (2) of section 59.03 of the statutes and are revised to read:

(59.03) (2) OTHER COUNTIES. In each county containing less than two hundred fifty thousand population:

(a) *Composition.* Of the chairman of the town boards of the several towns therein.

(b) *Same.* Of a supervisor from each city ward or part of city ward in the county.

(c) *Same.* Of a supervisor from every incorporated village or part of such a village in the county.

(d) *Election; terms.* A supervisor for a part of a city ward or a part of an incorporated village in the county shall be elected by the electors of such part of ward or village at the same time and in the same manner that city and village officers are elected. Except as otherwise provided, each supervisor elected from any ward or village or part thereof shall be elected for a term of one year. However, the county board of any county may at its annual November meeting provide by resolution that at the election to be held in each city ward and village or part thereof in the county on the first Tuesday of April following the adoption of such resolution and thereafter each supervisor therefrom shall be elected for a term of three years, and that at the annual town meeting held in each town in the county on the first Tuesday of April following the adoption of such resolution three supervisors shall be elected, one for a term of one year, one for a term of two years, and one, the supervisor designated on the ballot as chairman, for a term of three years, and that thereafter at each annual town meeting a supervisor shall be elected for a term of three years. In case such resolution is adopted in any county, a supervisor elected in any town therein to succeed the chairman shall be designated and elected as chairman, and if a supervisor is elected chairman in a year when his term as supervisor has not expired, his office as supervisor, as distinguished from chairman, shall become vacant on the tenth day following his election as chairman and shall be filled as provided by law.

(e) *Substitutes.* If from sickness or other cause the chairman of any town board is unable to attend any meeting of the county board, either of the other two members of the town board, to be designated by themselves, (and if they disagree they shall decide by lot), shall attend such meeting and act as a member

of the county board, but he shall not be permitted to so act until the town clerk certifies to the county clerk that he was designated therefor.

SECTION 13. Section 695 of the statutes is renumbered to be paragraph (f) of subsection (2) of section 59.03 and is amended to read:

(59.03) (2) (f) *Compensation.* * * * Each member of the county board, of each county to which this subsection is applicable, subject to the limitations herein provided, shall be allowed and paid by the county a compensation for his services and expenses in attending the meetings of the board at the rate of four dollars per day for the time he * * * actually attends, excepting Sundays, and six cents for each mile traveled in going to and returning from the place of meeting by the most usual traveled route; * * * but any county board may at * * * its annual meeting, by resolution, fix the compensation of the members of such board to be elected at the next ensuing election, at any sum not exceeding five dollars per day. * * * No per diem allowance shall be made for any time occupied in traveling, where mileage is allowed therefor, except * * * when * * * on account of distance or lack of train service a member cannot attend the opening session of any county board meeting without leaving his home on the day preceding such session, or when * * * for either of said causes he cannot return to his home until the day following the adjournment of such meeting, he may, in the discretion of the county board, be allowed and paid a per diem for such time, in addition to the time for which he can draw pay as provided for in this section, and such days shall not count as part of the limited number of days' attendance herein referred to. * * * No supervisor in counties containing fifteen thousand population or less shall be paid for more than fifteen days' attendance on the county board in any one year and no supervisor in any other county to which this subsection is applicable shall be paid for more than twenty days of such attendance, except, in either case, for services as a member of a committee as provided in section 59.06.

SECTION 14. A new subsection is added to new section 59.03 to be numbered subsection (3) and to read:

(59.03) (3) **COMPATIBILITY.** No county officer of any county or deputy of any such officer, or undersheriff, is eligible to the office of supervisor, but a county supervisor may also be a member of the common council of the city or of the

board of trustees of the village in which he was elected or appointed.

SECTION 15. Section 662a of the statutes is repealed.

SECTION 16. Section 664 of the statutes is renumbered to be subsections (1) and (2) of section 59.04 and is amended to read:

59.04 MEETINGS; ADJOURNMENT; QUORUM; ABSENTEES. (1) * * * Every county board shall meet on the Tuesday next succeeding the second Monday of November in each year at the county seat for the purpose of transacting business as a board of supervisors. Such meeting may be *adjourned by the county clerk*, upon the written request of a majority of the members of such board, * * * to such a day as is designated in such request, but not less than one week nor more than three weeks from the * * * *said Tuesday next succeeding the second Monday of November*. Upon such adjournment being made, such clerk shall give each member of the board written notice of the time to which the annual meeting has been adjourned.

(2) A special meeting of any county board shall be held only upon a written request of a majority of the members thereof addressed and delivered to the county clerk, and specifying the time and place of such meeting. The time shall not be less than one week from the delivery of such request to the clerk. Upon receiving such request the county clerk shall forthwith mail to each member of the board notice of the time and place of such meeting. Any special meeting may be adjourned from time to time by a vote of a majority of all the members of the board.

SECTION 17. Section 665 of the statutes is renumbered to be subsection (3) of section 59.04 and is amended to read:

(59.04) (3) * * * A majority of the supervisors entitled to a seat in the county board shall constitute a quorum for the transaction of business. * * * All questions shall be determined by a majority of the supervisors present unless otherwise provided.

SECTION 18. Section 666 of the statutes is renumbered to be subsection (4) of section 59.04 and is amended to read:

(59.04) (4) * * * Every county board shall sit with open doors, and all persons conducting *themselves* in an orderly manner may attend. * * * If any member of the * * * board * * * absents himself from any meeting of * * * the board without good cause or *without* being first excused by the board, the chairman * * * *is authorized* to issue a warrant requiring the sheriff or some constable of the county forth-

with to arrest such member and bring him before the board.
 * * * The expenses of such arrest shall be deducted from the pay of such member unless otherwise directed by the board.

SECTION 19. Sections 667 and 667a of the statutes are consolidated, renumbered and revised to read:

59.05 CHAIRMAN; VICE CHAIRMAN; POWERS AND DUTIES. (1) The county board, at the first meeting after each regular election at which members thereof are elected for full terms, shall elect one of their number chairman. A person so elected shall perform all duties required of the chairman until the county board elects his successor. The chairman may administer oaths to persons required to be sworn concerning any matter submitted to the board or a committee thereof or concerning any matter connected with their powers or duties. He shall countersign all county orders and all ordinances of the county board, and shall preside at all meetings when present.

(2) The board at the time of the election of the chairman shall also elect one of their number vice chairman for the same term, who, in case of the absence, disability or death of the chairman shall perform the duties of his office.

(3) In case of the absence of a chairman for any meeting the members present shall choose a temporary chairman.

SECTION 20. Section 668 of the statutes is renumbered to be section 59.06 and is amended to read:

59.06 COMMITTEES; APPOINTMENT; COMPENSATION. (1) * * * Any county board may, by resolution designating the purposes and prescribing the duties thereof and manner of reporting, authorize their chairman to appoint before the first day of November in any year a committee or committees from the members of the county board elect, and the committees so appointed shall perform the duties and report as prescribed in such resolution.

(2) The members of such committee shall receive such compensation for their services as the county board shall allow, not exceeding the per diem and mileage allowed to members of the county board. * * * No supervisor shall be allowed pay for committee service while the board is in session, * * * nor for mileage except in connection with * * * services performed within the time herein limited. * * * *The number of days for which compensation and mileage may be paid a committee member in any one year, except members of committees appointed to have charge of the erection of any county buildings, and except as otherwise provided by law, are limited as follows:*

(a) *In counties containing less than twenty-five thousand population, according to the last preceding state or United States census, to twenty days in the aggregate, not more than ten days of which shall be for services on any one committee.*

(b) *In other counties, to thirty days in the aggregate for services on one or more committees.*

SECTION 21. Section 669 of the statutes is renumbered to be section 59.07 and is amended to read:

59.07 GENERAL POWERS OF BOARD. * * * The county board of each county * * * is empowered at any legal meeting to:

(1) * * * Make such orders concerning the corporate property of the county as they may deem expedient.

(3) * * * Examine and settle all accounts of the receipts and expenses of the county, * * * examine, settle and allow all accounts, demands or causes of action against such county, and when so settled * * * to issue county orders therefor as provided by law.

(4) * * * Build and keep in repair the county buildings and cause the same to be insured in the name and for the benefit of the county, and in case there * * * are no county buildings, to provide suitable rooms for county purposes.

* * *

(5) * * * Apportion and order the levying of taxes as provided by law, and direct the raising of such sums of money as may be necessary to defray the county charges and expenses and all necessary charges incident to or arising from the execution of their lawful authority.

(6) * * * Represent the county and * * * have the care of the county property and the management of the business and concerns of the county in all cases where no other provision * * * is made.

(7) * * * Prescribe the form and manner of keeping the public records of the county in any county office and the accounts of the several county officers; * * * and provide all books, stationery, blanks, safes, furniture, telephone service, fuel and lights necessary for the discharge of official business in the offices of the county clerk, clerk of the circuit court, register of deeds, treasurer, sheriff, * * * county judge, and in counties having a population of two hundred fifty thousand or more, of the county surveyor.

(8) * * * Provide an official seal for the county and for the several county officers required by law to have one; and also for the circuit and county courts, with such inscription and

devices as said courts shall respectively require. The official seals of the several county boards now in use shall be deemed to be the official county seals of the several counties respectively until others * * * are provided.

* * *

(9) *Borrow money and issue orders therefor to pay current expenses of the county, at time and in amount and manner as follows:*

(a) *In counties having two hundred thousand inhabitants or more, according to the last preceding state or United States census, on or after the first day of July in any year, in sum not exceeding twenty per centum of the last tax levy for county purposes, such money to be repaid with interest not to exceed five per centum per annum on or before the fifteenth day of February then next succeeding.*

(b) *In other counties, at any time after the taxes have been levied in any year, in sum not exceeding ten per centum of the last tax levy for county purposes.*

(c) *But no money shall be borrowed under this subsection by any county except on the affirmative votes by ayes and nays of at least two-thirds of the members entitled to seats on the board.*

* * *

(10) * * * *Fix and regulate from time to time the fees or compensation of officers and magistrates for services performed in all prosecutions for vagrancy or under the laws concerning tramps, intoxication in a public place, indecent exposure of the person or disorderly conduct, except when the prosecution for any such offense * * * is brought under a city or village charter ordinance; and no greater compensation than * * * is so fixed shall be recovered.*

(11) * * * *Enact ordinances or by-laws regulating traffic of all kinds on any highway, except street or interurban railways, in the county which is maintained at the expense of the county and state, or either thereof; * * * declare and impose forfeitures, and enforce the same against any person for any violation of such ordinances or by-laws; * * * provide fully the manner in which forfeitures shall be collected; * * * and provide for the policing of such highways and to provide for what purposes all forfeitures collected shall be used.*

(17) * * * *Perform all other acts and duties which may be authorized or required by law.*

SECTION 22. The first paragraph of section 670 of the statutes is renumbered to be the first paragraph of section 59.08 and is amended to read:

59.08 SPECIAL POWERS OF BOARD. * * * In addition to the general powers and duties of the several county boards enumerated in * * * section 59.07 * * * special powers are conferred upon them, subject to such modifications and restrictions as the legislature shall from time to time prescribe, * * * to:

SECTION 23. Subsection (1) of section 670 of the statutes is renumbered to be subsection (1) of section 59.08 and is amended to read:

(59.08) (1) * * * Set off, organize, vacate and change the boundaries of the towns in their respective counties, * * * designate and give names thereto, fix the time and place of holding the first town meeting therein, and make all necessary orders for the preservation of the records and papers of any town which may be vacated, but no town shall be vacated unless a majority of all the members entitled to seats in the county board shall so decide; and no county board, except in the counties of Ashland, Barron, Bayfield, Burnett, Douglas, Juneau, Marathon, Oconto, Polk and Shawano, and except as provided in * * * section 60.05 shall set off, establish or organize any town that at the time of being so set off and organized does not contain a population of at least one hundred and twenty-five inhabitants, at least twenty-five of whom shall have been actual electors of this state and resident within the territory of the proposed new town at least six months prior to the time such organization shall take effect.

SECTION 24. Subsection (2) of section 670 of the statutes is renumbered to be subsection (2) of section 59.08 and is amended to read:

(59.08) * * * (2) * * * Appoint commissioners to act with similar commissioners duly appointed by any other county or counties, and, *except as otherwise provided by law*, authorize them to lay out or discontinue any road extending through or into their own and one or more other counties, subject to the ratification of the board.

SECTION 25. Subsection (3) of section 670 of the statutes is repealed.

SECTION 26. Subsection (4) of section 670 of the statutes is renumbered to be the last sentence of subsection (1) of section 29.60 and is amended to read:

(29.60) (1) (last sentence). *The county board may also*
 * * * allow bounties for the destruction of * * * lynxes
 * * * and wildcats * * * in their respective counties,
to be paid out of the county treasury.

SECTION 27. Subsection (5) of section 670 of the statutes is renumbered to be subsection (3) of section 59.08 and is amended to read:

(59.08) (3) (Section 670 (5)) * * * Change the name of any town or village, * * * in their respective counties.

SECTION 28. Subsection (6) of section 670 of the statutes is repealed.

SECTION 29. Subsection (7) of section 670 is renumbered to be subsection (4) of section 59.08 and is amended to read:

(59.08) (4) (Section 670 (7)). * * * Grant charters to any person to build and maintain toll and free bridges in their respective counties. * * *

SECTION 30. Subsection (8) of section 670 of the statutes is repealed.

SECTION 31. Subsection (9) of section 670 of the statutes is repealed.

SECTION 32. The first sentence of subsection (10) of section 670 of the statutes is repealed.

SECTION 33. All of subsection (10) of section 670 of the statutes, except the first sentence, is renumbered to be subsection (5) of section 59.08.

SECTION 34. Subsection (13) of section 670 of the statutes is renumbered to be subsection (12) of section 59.07 and is amended by striking therefrom the first word, namely, "To". And is further amended by striking out the figures and letter "694f" and by inserting in place thereof the figures, "4151b".

SECTION 35. Subsection (14) of section 670 of the statutes is renumbered to be subsection (2) of section 59.07 and is amended by striking therefrom the first word, namely, the word "To".

SECTION 36. Subsection (18) of section 670 of the statutes is renumbered to be subsection (13) of section 59.07 and is amended by striking therefrom the first word, namely, "To".

SECTION 37. Subsection (19) of section 670 of the statutes is renumbered to be subsection (14) of section 59.07 and is amended by striking therefrom the first word, namely, the word "To".

SECTION 38. Subsection (20) of section 670 of the statutes is renumbered to be section 41.58 and is amended to read:

41.58 DISSOLUTION. * * * *The county board may*
 discontinue * * * any county school of agriculture and
 domestic science, and the maintenance thereof, created and main-

tained by such county under sections 41.47 to 41.55, inclusive; and to devote, use or permit to be used, any lands, buildings, equipment and property that may have been purchased or used by such county school of agriculture and domestic science, for any other institution * * * maintained by the county, or use the same for such other public purpose permitted by law to counties as, in * * * *its* discretion * * * shall be for the best interests of the public.

SECTION 39. Subsection (22) of section 670 of the statutes is renumbered to be subsection (14a) of section 59.07 and is amended by striking therefrom the first four words, namely, "The county board may".

SECTION 40. Subsection (25) of section 670 of the statutes is renumbered to be subsection (15) of section 59.07 and is amended by striking therefrom the first word, namely, the word "To".

SECTION 40a. Subsection (27) of section 670 of the statutes is renumbered to be subsection (16) of section 59.07, and is amended by striking out the word "to" where the same occurs in the second line and by inserting in lieu thereof a comma.

SECTION 41. Section 674 of the statutes is renumbered to be subsection (1) of section 59.09 and is amended to read:

59.09 PUBLICATION OF ORDINANCES AND PROCEEDINGS. (1) * * * Whenever any county board * * * passes any ordinance under the provisions of this chapter the county clerk shall immediately cause the same to be published in some newspaper published in such county, and if there * * * is none, then in * * * *the* paper * * * *which he determines has* the most general circulation therein; and such clerk shall procure and distribute copies of such paper to the several town clerks, who shall file the same in their respective offices.
* * *

SECTION 42. Section 674a of the statutes is renumbered to be subsection (2) of section 59.09 and is amended to read:

(59.09) (2) * * * *Said* board * * * shall, by ordinance or resolution, provide for one publication of a certified copy of all its proceedings had at any meeting, regular or special, in one or more newspapers published and having a general circulation therein, said publication to be completed within sixty days after the adjournment of each session. If * * * no such newspaper is published in the county, then such publication shall be made in some newspaper published in an adjoining county and having a general circulation in the county where such * * * *meeting was held; but the cost of any such pub-*

lication under this subsection shall in no case exceed the rate per folio fixed by law for the publication of legal notices.

SECTION 43. Section 674b of the statutes is repealed.

SECTION 44. Section 674c of the statutes is renumbered to be subsection (3) of section 59.09 and is amended to read:

(59.09) (3) * * * *Said board * * * may at any meeting, regular or special, * * * provide by resolution for the publication in pamphlet form by the lowest and best bidder therefor, of a sufficient and designated number of copies of its duly certified proceedings, in pamphlet form, for general distribution.*

SECTION 45. Section 675 of the statutes is renumbered to be subsection (4) of section 59.09 and is amended by striking out the first two words, namely, "The county" and by inserting in lieu thereof the word, "Said". And said subsection (4) is further amended by striking out the words "provided, that" and by inserting in lieu thereof the word "but".

SECTION 46. Section 697 of the statutes is renumbered to be section 59.10 and is amended to read:

59.10 NEGLECT OF DUTY. * * * Any supervisor * * * *who refuses or neglects to perform any of the duties which are * * * required of him by law as a member of the county board of supervisors, without just cause therefor, * * * shall for each * * * such refusal or neglect forfeit a sum of not less than fifty nor more than two hundred dollars.*

SECTION 47. Section 654 of the statutes is renumbered to be subsection (1) of section 59.11 and is amended to read:

COUNTY SEAT.

59.11 DESIGNATION; CHANGE (1) * * * The county seat * * * shall be fixed and designated by the county board at the first regular meeting after the organization of any county; and no county seat shall be changed except * * * *as provided in this section.*

SECTION 48. Section 655 of the statutes is broken up into subsections which are numbered to be subsections (2), (3) and (4), respectively, of new section 59.11 and is amended to read:

(59.11) (2) * * * *If two-fifths of the legal voters of any county, to be determined by the poll lists of the last previous general election held * * * therein, the names of which voters shall appear on some one of the poll lists of said election, shall present to the county board a petition signed by them asking a*

change of the county seat to some other place designated in such petition, * * * such board * * * shall submit the question of removal of the county seat to a vote of the qualified voters of the county * * *. Such election shall be held only on the day of the general election, *notice thereof shall be given and the same shall be conducted as in the case of the election for officers on that day*, * * * and the votes shall be canvassed, certified and * * * returned in the same manner as other votes at such election. * * * *The question to be submitted shall be "Shall the county seat of-----county be removed to-----", and the ballots on such question shall be deposited in a separate ballot box.*

(3) If a majority of all the votes cast at such election on that subject * * * are in favor of the proposed change, the chairman of the county board shall certify the same, with the attestation of the county clerk, to the governor, who thereupon shall issue his proclamation to that effect and cause the same to be published in the official state paper, and from the date of such publication the place so designated shall be the county seat of such county, and * * * the county board * * * shall not again submit the question of removal * * * within five years. * * *

(4) *However*, when a county seat * * * has been established in one place for a period of fifteen years or more, and the county has there erected permanent buildings of the value of not less than ten thousand dollars, the county seat shall not be removed, nor shall any application for its removal be submitted to a vote of the electors of the county unless a petition signed by at least one-half of the resident freeholders of the county as evidenced by the recorded deeds in the office of the register of deeds of the county, in favor of such removal, shall first be presented to the county board and filed in the office of the county clerk; and * * * no such election to change any county seat shall be held for a period of five years after the year in which a courthouse or other county building costing three thousand dollars or more * * * was built at the county seat and occupied for county purposes.

SECTION— 49. Section 698 of the statutes is renumbered to be section 59.12 and is amended to read:

COUNTY OFFICERS.

59.12 ELECTION; TERMS. * * * A county clerk, treasurer, sheriff, coroner, clerk of circuit court, district attor-

ney, register of deeds and surveyor *shall be elected in each county for full terms at the general election held in each even-numbered year.* The regular term of office of * * * each such officer * * * shall commence on the first Monday of January next succeeding * * * his election and shall continue two years * * * and until his successor * * * qualifies.

SECTION 50. Section 698—1 of the statutes is repealed.

SECTION 51. Sections 701, 702, 705, 710, 720, 735, 740, 749, 755, that part of section 762m commencing with the word "with-in" in the 9th line and ending with the word "security" in the twenty-second line thereof, subsection 2 of section 762m and section 765 of the statutes are consolidated as section 59.13 and are revised to read:

59.13 OFFICIAL OATHS AND BONDS. (1) Each county officer named in this chapter shall execute and file an official bond and take and file the official oath within twenty days after receiving official notice of his election or appointment, or if not officially notified, within twenty days after the commencement of the term for which he was elected or appointed. Every deputy appointed by any such officer shall take and file the official oath and if he neglects shall forfeit one hundred dollars. Such official bonds shall be in sums and with sureties, as follows:

(a) County clerk, not less than two thousand dollars.

(b) County treasurer, if the bond is furnished by individual sureties, not less than the amount nor exceeding twice the amount of all taxes directed by the county board to be levied therein and to be received by the treasurer during the ensuing year, with three or more sureties; or, if the bond is furnished by a security company, in such sum as is fixed by the county board; but in counties wherein depositories have been designated and have furnished approved bonds, as required by law, the amount of the treasurer's bond shall not exceed the amount of such taxes nor be less than ten per cent thereof in counties having a population of one hundred fifty thousand or more, nor less than twenty per cent of such taxes in other counties.

(c) Sheriff, not less than five nor more than twenty-five thousand dollars, with not less than three sureties.

(d) Coroner, not less than five hundred nor more than ten thousand dollars, with not less than two sureties.

(e) Clerk of the circuit court, not less than five thousand dollars, with two or more sureties.

(f) District attorney, one thousand dollars.

(g) Register of deeds, except in counties containing one hun-

dred fifty thousand population or more, three thousand dollars, with two or more sureties. In counties containing one hundred thousand or more population, not less than three thousand dollars, with two or more sureties, conditioned for the accuracy of his work and the faithful, correct and impartial performance of his duties, and in addition thereto a bond in sum of not less than ten thousand dollars, with two or more sureties, conditioned for the faithful accounting for and paying over to the county treasurer all moneys which may come into his hands as such officer, or into the hands of his deputy or assistants for him.

(h) Surveyor, one thousand dollars.

(i) County abstractor, five thousand dollars, with two or more sureties.

(2) Each such official bond shall be in sum fixed by law; or if not so fixed, in sum fixed by resolution of the county board, within the limitations prescribed by law, if any, at the annual meeting in November prior to the commencement of the term of office of the particular officer. Both the bond and the sufficiency of the sureties thereto shall be approved by a committee consisting of the chairman and not less than two other members of the county board who shall report in writing their action on all bonds.

(3) Each such bond shall be guaranteed by the number of personal sureties prescribed by law, or if not prescribed by the number fixed by the county board within the limitations, if any, prescribed by law, or by a surety company as provided by section 1966—33. In the case of the county clerk, county treasurer and county abstractor the county board may by resolution require them to furnish bonds guaranteed by surety companies and direct that the premiums therefor, agreed upon between the board and the companies, be paid out of the county treasury.

(4) If it deems the bond of any officer insufficient, the county board may by resolution require him to furnish additional bond in sum to be named in the resolution, not exceeding ten thousand dollars for the register of deeds of any county with a population of less than one hundred fifty thousand, and not exceeding the maximum sum, if any, fixed by law for additional bonds for other officers.

SECTION 52. Section 700 of the statutes is renumbered to be section 59.14 and is amended to read:

59.14 OFFICES, WHERE KEPT; WHEN OPEN. (1)

* * * Every sheriff, clerk of the circuit court, register of deeds, county treasurer, register of probate and county clerk

shall keep his office at the county seat * * * in the offices provided by the county or by special provision of law; or if there be none such, then at such place as the county board * * * directs. * * * He shall keep such office open during the usual business hours each day, Sundays and legal holidays excepted, and with proper care shall open to the examination of any person all books and papers required to be kept in his office and permit any person so examining to take notes and copies of such books, records or papers or minutes therefrom. * * *

(2) If any such officer * * * neglects or refuses to comply with any of the provisions of this section he shall forfeit five dollars for each day such noncompliance * * * continues. Actions for the collection of such forfeiture may be brought * * * upon the complaint of the district attorney of the proper county or of any party aggrieved by such refusal or neglect.

SECTION 53. Subsections (1), (2) and (3), paragraph (a) of subsections (4), the first sentence of paragraph (b) of subsection (4), and subsection (6) of section 694; the first sentence of section 708; the first sentence of section 714; that part of section 751 commencing with the first word and ending with the semicolon in the sixth line thereof; and subsections 1 and 2 of section 764b are consolidated as section 59.15 and are revised to read:

59.15 COMPENSATION; FEES; SALARIES; CHANGES.

(1) The county board at its annual meeting shall fix the annual salary for each county officer, including county judge, to be elected during the ensuing year and who will be entitled to receive a salary payable out of the county treasury. The salary so fixed shall not be increased or diminished during the officer's term, and shall be in lieu of all fees, per diem and compensation for services rendered, except the following additions:

(a) Compensation to the sheriff for keeping and maintaining prisoners in the county jail;

(b) Reimbursement to the sheriff in counties containing three hundred thousand or more population, according to the last preceding state or United States census, for expenses actually and necessarily incurred in the performance of his official duties;

(c) Reimbursement to the district attorney of the amount of his expenses actually and necessarily incurred in briefing and arguing criminal cases before the supreme court, as required by subsection (7) of section 59.45, and in traveling within and without his county in the performance of his official duties;

(d) Compensation received by the clerk of the circuit court

for work done for the United States government or for congress.

(2) The county board of any newly created county may, at any regular meeting during the term of office of officers appointed therefor, fix the annual salaries of such officers.

(3) The county board may at any time fix or change the number of deputies, clerks and assistants that may be appointed by any county officer and fix or change the annual salary of each such appointee, except that the salaries of the undersheriff and of the register in probate may be changed only at the annual meeting.

(4) Salaries of officers or persons included within the provisions of subsections (1), (2) and (3) fixed by or pursuant to law shall be and remain the salaries of such officers and persons until changed by the county board pursuant to this section.

(5) The county board may at any time change the compensation of any county officer from fees collected and retained by him to a salary, and may fix the annual salary of such officer. However, if such change is made after election or appointment of the officer, the board and such officer shall stipulate in writing the amount of compensation which shall be received and accepted annually by such officer for the remainder of his term as equivalent to the fees or fees and salary to which he was theretofore entitled. The county board of any county wherein such change has been made may at any time change the compensation of any such officer from a salary to fees collected or to part salary and part fees collected; but no change of compensation shall be made during the term for which any such officer was elected or appointed except as provided in this subsection.

(6) Whenever all the fees of the register of deeds, who is compensated by fees only, are less than three hundred dollars per year, the county board may pay him, in addition thereto, a salary not exceeding two hundred dollars per year.

SECTION 54. Section 706 of the statutes is renumbered to be subsections (1) and (2) of section 59.16 and is amended to read:

COUNTY CLERK.

59.16 DEPUTIES; SALARIES; TEMPORARY VACANCIES. * * * (1) Every * * * county clerk shall appoint *in writing* one or more deputies * * * and * * * file such appointment in his office. * * * Such deputy or deputies shall aid in the performance of the duties of such clerk under his direction, and in case of his absence or disability or of a vacancy in his office, *unless another is appointed therefor as*

*provided in subsection (3), shall perform all the duties of such clerk during such absence or until such vacancy * * * is filled; * * * The county board may in its discretion, at * * * any * * * meeting, provide a salary for such deputy or deputies. * * **

(2) In each county having a population exceeding one hundred and fifty thousand according to the last state or national census, * * * *the county clerk may also appoint such number of assistants as the county board * * * may, at any legal meeting thereof, authorize and prescribe, and said assistants shall receive such salaries as said county board at any such meeting shall provide and fix. * * **

SECTION 55. Section 707 of the statutes is renumbered to be subsection (3) of section 59.16 and is amended to read:

59.16. (3) * * * *If any county clerk * * * is incapable of discharging the duties of his office * * * the county board may, if they see fit, appoint a person such clerk, who shall serve until such disability * * * is removed. If the county board is not in session at the time of such incapacity, the chairman of said board may appoint such clerk, whose term shall not extend beyond the next regular or special meeting of the county board. * * * A person so appointed or appointed to fill a vacancy in the office of county clerk, upon giving * * * an official bond with like sureties * * * as * * * are required of such clerk, shall perform all the duties of such office; and thereupon the powers and duties of the deputy of the last clerk shall cease.*

SECTION 56. Section 709 of the statutes is renumbered to be section 59.17 and the introductory clause thereof is amended to read:

59.17 DUTIES. * * * *The county clerk shall:*

SECTION 57. Subsection (1) of old section 709 of the statutes is renumbered to be subsection (1) of new section 59.17 and is amended to read:

(59.17) * * * (1) * * * *Act as * * * clerk of the county board at all the meetings thereof; * * * keep and record in a book therefor true minutes of all the proceedings of the board; * * * make regular entries of their resolutions and decisions upon all questions; * * * record the vote of each supervisor on any question submitted to the board, if required by any member present, and * * * perform all duties prescribed * * * by law or required by the board in connection with their meetings and transactions.*

SECTION 58. Subsection (2) of old section 709 of the statutes is renumbered to be subsection (2) of new section 59.17 and is amended by striking therefrom the first word, namely, the word "To".

SECTION 59. Subsection (3) of old section 709 of the statutes is renumbered to be subsection (3) of new section 59.17 and is amended to read:

(59.17) * * * (3) * * * Sign all orders for the payment of money directed by the board to be issued, and * * * keep in a book therefor a true and correct account thereof, and of the name of the person to whom each order is issued; but he shall in no case sign or issue any county order except upon a recorded vote or resolution of the board authorizing the same; nor shall he sign or issue any such order for the payment of the services of any justice of the peace, magistrate, clerk of court, district attorney or sheriff until the person claiming such order * * * files an affidavit stating that he has paid into the county treasury all moneys due the county and collected or received by him in his official capacity. * * *

SECTION 60. Subsections (4) to (14), inclusive, of old section 709 of the statutes are renumbered to be subsections (4) to (13), inclusive, of new section 59.17 and subsections (16) to (22), inclusive, of said old section 709 are renumbered to be subsections (14) to (20), inclusive, of said new section 59.17 and all are amended to read:

(59.17) * * * (4) * * * File and preserve in his office all accounts acted upon by the board, and * * * indorse their action thereon, designating specifically upon every account the amount allowed, if any, and the particular items or charges for which allowed, and such as were disallowed, if any.

(5) * * * Record in a book therefor the reports of the county treasurer of the receipts and disbursements of the county.

(6) * * * Keep a true and accurate account *in a book therefor* of all money which * * * comes into his hands by virtue of his office, * * * specifying the date of every receipt or payment, the person from or to whom the same was received or paid, and the purpose of each particular receipt or disbursement, and * * * keep such book at all times open to the inspection of the county board or any member thereof.

(7) * * * Keep in * * * *the manner prescribed in subsection (6)* a separate account of all moneys paid the county treasurer by him.

(8) * * * Keep all of the accounts of the county and all such books of account as the county board * * * directs.

(9) * * * Promptly notify the district attorney of every action or proceeding commenced against the county and of every appeal from the action of the county board.

(10) * * * Transmit to the state superintendent on the last Monday in December in each year certified copies of all resolutions and proceedings of the county board passed or had during the preceding year relating to the raising of any money for school purposes, and * * * report the amount to be raised in each town in the county.

(11) * * * File in his office every notice received from the state superintendent of the apportionment of school money to be distributed in the county, and forthwith * * * transmit a certified copy thereof to the county treasurer, and * * * lay a like copy before the county board at their next annual meeting.

(12) * * * Immediately * * * transmit to the secretary of state, after the name of any town * * * is changed or a new town is organized or the boundaries of any town or village are altered by the county board, a certified * * * copy of the ordinance adopted therefor, indicating such change or changes.

(13) * * * Make out and deliver to the treasurer duplicate receipts of all moneys received by him as such clerk, and * * * countersign and file in his office the duplicate receipts delivered to him by the treasurer of money received by him.
* * *

(14) * * * Make and deliver to any person, on demand and payment of the lawful fees therefor, a certified copy or transcript of any book, record, account, file or paper in his office, and * * * make any certificate which by law is declared to be evidence, and charge ten cents for each folio of such copy or transcript and twenty-five cents for each such certificate.

(15) * * * Perform all duties imposed on him in relation to the assessment and collection of taxes, and to the preparation and distribution of ballots * * * and the canvass and return of votes at general, judicial and special elections.

(16) * * * Make a full report to the county board, at the annual meeting, in writing, verified by his oath, of all money received and disbursed by him, and separately of all fees received by him; and * * * settle with the board his official accounts and * * * produce to them all books, accounts and vouchers relating to the same.

(17) * * * Forward to the state historical society, post-paid, within thirty days after their publication a copy of the

proceedings of the county board, and of all printed reports made under authority of such board or by the authority of other county officers.

(18) * * * Except in counties having a population of one hundred and fifty thousand or more, * * * notify a county commissioner of highways of his election within ten days thereafter.

(19) * * * Except in counties having a population of one hundred and fifty thousand or more, * * * notify the proper town officers of the levy and rate of any tax for the county road and bridge fund.

(20) * * * Perform all other duties required of him by law.

SECTION 61. Section 709m of the statutes is renumbered to be section 1 of chapter 189 of the laws of 1917.

SECTION 62. Section 713 of the statutes is renumbered and amended to read:

TREASURER.

59.18 ELIGIBILITY. * * * No person holding the office of sheriff, undersheriff, county judge, district attorney, clerk of the circuit court, county clerk or member of the county board shall * * * *be eligible to the office of county treasurer or deputy county treasurer.*

SECTION 63. Section 711 of the statutes is renumbered to be subsection (1) of section 59.19 and is amended to read:

59.19 DEPUTY; OATH; SALARY; TEMPORARY VACANCY. (1) * * * The county treasurer may appoint a deputy to aid him in the discharge of the duties of his office. * * * *Such deputy, in the absence of the treasurer from his office or in case of a vacancy in said office or any disability of the treasurer to perform the duties of his office, unless another is appointed therefor as provided in subsection (2), may perform all the duties of the office of treasurer until such vacancy * * * is filled or such disability * * * is removed. Such appointment shall be made in writing, and the person so appointed shall take and * * * file the official oath. * * * He shall file his appointment with the county clerk. * * * The county board, may in its discretion, at its annual meeting or at any special meeting, provide a salary * * * for such deputy. * * **

SECTION 64. Section 712 of the statutes is renumbered to be subsection (2) of section 59.19 and is amended to read:

(59.19) (2) * * * If any county treasurer * * *

is incapable of discharging the duties of his office, * * * the county board may, if they see fit, appoint a person treasurer who shall serve until such disability * * * is removed. * * * A person so appointed or appointed to fill a vacancy in the office of treasurer, upon giving * * * an official bond with like sureties * * * as * * * are required of such treasurer, shall perform all the duties of such office, and thereupon the powers and duties of the deputy of the last treasurer shall cease.

SECTION 65. Section 715 of the statutes is renumbered to be section 59.20 and the introductory clause and subsections (1), (2), (3), (4), (5), (6), and (7) are amended to read:

59.20 DUTIES. * * * The county treasurer shall:

(1) * * * Receive all moneys from all sources belonging to the county, * * * and all other moneys which by law are directed to be paid to him, and make out and deliver to the county clerk duplicate receipts therefor, and file in his office the duplicate receipts delivered to him by the county clerk for money received by him.

(2) * * * Pay out all moneys belonging to the county only on the order of the county board, signed by the county clerk and countersigned by the chairman, except when special provision for the payment thereof is * * * otherwise made by law; and, except in counties having a population of one hundred and fifty thousand or more, * * * pay out all moneys belonging to the county road and bridge fund on the written order of the county commissioner of highways, signed by the county clerk and countersigned by the chairman of the county board.

(3) * * * Pay all such county orders in the order of time in which they * * * are presented for payment; but where two or more are presented at the same time, give precedence * * * to the order of the oldest date, but he shall receive of town, city and village treasurers all county orders issued in such county, which such treasurers may present in payment of county taxes, to the amount of the county taxes actually collected by any such treasurer in the year for which such orders are offered in payment, which amount shall be determined by the affidavit of such treasurer.

(4) * * * Keep a true and correct account of the receipt and expenditure of all moneys which * * * come into his hands by virtue of his office in books kept therefor, specifying the date of every receipt or payment, * * * the person from or to whom the same was received or paid, and the purpose of each particular receipt or payment; * * * keep also in like

manner a separate account of all fees received, * * * a separate account of all moneys * * * received for taxes * * *, and a separate account of money received upon redemption of lands from sales thereof for nonpayment of taxes, further specifying in the two last accounts the description of the property on account of which such money was paid, which books shall be open at all times to the inspection of the county board or any member thereof, and to all the county and state officers; * * * make in writing a fully itemized statement and report, verified by his oath, to such board on the first day of their annual meeting and at such other times as they may direct, of all moneys of whatsoever nature received and disbursed by him; exhibit his vouchers therefor to be audited and allowed, and settle with them his accounts as treasurer; * * * and exhibit to * * * *the board* all moneys in his custody or under his control as treasurer, and, if required, make oath that such moneys are the funds of the county.

(5) * * * Transmit to the state treasurer at the time he is required by law to pay the state taxes a particular statement, verified by his affidavit indorsed upon or attached thereto, of all moneys received by him during the preceding year and which are payable to the state treasurer for licenses, fines, penalties, or on any other account, and at the same time pay to the state treasurer the amount thereof after deducting the legal fees.

(6) * * * Cause to be insured, when directed by the county board, at the expense of the county, the county buildings, or any of them in the name of the county; and, in case of loss, * * * demand and receive the money due on account of such insurance for the use of the county; and all such money shall be applied to rebuilding or repairing such county buildings.

(7) * * * Make annually, on the third Monday of March, a certified statement, and forward the same to each town, city and village clerk in his county, showing the amount of money paid from the county treasury during the year next preceding to each such town, city and village treasurer in his county, specifying the date of each payment, the amount thereof and the account upon which the same was made; and it shall be unlawful for any county treasurer to pay to the treasurer of any town any money in his hands belonging to such town from the third Monday of March until ten days after the annual town meeting except upon the written order of the town board.

SECTION 66. Section 719 of the statutes is renumbered to be subsection (8) of new section 59.20 and is amended to read:

(59.20) (8) * * * Retain two per cent for fees in receiving and paying into the state treasury all moneys received by him *for the state for fines and penalties, * * * and retain such other fees for receiving and paying money into the state treasury as are prescribed by law.*

SECTION 67. Subsection (10) of new section 59.20 of the statutes (old section 715) is renumbered to be subsection (9) of said new section and is amended to read:

(59.20) (9) * * * Make and deliver to any person on demand and payment of the lawful fees therefor a certified copy or transcript of any book, record, account, file or paper in his office and make a certificate which by law is declared to be evidence, *and collect as fees therefor ten cents for each folio of any copy or transcript and twenty-five cents for each certificate.*

SECTION 68. Subsection (8) of new section 59.20 of the statutes (old section 715) is renumbered to be subsection (10) of said new section and is amended to read:

(59.20) (10) * * * On the first day of each month * * * pay into the county treasury the whole amount of fees received by him.

SECTION 69. Subsection (11) of new section 59.20 of the statutes (old section 715) is renumbered and amended to read:

(59.20) (12) * * * Perform all other duties required of him by * * * law.

SECTION 70. A new subsection is added to new section 59.20 of the statutes to read:

(59.20) (11) Pay to the state treasurer on his order all state suit tax moneys received from the clerk of the circuit court pursuant to subsection (11) of section 59.37 and if any such moneys remain in his hands when he is required to pay the state tax, pay such moneys therewith to the state treasurer.

SECTION 71. Sections 722 and 723 and that part of section 724 commencing with the first word and ending with the semicolon in the fourth line of said section of the statutes are consolidated as section 59.21 and are revised to read:

SHERIFF.

59.21 SHERIFF; UNDERSHERIFF; DEPUTIES. (1) Within ten days after entering upon the duties of his office the sheriff shall appoint some proper person, resident of his county, undersheriff, and shall within such time appoint deputy sheriffs for his county as follows:

(a) One for each city and village therein having one thousand or more inhabitants.

(b) One for each assembly district therein, except the district in which the undersheriff resides, which contains an incorporated village having less than one thousand inhabitants and does not contain a city or incorporated village having more than one thousand inhabitants.

(c) Each deputy shall reside in the city or village for which he is appointed, or if appointed for an assembly district, shall reside in the village in such district.

(2) He may appoint as many other deputies as he may deem proper.

(3) He may fill vacancies in the office of any such appointee, and may appoint a person to take the place of any undersheriff or deputy who becomes incapable of executing the duties of his office.

(4) A person appointed undersheriff or deputy for a regular term or to fill a vacancy or otherwise shall hold office during the pleasure of the sheriff.

(5) The sheriff or his undersheriff may also depute in writing other persons to do particular acts.

(6) Every appointment of an undersheriff or deputy, except deputations to do a particular act, and every revocation of such appointment shall be in writing and be filed and recorded in the office of the clerk of the circuit court.

(7) In case of a vacancy in the office of sheriff the undersheriff shall in all things and with like liabilities and penalties execute the duties of such office until the vacancy is filled as provided by law.

SECTION 72, Section 721 and that part of section 724 commencing with the word "the" immediately following the semicolon in the fourth line of said section are consolidated as section 59.22 and are revised to read:

59.22 LIABILITY FOR APPOINTEES' ACTS; BONDS.

(1) The sheriff shall be responsible for every default or misconduct in office of his undersheriff, jailer and deputies during the term of his office, and after the death resignation or removal from office of such sheriff as well as before; and an action for any such default or misconduct may be prosecuted against such sheriff and his sureties on his official bond or against the executors and administrators of such sheriff.

(2) The sheriff may require his undersheriff and every deputy, before entering upon the duties of his office, to execute and deliver to him a bond in such sum and with such sureties

as he may require, conditioned for the faithful performance of his official duties; and every default or misconduct of such undersheriff or deputy for which the sheriff is liable shall be a breach of such bond.

SECTION 73. Section 725 of the statutes is renumbered to be section 59.23 and is amended to read:

59.23 DUTIES. * * * The sheriff *shall*:

(1) * * * Take the charge and custody of the jails of his county and the persons therein, and * * * keep them himself or by his deputy or jailer.

(2) * * * Keep a true and exact register of all prisoners committed to any jail under his charge, in a book therefor, which shall contain the names of all persons who * * * *are* committed to any such jail, their residence, the time when * * * *and* cause of commitment, and the authority by which they were committed; and if for a criminal offense, a description of his person; and when any prisoner * * * *is* liberated, * * * state the time when and the authority by which he was liberated; and if any person * * * escapes, * * * state the particulars of the time and manner of such escape. * * *

(3) * * * Attend upon the circuit court held in his county during its session, and at the commencement of every term of such court * * * file with with the clerk thereof a list of his deputies, not exceeding three, who are to receive a per diem for attendance on such court. The court, however, may by special order authorize a greater number of deputies to attend when the court * * * *is* engaged in the trial of any person charged with a crime.

(4) * * * Personally, or by his undersheriff or deputies, serve or execute according to law all processes, writs, precepts and orders issued or made by lawful authority and to him delivered.

(5) * * * Deliver on demand to his successor in office, when he * * * *has* qualified according to law, the jail and other property of the county and all prisoners in such jail, and all books, records, writs, processes, orders and other papers belonging to his office and in his possession or in that of his undersheriff, jailer or deputies, except as provided in * * * section 59.32, and upon the delivery thereof such successor in office shall execute to him a receipt therefor.

(6) In counties having a population of three hundred thousand or more, assign one deputy, to be mutually agreed upon

by him and the district attorney, to the office of the district attorney.

(7) * * * Perform all other duties required of him by law.

SECTION 74. Section 727 of the statutes is renumbered to be section 59.24 PEACE MAINTENANCE; POWERS AND DUTIES OF PEACE OFFICERS.

SECTION 75. Section 728 of the statutes is renumbered to be subsection (1) of section 59.25 and is amended to read:

59.25 TRANSPORTATION OF CRIMINALS THROUGH OTHER COUNTIES; REWARDS FOR THEIR APPREHENSION. (1) * * * Any sheriff or other officer who * * * *has* legally arrested any person in any county may pass across and through such parts of any other county or counties as * * * *are* in the ordinary route of travel from the place where such person * * * *was* arrested to the place where he is to be conveyed, according to the command of the process by which such arrest * * * *was* made; and such conveyance of such prisoner shall not be deemed an escape, nor shall the prisoner so conveyed or the officers having him in custody be liable to arrest on any civil process while passing through such other county or counties.

SECTION 75a. Section 725a of the statutes is renumbered to be subsection (2) of section 59.25.

SECTION 76. Section 729 of the statutes is renumbered to be section 59.26 and is amended by striking out the following words at the end thereof, namely, "and no undersheriff or deputy shall at the same time act as a member of the county board of any county."

SECTION 77. Section 730 of the statutes is renumbered to be section 59.27 and is amended to read:

59.27 SERVICE ON SHERIFF; HOW MADE. * * * Every writ, notice or other paper * * * required to be delivered to or served on any sheriff may be served by leaving the same at his office during the hours it is required to be kept open; but if there * * * is any person belonging to such office therein, such writ, notice or other paper shall be delivered to such person; and every such service shall be deemed equivalent to a personal delivery to or service on such sheriff.

SECTION 78. Section 731 of the statutes is renumbered to be section 59.28 FEES; and the concluding unnumbered paragraph of said section is repealed.

SECTION 79. Section 731a of the statutes is renumbered to be subsection (1) of section 59.29 and is amended to read:

59.29 COMPENSATION FOR APPREHENSIONS IN OTHER STATES; CONDITIONS. (1) * * * In all cases where by the laws of this state the governor * * * is authorized to demand of the executive authority of any other state * * * any fugitive from justice or any person charged with * * * crime in this state * * * and to appoint an agent to receive * * * *such person*, and such * * * *person* is apprehended in any other state * * * by the sheriff or deputy sheriff of the county in this state * * * where the warrant for such fugitive from justice is properly issued, or such * * * *crime was committed*, and such * * * *person* voluntarily returns with said sheriff to this state without requisition, such sheriff shall be entitled to * * * eight dollars per day for the time necessarily expended in traveling to, apprehending and returning with such * * * *person* and his actual and necessary expenses for such time, which compensation and expenses shall be allowed by the county board of such county upon the presentation thereto of an itemized and verified account, stating the number of days he was engaged, the number of miles traveled and each item of expense incurred in rendering such services, including the transportation and board of * * * *the person in his custody*. No allowance whatever shall be made to him as mileage.

SECTION 80. Section 731b of the statutes is renumbered to be subsection (2) of section 59.29 and is amended to read:

(59.29) (2) * * * *The sheriff * * * of any county having less than three hundred thousand population shall not receive the compensation * * * provided for in subsection (1), unless * * * the apprehension shall have been duly authorized in writing by the district attorney or by the county judge of the county wherein the * * * crime was committed, which written authority shall * * * certify that the ends of justice will be subserved by the apprehension and return of such * * * person, and the sheriff shall attach such certificate * * * to and file * * * it with his itemized account of such services.* * * *

SECTION 81. Section 732 of the statutes is renumbered to be section 59.30 FEES and the word "herein" in the first line of said section is stricken out.

SECTION 82. Section 733 of the statutes is renumbered to be section 59.31 and is amended to read:

59.31 FEES, HOW PAID. * * * All fees to which sheriffs or their deputies * * * are entitled for attendance required by law upon any court of record shall be paid out of the

treasury of the county wherein such services * * * were rendered in the * * * manner * * * that fees of jurors attending such courts are * * * paid; and whenever any such officer * * * is required to perform any service for the state, which * * * is not * * * chargeable to his county or some officer or person, his account therefor shall be * * * paid out of the state treasury.

SECTION 83. Section 734 of the statutes is renumbered to be section 59.32 EXCESSIVE FEES.

SECTION 84. Section 726 of the statutes is renumbered to be section 59.33 and is amended to read:

59.33 POWERS AFTER TERM. (1) * * * Every sheriff, undersheriff and deputy, *compensated for his services by fees or by part salary and part fees*, may execute and return all writs, processes and orders * * * in their hands at the expiration of the sheriff's term of office *and which such sheriff, undersheriff or deputy * * * has, prior to that time, begun to execute by service, levy, advertisement or the collection of money thereon.* * * *

(2) In * * * counties where the compensation of sheriffs, undersheriffs and deputies has been changed from the fee to the salary system as provided * * * by * * * law, * * * the sheriff, immediately upon the expiration of his term, * * * shall turn over to his successor all writs, processes and orders * * * in his hands, or in the hands of his undersheriffs or deputies, whether or not such writs, processes and orders have been partly or fully executed or returned, and * * * such successor shall * * * execute and return or * * * complete the execution and return of such writs, processes and orders.

(3) *In case of a vacancy in the office of sheriff, of any county, his undersheriff and deputies then in office having then any writ, process or order in their hands shall have the same authority and be under the same obligation to serve, execute and return the same as if such sheriff had continued in office.*

SECTION 85. Sections 736 and 737 of the statutes are consolidated as section 59.34 and are amended to read:

CORONER.

59.34 DUTIES; INQUESTS; ACT AS SHERIFF. The coroner shall:

(1) *Take inquest of the dead when required by law.*

(2) * * * When there * * * is no sheriff or under-

sheriff in any county organized for judicial purposes, * * * exercise all the powers and duties of sheriff of his county until a sheriff * * * is elected or appointed and * * * qualified; and when the sheriff for any cause * * * is committed to the jail of his county, * * * be keeper thereof during the time, the sheriff * * * remains a prisoner therein.

(3), * * * Serve and execute process of every kind and perform all other duties of the sheriff when the sheriff * * * is a party to the action * * * and whenever * * * the clerk of the circuit court * * * addresses the original or other process in * * * any action to * * * him as provided in subsection (12) of section 59.39, execute the same in like manner as the sheriff might do in other cases; * * * exercise the same powers and proceed in the same manner as prescribed for sheriffs in the performance of similar duties; and in all cases the coronor and his sureties shall be liable in the same manner and to the same extent on his official bond as sheriffs and their sureties are liable in similar cases. * * *

(4) Perform all other duties required by law.

SECTION 86. Section 735a of the statutes is renumbered to be section 59.35 and is amended to read:

59.35 SPECIAL COUNTIES; DEPUTIES AND ASSISTANTS; POWERS. (1) * * * The coroner of every county having a population of over one hundred and fifty thousand, his deputy and assistants, shall be compensated for the performance of all their official duties * * * by salaries * * * fixed by the county board of supervisors, * * * which shall be in lieu of any other compensation.

(2) The coroner of any such county may appoint a deputy * * * who shall assist the coroner in the performance of his duties as he may direct, and who, under the direction of the coroner, may exercise all of the powers and perform all of the duties of the coroner, and may appoint such other assistants to the coroner as the said county board may authorize.

(3) The county board of any such county * * * at its annual meeting next preceding the general election of county officers, * * * shall fix the salaries of the coroner to be elected at such election, * * * his deputy * * * and * * * assistants, * * * which, when so * * * fixed * * * shall be * * * their salaries * * * during the * * * term of such coroner. * * *

(4) Such deputy coroner and assistants to the coroner shall

have all the powers of a constable or sheriff to serve subpoenas requiring the attendance of witnesses at any inquest to be held by the coroner or his deputy or other orders or writs.

SECTION 87. Section 739 of the statutes is renumbered to be section 59.36 and that part thereof commencing with the first word and ending with the word "refuse" in the fourth line, is amended to read:

59.36 SERVICE WHEN NO CORONER. * * * Whenever, for any cause, there * * * is a vacancy in the office of coroner, or when he * * * is absent from his county, sick or unable to perform the duties of his office, or * * * for any reason, except the nonpayment of legal fees, refuses.

SECTION 88. Section 738 of the statutes is renumbered to be section 59.37 FEES.

SECTION 89. Section 741 of the statutes is renumbered to be section 59.38 and is amended to read:

CLERK OF CIRCUIT COURT.

59.38 DEPUTIES. * * * Every such clerk shall appoint one or more deputies, men or women, which appointments shall be approved by the judge of the circuit court, but be revocable by the clerk at pleasure; such appointments and revocations shall be in writing and filed in his office; such deputies shall aid the clerk in the discharge of his duties, and in his absence from his office or from the court they may perform all his duties; or in case of a vacancy by resignation, death, removal or other cause the deputy appointed shall perform all such duties until such vacancy * * * is filled. * * *

SECTION 90. Section 742 of the statutes is renumbered to be section 59.39 and is amended to read:

59.39 DUTIES. * * * The clerk of the circuit court shall:

(1) * * * Perform all the duties of clerk of the circuit court of his county and keep all the records, books and papers thereof.

(2) * * * Keep in his office a book to be called a court record * * * and enter *therein* the names of the * * * plaintiffs and defendants in every civil action, suit or proceeding brought in such court either by summons, appeal, change of venue or otherwise, the names of the attorneys of the respective parties, a brief statement of the nature of the action or proceeding, the date of filing every paper therein and of each proceeding taken, the time when the same is put upon the calendar for

trial, and when and how disposed of; the volume and page of the minute book, where the minutes had of proceedings in every case can be found, and the volume and page of the record of judgments and orders, where any judgment, order or report has been entered, so as to make such record a history in brief of each action or proceeding from its beginning to the final disposition of the same; and a complete index of all proceedings therein.

(3) * * * Keep a book to be called a criminal record, * * * and keep *therein* a record in every criminal action or proceeding in the same manner as in civil actions.

(4) * * * Keep a minute book * * * and entered *therein* a brief statement of all the proceedings had in open court, showing all motions and orders made in open court in the progress of every trial, the names of the witnesses sworn, jurors drawn, the officer sworn to take them in charge, and the verdict of the jury when returned, and all the openings and adjournments of the court.

(5) * * * Keep a book to be called a judgment and order book, and record therein all judgments, orders and reports when required to be recorded.

(6) * * * Keep a book to be called the record of officers, in which he shall record all appointments of court commissioners, deputy sheriffs, notaries public and other officers whose appointments are required by law to be recorded in his office, and in which he shall also enter in tabular form the name, date of qualification, and the commencement and termination of the official term of each justice of the peace elected in his county, and make a proper index thereto.

(7) * * * Keep such other books, including a daily journal, in which every judgment affecting real estate shall be entered in the manner required by law before the same shall be docketed, as are required by to be kept in his office, and such as the judge of the circuit court may direct to be kept therein.

(8) * * * Keep an accurate list in a book provided for that purpose of all certificates issued by him to witnesses, interpreters, jurors, sheriffs, and deputy sheriffs, stating the number, date and amount of each, and to whom issued, and furnish to the county board at each annual session thereof a certified transcript of such list for the year next preceding such session, which transcript shall be entered in full on the records of said board.

(9) * * * Register in alphabetical order, in books provided therefor, the names of all persons who shall, in the

manner prescribed by law, declare their intention to become citizens of the United States, or who shall be admitted to citizenship of the United States in the circuit court.

(10) * * * Make out and transmit to the secretary of state, on or before the first day of June in each year, a certified list of the names of all persons who during the preceding year were elected justices of the peace and duly executed and filed their official bonds.

(13) * * * Perform such other duties as are required by law.

SECTION 91. Section 743 of the statutes is renumbered to be subsection (11) of new section 59.37 and is amended to read:

(59.37) (11) * * * Quarterly, on the first day of January, April, July and October, or within five days thereafter, pay to the treasurer of his county for the use of the state the state tax of one dollar required by law to be paid to him on every civil action which has been entered in the circuit court of his county during the three months ending on the last day of the month immediately preceding, and take duplicate receipts from the county treasurer for the sums so paid; and within ten days thereafter * * * forward to the secretary of state one of said receipts, with a statement on oath of the number of such actions entered in said court during said three months.
* * *

SECTION 92. A new subsection is added to section 59.39 to be numbered and to read:

(59.39) (12) Address the original or other process in any action pending or to be commenced in the court for which he is clerk to the coroner, whenever any party thereto or his agent or attorney files with him an affidavit stating that he verily believes that the sheriff of such county, by reason of either partiality, consanguinity or interest, will not faithfully perform his duty in such action.

SECTION 93. Section 744 of the statutes is renumbered to be section 14.405 of the statutes and is amended to read:

14.405 STATE SUIT TAX; NOTICE OF DEFAULT.
* * * If the secretary of state * * * does not receive * * * from the clerk of the circuit court the statement relative to suit tax required by subsection (11) of section 59.39 together with a receipt * * * for the sum required by law to be paid on the actions so entered during the preceding quarter, on or before the first day of the next succeeding month, he shall forthwith notify the judge of the circuit court of the county of the failure to transmit such statement

or receipt or both; and such judge shall thereupon notify the clerk to show cause why he should not be removed from office in the manner provided by law.

SECTION 94. Section 745 of the statutes is renumbered to be section 59.40 NOT TO ACT AS ATTORNEY.

SECTION 95. Section 746 of the statutes is renumbered to be section 59.41 and is amended to read:

59.41 CERTIFY RECORDS AS CLERK OF COUNTY COURT. * * * The * * * clerk * * * of the circuit court * * * *in each county* shall be the clerk * * * of the county court for the purpose of certifying to copies and transcripts of all the records and files of said county court to be used in any other state, agreeably to section 905 of the revised statutes of the United States, and in making such certificate he shall use the seal of said county court and sign himself "clerk of the county court," and shall also have authority in such capacity to authenticate acknowledgments of all instruments taken by the judge of said county, and for such services the clerk shall receive the fee allowed by law for similar service.

SECTION 96. Section 747 of the statutes is renumbered to be section 59.42; the paragraphs of said section following the introductory clause, except the last two, are numbered to be subsections (1) to (39), inclusive; and the introductory clause of said section is amended to read:

59.42 FEES. *Except as otherwise provided by law*, the clerk * * * of the * * * circuit court * * * shall * * * collect the following fees * * *:

SECTION 97. The next to the last paragraph of new section 59.42 (old section 747) is numbered to be subsection (40) of said new section and is amended to read:

(59.42) (40) * * * At the time of the commencement of every action or special proceeding or upon the filing of the original papers therein upon appeal from inferior courts or officers or upon a change of venue, except in criminal cases, the sum of two dollars in addition to the state tax, * * * but no such *two dollar* payment shall be required from towns, counties, villages, cities or school districts, either on the commencement of an action or proceeding or the transfer thereof from one county to another *or in any action to review an order or award of the industrial commission of Wisconsin under the provisions of sections 2394—3 to 2394—31, inclusive.*

SECTION 98. The last paragraph of new section 59.42 (old section 747) is renumbered to be subsection (41) of said new section and is revised to read:

(59.42) (41) In counties wherein he is compensated otherwise than by salary, he shall be entitled to:

(a) Two dollars for making out and transmitting to the secretary of state the certified list of the names of justices of the peace as required by law, to be paid by the county.

(b) Three dollars per day for each day's attendance upon a session of any regular or special term of the circuit court of his county, or as much more as the county board directs; and for similar attendance and service by his deputy the latter shall be paid the same amount. Such payments shall be made by the county upon the certificate of the circuit judge.

SECTION 99. Section 748 of the statutes is renumbered to be section 59.43 FEE; BILL; FILING.

SECTION 100. Section 750 of the statutes is renumbered to be section 59.44 and is amended to read:

DISTRICT ATTORNEY.

59.44 DISTRICT ATTORNEY PRO TEMPORE; ASSISTANTS IN CRIMINAL AND CIVIL CASES. * * * (1) When there * * * is no district attorney for the county, or he * * * is absent from the court, or * * * has acted as counsel or attorney for a party accused in relation to the matter of which the accused stands charged and for which he is to be tried, or is near of kin to the party to be tried on a criminal charge, or is unable to attend to his duties, the circuit court * * *, by an order * * * entered in the minutes * * * stating the cause therefor, *may* appoint some suitable person to perform, for the time being, or for the trial of such accused person, the duties of such district attorney, and the person so appointed shall have all the powers of the district attorney while so acting.

(2) The court may, in the same manner, and in * * * its discretion, appoint counsel to assist *the* district attorney * * *, in the prosecution of persons charged with crime punishable by imprisonment in the state prison, and in cases of prosecutions before a grand jury, and upon indictments found by grand juries, and in bastardy cases. Such counsel shall be paid such sums as the court, * * * by order entered in the minutes, * * * certifies to be a reasonable compensation therefor, which sum shall in no case exceed twenty-five dollars per day for each day actually occupied in such prosecution, and not to exceed fifteen dollars per day for not more than five days actually and necessarily occupied in preparing for

trial in any one case, the same to be paid in the manner provided by law for the payment of counsel for indigent criminals.

(3) When there * * * is an unusual amount of civil litigation to which the county is a party or in which it is interested, the circuit court may, on the application of the county board, by order filed with the clerk of said county, appoint an attorney or attorneys to assist the district attorney, and fix his or their compensation.

SECTION 101. Section 697—50 of the statutes is repealed.

SECTION 102. Section 697—51 of the statutes is repealed.

SECTION 103. Section 750a (1901) of the statutes is renumbered to be section 59.45 and is amended to read:

59.45 ASSISTANTS IN OTHER THAN SPECIAL COUNTIES. * * * The district attorney, *except in counties containing a city of the first class*, * * * may, when authorized, at any regular or special meeting of the board by a majority of all of the members of the board, appoint one or more assistant * * * district attorneys and a stenographer and a clerk to aid him in the performance of the duties of his office. Such assistant * * * district attorneys shall be attorneys admitted to practice * * * law in this state. * * * The assistant district attorneys so appointed shall * * * have full authority to perform all the duties of the district attorney, except the signing of indictments and informations. * * * No assistant district attorneys so appointed shall * * * have full shall * * * be required to give an * * * official bond * * *

SECTION 104. Section 751a of the statutes is repealed.

SECTION 105. Section 751b of the statutes is repealed.

SECTION 106. Section 751c of the statutes is repealed.

SECTION 107. Section 751d of the statutes is renumbered to be section 59.46 and is amended to read:

59.46 ASSISTANTS IN SPECIAL COUNTIES. * * *

(1) The district attorney of any county containing a city of the first class * * * may appoint four regular assistants and such further number as may be authorized by the county board * * *. Such assistants shall each have practiced law in this state at least two years prior to such appointment, * * * and each, when appointed, shall have * * * full authority to perform all the duties of the district attorney, except the signing of indictments and informations.

(2) * * * The county board * * * may at any

* * * annual meeting next preceding the general election of county officers, fix the salaries to be paid to such assistants at not more than four thousand dollars nor less than two thousand dollars per annum, and when so fixed such salaries shall be the salaries of such assistants during the term of the district attorney making such appointments * * *.

(3) * * * If the board * * * fails to fix the salaries of such assistants * * * at the time and within the limits herein specified the district attorney of any such county may prescribe the salary of such assistants within the limits named, and the salaries so prescribed shall be the salaries of such assistants during the term of such district attorney. * * * The district attorney making such appointments shall notify the county board * * * of the making thereof, and such appointees shall thereupon enter upon the discharge of their duties. * * *

(4) * * * The district attorney * * * may also appoint one or more clerks and one or more stenographers, the number and salary of whom is to be fixed by the board * * * at any meeting thereof.

SECTION 108. Section 752 of the statutes is renumbered to be section 59.47 and is amended to read:

59.47 DUTIES. * * * The district attorney shall:

(1) * * * Prosecute or defend all actions, applications or motions, civil or criminal, in the circuit court of his county in which the state or county is interested or a party; and when the place of trial is changed in any such action or proceeding to another county, * * * prosecute or defend the same in such other county.

(2) * * * Prosecute all criminal actions, except for common assault and battery or for the use of language intended or naturally tending to provoke an assault or breach of the peace, before any magistrate in his county, other than those exercising the police jurisdiction of incorporated cities and villages in cases arising under the charter or ordinances thereof, when requested by such magistrate; and upon like request, * * * conduct all criminal examinations which may be had before such magistrate, and prosecute or defend all civil actions before such magistrates in which the county is interested or a party.

(3) * * * Give advice to the county board and other officers of his county, when requested, in all matters in which the county or state is interested or relating to the discharge of the official duties of such board or officers; * * * examine all

claims against the county for officers', interpreters', witnesses' and jurors' fees in criminal actions and examinations when presented to the county board, and report in writing thereto as to the liability of the county to pay the same.

(4) * * * Attend, when requested by any grand jury, for the purpose of examining witnesses in their presence; * * * give them advice in any legal matter; * * * draw bills of indictment and informations; * * * issue subpoenas and other processes to enforce the attendance of witnesses.

(5) * * * File, on or before the eighth day of November in each year, in the office of the county clerk, an account verified by his affidavit of all money received by him during the preceding year by virtue of his office for fines, recognizances, forfeitures, penalties or costs, specifying the name of each person from whom he may have received the same; the amount received from each and the cause for which the same was paid, and at the same time pay all such money to the county treasurer; and for every neglect or refusal to render such account and pay the money so received by him to the county treasurer he shall forfeit not less than fifty nor more than two hundred dollars.

(6) * * * Attend to the settlement of bills of exceptions in cases which he has tried during his term of office after his term of office has expired; for which services so rendered he shall receive compensation from the county where elected, not to exceed twenty-five dollars per day for time actually expended.

(8) * * * Perform all other duties required of him by law.

SECTION 109. Section 752m of the statutes is renumbered to be subsection (7) of new section 59.47 and is amended to read:

(59.47) (7) * * * *Upon the request and* under the supervision and direction of the attorney-general, * * * brief and argue all criminal cases brought by appeal or writ of error or certified from his county to the supreme court. * * *

SECTION 110. Section 750b of the statutes is renumbered to be section 59.48 and is amended to read:

59.48 NOT TO BE CITY ATTORNEY. * * * It shall be unlawful for any district attorney to hold the office of or act as city attorney of any city in the county of which he is district attorney, *except pursuant to contract entered into prior to June, 1915.* * * * If any district attorney * * * violates the provisions of this section, his office of district attorney shall be deemed vacant.

* *

SECTION 111. Section 754 of the statutes is renumbered to be section 59.49 REWARDS; RESTRICTIONS.

SECTION 112. Section 756 of the statutes is renumbered to be section 59.50 and is amended to read:

REGISTER OF DEEDS.

59.50 DEPUTIES. * * * Every register of deeds shall appoint one or more deputies, who shall hold their office during his pleasure. Such appointment shall be in writing and filed and recorded in his office. Such deputy or deputies shall aid the register in the performance of his duties under his direction, and in case of vacancy or the register's absence or inability to perform the duties of his office such deputy or deputies shall perform the duties of register *until such vacancy is filled or during the continuance of such* * * * absence or inability * * *

SECTION 113. Section 757 of the statutes is repealed.

SECTION 114. Section 758 of the statutes is renumbered to be section 59.51 and is amended to read:

59.51 DUTIES. * * * The register of deeds *shall*:

(1) * * * Record or cause to be recorded in suitable books to be kept in his office, correctly * * * *and legibly* all deeds, mortgages, maps, instruments and writings authorized by law to be recorded in his office and left with him for that purpose.

(2) * * * State upon the record of any instrument the number and denomination of all United States internal revenue stamps, if any, affixed thereto.

(3) * * * Keep the several books and indexes hereinafter mentioned in the manner required.

(4) * * * Indorse upon each instrument or writing received by him for record his certificate of the time when it was received, specifying the day, hour and minute of reception and the volume and page where the same is recorded, which shall be evidence of such facts.

(5) * * * Indorse plainly upon the top of the back, when folded, of each instrument received for record, or file as soon as received a number consecutive to the number affixed to the instrument next previously received according to the numbering now established, and if two or more instruments * * * *are* received at the same time, * * * designate by letters appended to the number, thus—169A, 170A, 171A—that the in-

struments were received for record at the same time, and to enter the same in the indexes.

(6) * * * Safely keep and return to the party entitled thereto, on demand within a reasonable time, every instrument left with him for record not required by law to be kept in his office.

(7) * * * Register as directed by law all marriages contracted and deaths and births occurring in his county.

(8) * * * Make and deliver to any person, on demand and payment of the legal fees therefor, a copy duly certified, with his official seal affixed, of any record, paper, file, map or plat in his office.

(9) * * * File and safely keep in his office all records documents and papers of any post of the Grand Army of the republic and of any historical society in his county.

(11) * * * Perform all other duties required of him by law.

SECTION 115. Section 759 of the statutes is renumbered to be section 59.52 GENERAL INDEX.

SECTION 116. Section 760 of the statutes is renumbered to be section 59.53 INDEX OF RECORDS.

SECTION 117. Section 761 of the statutes is renumbered to be section 59.54 RECORDS OF ATTACHMENTS, LIS PENDENS, ETC.

SECTION 118. Section 762 of the statutes is renumbered to be section 59.55 TRACT INDEX SYSTEM; POWER TO ALTER and the subsections of said section are renumbered to be subsections (1) to (4), inclusive.

SECTION 119. Section 763 of the statutes is renumbered to be subsection (10) of new section 59.51 and is amended to read:

(59.51) (10) * * * Keep a book * * * *and record therein* all certificates of organization of corporations, and all amendments thereof filed or required by law to be recorded in his office, and an alphabetical index of the names of such corporations, with a reference to the number and page of the volume where such writings are recorded respectively.

SECTION 120. Section 763a of the statutes is renumbered to be section 59.56 SPECIAL COUNTIES; RECORD OF CHANGES IN STREETS, ALLEYS, ETC.

SECTION 121. Section 764 of the statutes is renumbered to be section 59.57 and is amended to read:

59.57 FEES; SPECIAL AND OTHER COUNTIES.

* * * (1) Except as otherwise provided by law, * * *

*the register of deeds of each county, except counties having a population of three hundred thousand or more shall * * * collect the following fees: * * **

(a) For entering and recording any deed or other instrument, ten cents for each folio, and three cents for every necessary entry thereof in the tract index, when kept; but to be at least fifty cents for any deed and seventy-five cents for any mortgage.

(b) For recording any instrument written in any other than the English language, twenty cents for each folio.

(c) For filing and entering any writ of attachment or copy thereof, with the certificate of the officer, or any certificate of sale, or any notice of the pendency of any action containing not more than twenty defendants, twenty-five cents and twenty-five cents for every additional twenty defendants in any such notice.

(d) For copies of any records or papers, seven cents for each folio and twenty-five cents for his certificate.

(e) For every entry of a discharge of a mortgage in the margin of a record, ten cents.

(f) For filing every other paper and making an entry thereof when necessary, ten cents.

(g) For a certified copy of the full record of any marriage, birth or death, fifty cents.

(h) For examining the proofs of marriage, birth or death, when presented in the form of affidavits, twenty-five cents.

* * *
* * *
* * *
* * *

(i) For making a new tract index upon the order of the county board, if he is not compensated by salary, such sum as may be fixed by the county board, not exceeding two cents for each entry, to be paid from the county treasury.

(j) *Such other fees as are provided by law.*

* * *

(2) The register of deeds in every county having a population of three hundred thousand or more shall * * * collect and pay over to the county treasurer the following fees: * * *

(a) * * * For entering and recording any deed or other instrument, seven and one-half cents for each folio, and three cents for every necessary entry thereof in the tract index, but not less than thirty-seven and one-half cents for any deed nor sixty cents for any mortgage.

(b) * * * For recording any instrument written in any other than the English language, fifteen cents for each folio.

(c) * * * For filing and entering any writ of attachment or copy thereof, with the certificate of an officer, or any certificate of sale, or notice of the pendency of any action containing not more than twenty defendants, twenty cents, and the same for every twenty additional defendants or additional defendants not exceeding twenty, in any such writ, certificate or notice.

(d) * * * For copies of any records or papers, five cents for each folio and twenty cents for his certificate.

(e) * * * For entry of a discharge of a mortgage in the margin of a record, ten cents.

(f) * * * For filing every other paper and making entry thereof when necessary, ten cents.

(g) * * * For a certified copy of a full record of any marriage, birth or death, forty cents.

(h) * * * For examining proofs of marriage, birth or death when presented in the form of affidavits, twenty cents.

(i) * * * For recording plats containing from one to twenty lots, ten dollars, and for plats containing from twenty to fifty lots, thirteen dollars, and of each additional lot, seven cents.

(j) * * * Such other * * * fees as are provided by law.

(3) *All the foregoing fees shall be payable in advance.*

SECTION 121a. Section 764c of the statutes is renumbered to be section 4551m.

SECTION 122. Section 762m of the statutes is renumbered to be section 59.58 and is amended to read:

59.58 COUNTY ABTRACTOR; APPOINTMENT; DUTIES; FEES. * * * (1) Whenever any county * * * adopts tract indices and a chain of title system, the county board * * * thereof may create a department to be known as an abstract department, either in connection with or independent of the office of the register of deeds, as said county board * * * deems advisable * * * and may * * * appoint a competent person for a term of two years, who shall be known as the county abstractor, * * * and shall have charge of and operate said abstract department. * * * The * * * board shall * * * furnish * * * a seal for said * * * abstractor, * * * who shall place said seal on each and every abstract issued by him. * * *

(2) The register of deeds shall be eligible to the office of county abstractor and may hold both offices at the same time.

(3) The county abstractor shall at all times on demand of any person, and on payment of the fee therefor, make and deliver

to any such person an abstract of title to any land in such county.

(4) * * * The county board shall fix the salary of said abstractor, provide such clerical assistance as may be necessary and fix their compensation and shall fix the fees to be received for the compiling and furnishing of abstracts and may at any time prescribe regulations for the operation and conduct of said department. All fees received for the compiling and furnishing of abstracts shall be paid into the county treasury.

(5) The county board may by two-thirds vote of all the members of said board discontinue the furnishing of abstracts.

SECTION 123. Section 766 of the statutes is renumbered to be section 59.59 and is amended to read:

SURVEYOR.

59.59 DEPUTIES. * * * The surveyor may appoint and remove deputies at will on filing a certificate thereof with the county clerk. * * *

SECTION 124. Section 768 of the statutes is renumbered to be section 59.60 and is amended to read:

59.60 DUTIES. * * * The county surveyor *shall*:

(1) * * * Execute, by himself or * * * his deputy, any survey * * * required of him by order of any court or application of any individual or corporation.

(2) * * * Make a record *in books kept therefor*, of all corners set and the manner of fixing the same and of all corrected bearings and the distances of all courses run, of each survey made by him or his deputies * * * and * * * so arrange or index the same as to be easy of reference and * * * file and preserve in his office the original field notes and calculations thereof; *and* within ten days after completing any survey, * * * make a true and correct copy of the foregoing record, in record books to be furnished by the county and kept on file in the office of the county clerk.

(3) * * * Furnish a copy of any record, plat or paper in his office to any person on demand and payment of his legal fees therefor.

(4) * * * Administer to every chainman and marker assisting in any survey, before commencing their duties as such, an oath or affirmation faithfully and impartially to discharge the duties of chainman or marker, as the case may be; and the said surveyor and his deputies are empowered to administer the same.

(5) * * * Perform such other duties as may be required by law.

SECTION 125. Section 769 of the statutes is renumbered to be section 59.61 HOW BEARINGS EXPRESSED IN SURVEYS.

SECTION 126. Section 770 of the statutes is renumbered to be section 59.62 SUBDIVISIONS OF SECTIONS.

SECTION 127. Section 827a of the statutes is renumbered to be section 59.63 and subsection (1) thereof is amended to read:

59.63 RELOCATION AND PERPETUATION OF SECTION CORNERS AND DIVISION LINES. * * * (1) Whenever a majority of all the resident land owners in any section of land within * * * *this state* * * * desire to establish, relocate or perpetuate any sectional or other corner thereof, or in the same section a division line thereof, they may make a formal application in writing to the county surveyor of the county in which the land is situated. * * * *Such surveyor* shall file such application in his office and * * * shall * * * within a reasonable time give at least ten days' notice in writing to the owner or owners of all adjoining lands, if such owner or owners reside in the county where said land is situated and if not, by publication *one each week* for three weeks successively in a * * * newspaper *published* nearest to such land, * * * stating the day and hour when such survey will be commenced and made, and said county surveyor or his deputy * * * shall, on the date so fixed, proceed to make the required survey and location. If a corner is to be perpetuated, he shall deposit in the proper place a stone or other equally durable material of the dimensions and in the manner *and with the markings* set forth in section * * * 60.37, and shall also enter in his field notes one or more bearing trees if there be such, the species and size, direction and distance thereof, and if there be no trees he shall deposit one or more suitable stones at a sufficient depth as witness to said corner, all of which proceedings shall be accurately entered by said surveyor or his deputy in a suitable book to be kept for that purpose, carefully preserved and which shall together with all applications on file be turned over by such county surveyor to his successor in office upon request and a receipt taken therefor.

SECTION 128. Section 771 of the statutes is renumbered to be section 59.64 CERTIFICATES AND RECORDS AS EVIDENCE.

SECTION 129. Section 772 of the statutes is renumbered to be section 59.65 and is amended to read:

59.65 FEES. * * * The surveyor and his deputies may demand and receive the following fees, except it be otherwise agreed upon with the parties employing them: * * *

(1) For each day's service, five dollars; * * * *but* the county boards of the several counties * * * may at any annual meeting fix the per diem to be paid at a greater sum.

(2) For each mile traveled in going from his office to the place of rendering service and returning, ten cents.

(3) For plat and certificate, except town plats, fifty cents.

(4) For recording a survey, fifty cents.

(5) For each chainman and marker necessarily employed, not less than two dollars per day, unless they be furnished by the person for whom the survey is made.

(6) For making a copy, ten cents a folio and twenty-five cents for his certificate.

SECTION 130. Section 772m of the statutes is renumbered to be section 59.66 PENALTY FOR NONFEASANCE.

SECTION 131. Section 651 of the statutes is renumbered to be subsection (1) of section 59.67 and is amended to read:

COUNTY BUILDINGS AND PROPERTY.

59.67 PROPERTY OF COUNTY; HOW HELD AND CONVEYED. (1) * * * All real and personal estate conveyed * * * to any county or the inhabitants thereof or to any person for the use of the county or *the* inhabitants thereof shall be deemed the property of such county; and all such conveyances shall have the same force and effect as if they had been made directly to the county by name.

SECTION 132. Section 653 of the statutes is renumbered to be subsection (2) of section 59.67.

SECTION 133. Section 656 of the statutes is renumbered to be section 59.68 and subsection (1) thereof is amended to read:

59.68 COUNTY BUILDINGS; PROXIMITY OF COURTHOUSE TO OTHER BUILDINGS. * * * (1) Each county shall at its own expense provide at the county seat a courthouse, a jail, fireproof offices, and other necessary buildings suitable to their proper uses, and keep the same in good repair; * * * *but* no jail shall be constructed * * * *until* the plans and specifications therefor shall be approved by the state board of control, and * * * no jail shall be constructed in the basement of any other building. *Until* * * * a courthouse * * * is provided, or when the courthouse * * * from any cause becomes unsafe, inconvenient or unfit for holding

court, the county board shall * * * *provide* some other convenient building at the county seat for that purpose temporarily; and such building shall then be deemed the courthouse for the time being for all purposes.

SECTION 134. The first two sentences of subsection (9) and all of subsection (9m) of new section 59.07 (old section 669) of the statutes are renumbered to be subsection (1) of section 59.69 and are revised to read:

59.69 FAIRGROUNDS; ACQUISITION; USE; DONATIONS; CONDITIONS. Lands upon which to hold agricultural and industrial fairs and exhibitions may be acquired by county boards, as follows:

(1) In counties containing less than three hundred thousand population, by purchase, but not exceeding in value eight thousand dollars unless the expenditure is first approved by the electors of the county as provided in this subsection; and the board may grant the use thereof from time to time to agricultural and other societies of similar nature for agricultural and industrial fairs and exhibitions. All fences, buildings and sheds constructed and other improvements made on such lands by societies using the same shall be the property of the county. A sum in excess of eight thousand dollars may be expended for such lands and for the construction of buildings, fences and other improvements thereon, if the question whether such expenditure shall or shall not be made is submitted to a vote of the qualified electors of the county and a majority of those voting on the question vote in favor of making such expenditure.

SECTION 135. Subsection (9t) of new section 59.07 (old section 669) is renumbered to be subsection (2) of new section 59.69 and is amended to read:

(59.69) (2) * * * In *other* counties, * * * *by donation*, purchase * * * or * * * *condemnation*, but not exceeding in value * * * one hundred * * * fifty thousand dollars * * * and the board may convey, grant or donate such lands so purchased or acquired or the use thereof to the state of Wisconsin or to agricultural and industrial societies for the purpose of holding thereon * * * *agricultural and industrial* fairs and exhibitions, and * * * *may* receive donations of money, material or labor from any person, town, city or village for the improvement or purchase of such land. If at any time lands or the use thereof so conveyed, granted or donated shall be abandoned or no longer used for the purpose for which such lands or the use thereof were so conveyed, granted or donated, * * * the title to such lands shall revert to the

county having conveyed, granted or donated the same; and the commissioners of public lands, * * * *in the case of conveyances, grants or donations to the state*, are authorized and directed to execute and deliver such proper deeds of conveyance as * * * *will* revest the title to such lands in such county, * * * *and* when such lands or the use thereof were conveyed, granted or donated to an agricultural and industrial society, such proper deeds of conveyance shall be executed and delivered by such society by its proper officers. * * * *However*, the state may at any time within one year after title to any such lands * * * revest by proper conveyance in such county, remove any buildings or structures erected thereon by or for the state subsequent to the acquisition of such lands by the state.

SECTION 136. Subsection (24) of old section 670 of the statutes is renumbered to be section 59.70 and is amended to read:

59.70 ISOLATION HOSPITALS. (1) * * * In counties having a population of fifty thousand or more * * * *the county board may* erect, establish and maintain isolation hospitals or places for the care and treatment of all persons afflicted with infectious, contagious and communicable diseases, requiring isolation and quarantine under the laws of the state. who * * * *are* inmates of the charitable, penal, correctional and other institutions of said county or who are required to be cared for and treated at the expense of said county * * *. *The board may also* provide for the care and treatment therein of all persons so afflicted, who are required to be cared for by the various towns, cities, and villages in said counties, under such terms, conditions, rules and regulations, as to apportionment of cost of erection of such buildings and places and the expense of care and treatment of such persons afflicted, as may be agreed upon between the county board * * * and the common council of such cities and the boards of such villages and towns. and each * * * such council * * * *or board* * * * is hereby vested with power and authority to enter into such contracts and to appropriate such funds as may be necessary to carry into execution all contracts so made.

(2) All isolation hospitals and other places, when so erected or established *in counties having a county board of administration*, shall be conducted under the control and management of * * * *said board* * * *, in the same manner and to the same extent as *other* institutions * * * under the control of such board * * *.

SECTION 137. Section 691 of the statutes is renumbered to be subsection (1) of section 59.71 RECORDS WHERE KEPT;

PUBLIC EXAMINATION; REBINDING; TRANSCRIBING.

SECTION 138. Section 690 of the statutes is renumbered to be subsection (2) of new section 59.71.

SECTION 139. Section 692 of the statutes is repealed.

SECTION 140. Subsection (3a) of section 709 of the statutes is renumbered to be subsection (1) of section 59.72 and is amended to read:

COUNTY FINANCE.

59.72 COUNTY AUDITORS; POWERS; DUTIES. (1)

* * * In counties having a population of * * * less than three hundred thousand, *according to the last preceding state or United States census*, * * * the county clerk shall act as auditor, * * * unless an auditor is appointed as provided in subsection (2), and, * * * when directed by resolution of the county board, * * * shall examine the books and accounts of any county officer, board, commission, committee, * * * trustees or other officer or employe intrusted with the receipt, custody, or expenditure of money, or by or on whose certificate any funds appropriated by the county board are authorized to be expended, whether compensated for services by fees or by salary, and the books and accounts of justices of the peace, and all original bills and vouchers on which moneys have been paid out * * * and all receipts of moneys received by them. He shall have free access to such books, accounts, bills, vouchers and receipts as often as may be necessary to perform the duties required under this subsection and he shall report in writing the results of such examinations to the county board.
* * *

SECTION 141. Section 670a of the statutes is renumbered to be subsection (2) of section 59.72 and is amended by striking out the figures and words "(3a) of section 709" and by inserting in place thereof the figure "(1)".

SECTION 142. Subsection (3b) of section 709 of the statutes is renumbered to be subsection (3) of section 59.72 of the statutes and is amended to read:

(59.72) (3) * * * In counties having a population of * * * three hundred thousand or more, *according to the last preceding state or United States census*, the county clerk, the chairman of the county board and the county treasurer, * * * or a majority of them, shall appoint a person known to be skilled in matters of public finance and accounting to act as * * * county auditor * * * under the direction of the county

clerk. * * * *Such appointment shall be subject to confirmation by the county board. The auditor shall direct the keeping of all of the accounts of such county, in all of its offices, departments and institutions * * *, and shall keep such books of account as may be necessary to properly perform the duties of his office. * * * His salary * * * and the amount of his official bond shall be fixed by the county board. * * * He shall hold office during the period for which the county clerk under whom he is appointed holds office, * * * and shall perform all duties pertaining to his office, and shall have all of the powers and perform all the duties specified and enumerated in * * * subsection (1) and shall perform such other * * * duties as may be * * * imposed by the county clerk or the county board.*

SECTION 143. Subsection (3c) of section 709 of the statutes is renumbered to be subsection (4) of section 59.72 and is amended to read:

(59.72) (4) * * * In counties * * * included within subsection (3), the county auditor may designate as *deputy auditor* a deputy clerk, a clerk or assistant, who shall have been * * * assigned to his department * * * by the county clerk, to aid him in the discharge of the duties of his office, and who, in the absence or disability of the county auditor, or in case of a vacancy in said office, * * * shall perform all the duties of the office of county auditor until such vacancy * * * is filled, or disability * * * is removed. Such deputy * * * shall * * * execute and file an official bond in the same amount * * * as that given by the county auditor. * * * His authority as * * * deputy * * * auditor may be revoked at any time by the county auditor who designated him.

SECTION 144. Subsection (5) of section 694, the second sentence of section 708, the second sentence of section 714, section 753, and that part of section 751 commencing with the word "and" immediately following the semicolon in the sixth line thereof are consolidated as section 59.73 and are revised to read:

59.73 RECEIPTS AND DEPOSITS OF MONEY; ACCOUNTS. Every county officer and employe and every board, commission or other body that collects or receives moneys for or in behalf of the county, shall:

(1) Give such receipts therefor and file such duplicates thereof with the county clerk and county treasurer as the county board directs.

(2) Keep books of account and enter therein accurately from day to day with ample description, the items of his official service, and the fees therefor.

(3) Pay all such moneys into the county treasury at such time as is prescribed by law, or if not so prescribed daily or at such intervals as are prescribed by the county board.

(4) Perform all other duties in connection therewith that are prescribed by or pursuant to law.

SECTION 145. Section 693 of the statutes is renumbered to be section 59.74 and is revised to read:

59.74 DEPOSITORIES; DESIGNATION; REVOCATION; BONDS. (1) The county board of each county containing two hundred thousand or more population, according to the last state or United States census, shall annually designate two or more, and in other counties may designate one or more, banks, having institutions or trust companies organized and doing business under the Wisconsin or United States laws, as county depositories.

(2) The county clerk shall annually advertise in one or more newspapers published in his county, or if he finds the public interest requires it, in one or more newspapers published elsewhere in Wisconsin, for at least two weeks before the annual meeting of the county board, for proposals to receive on deposit the county funds for one year from the first day of the following January. Proposals shall be filed with the clerk at least one day before such annual meeting and shall state the rate of interest the bidder will pay on daily balance, and that such deposits and accrued interest will be subject to draft and payment at all times on demand. However, if no advertisement is made, the board may consider proposals regularly filed. If no proposal is filed the board at its annual meeting shall serve written notice upon each such bank, banking institution and trust company in the county that such proposals will be received during such session, and proposals received shall be considered. After opening proposals received the board, in its discretion, shall designate a depository or depositories.

(3) Before it shall be entitled to receive county funds on deposit a depository so designated shall, on or before the first day of December next following designation, file with the county clerk a personal or surety company bond, to be in effect on and after the first day of January next succeeding, and shall be subject to the approval of a committee of the county board appointed therefor. Such bond shall be in a sum fixed by the county board at not less than the maximum amount to be

placed therein, or if a surety company bond is furnished, at not more than two thousand dollars in excess of said maximum, shall be conditioned for the payment, upon demand, to the county treasurer or his order of all moneys deposited by him with it, and interest at the rate agreed upon, and, if a personal bond is furnished, it shall be signed with not less than three sureties, residents and freeholders of this state, who shall together be worth in property therein, not exempt from execution and over and above their debts and liabilities, double the amount of the penalty of the bond, and who shall justify their several responsibility by their affidavits.

(4) If at any time after a designation is made the board shall, for good and sufficient reasons, deem the security given insufficient, it may require a new bond, and if, in its opinion, the public interest requires it, may vacate, revoke or modify such designation, and may at any special session, after giving written notice as herein required, again designate a depository or depositories for the remainder of the current calendar year, to the approval of the bond as required by subsection (3).

(5) If after a depository has been designated by the county board, it shall fail to furnish a bond, as provided in this section, or if at any time after a depository has been designated and has filed the bond herein provided for, such bond is withdrawn by the sureties thereon, or is deemed insufficient by the committee provided for in subsection (3), said committee shall have power to vacate, revoke or modify the designation of the county board, and such committee shall have power to designate a depository or depositories for the remainder of the calendar year. In making such designation, such committee shall be governed by the procedure outlined in this section to be followed by the county board, and such committee shall, for the purpose of making such designation, have all the powers conferred upon the county board by this section. The bond of any depository designated as provided in this subsection shall be subject to the approval of the committee.

SECTION 146. Section 717 of the statutes is renumbered to be section 59.75 and is amended to read:

59.75 FUNDS TO BE PLACED IN DEPOSITORIES: REPORTS; CASH BALANCE. * * * (1) Whenever any county board shall have designated a county depository or depositories in accordance with the provisions of section * * * 59.74 * * * the county treasurer, as soon as the bond required by that section has been approved and filed, * * * shall deposit therein as soon as received all funds that come to

his hands in that capacity in excess of the sum he is authorized by such board to retain * * * and any sum so on deposit shall be deemed to be in the county treasury, and such treasurer shall not be liable for any loss thereon resulting from the failure or default of such depository without fault or neglect on his part.

(2) Every such depository shall on the first business day of each month, and oftener when required, file with the county clerk a statement of the amount of county money deposited with it during the preceding month, and the treasurer shall at the same time file with such clerk a statement showing the amount of moneys received and disbursed by him during the previous month.

(3) The county board may fix the amount of money which may be retained by the treasurer but in no case shall the sum exceed three thousand dollars; provided, that in all counties having a population of two hundred thousand inhabitants or over, the treasurer may retain such sum as may be fixed by the county board, not exceeding fifty thousand dollars * * *.

SECTION 147. Section 718 of the statutes is renumbered to be subsection (4) of section 59.75 and is amended to read:

(59.75) (4) * * * Such treasurer and clerk * * * whenever the *cash* balance * * * does not amount to the sum authorized by the county board to be retained * * *, may increase it to such amount by their check on the county depository or depositories in favor of such treasurer.

SECTION 148. Section 676 of the statutes is renumbered to be subsection (1) of section 59.76 CLAIMS AGAINST COUNTIES; ACTIONS ON; DISALLOWANCE.

SECTION 149. Section 682 of the statutes is renumbered to be subsection (2) of new section 59.76 and is amended to read:

(59.76) (2) * * * The decision of the county board * * * disallowing in whole or in part any claim of any person shall be final and a bar to any action founded thereon, except as provided in * * * subsection (1), unless an action be brought to recover against the county within six months after such disallowance. Failure to allow a claim before the adjournment of the next annual session of the board after the claim is filed shall be deemed a disallowance.

SECTION 150. Section 683 of the statutes is renumbered to be subsection (3) of new section 59.76.

SECTION 151. Section 677 of the statutes is renumbered to be subsections (1) and (2) of section 59.77 and is amended to read:

59.77 CLAIMS, HOW MADE; PROCEDURE. (1) IN GENERAL. * * * Every person, except jurors, witnesses, interpreters, and *except* physicians or other persons entitled to receive from the county fees for reporting to the register of deeds births or deaths, which have occurred under their care, having any such claim against any county shall:

(a) Make a statement thereof in writing, setting forth the nature of his claim and the facts upon which it is founded, and if the claim * * * is an account the items thereof separately, the nature of each and the time expended in the performance of any service charged for, when no specific fees are allowed therefor by law, and, if the claim * * * is for mileage, the statement shall specify dates and places so as to show between what points and when *and the purpose for which* the travel charged for was had. * * *

(b) Such statement shall be verified by the affidavit of the claimant, his agent or attorney, and filed with the county clerk; and no such claim against any county shall be acted upon or considered by any county board unless such statement * * * is so made and filed.

(2) OF COURT OFFICERS, CERTIFIED BY DISTRICT ATTORNEY. No claim for official services, in any criminal action or proceeding before a justice of the peace or other magistrate shall be allowed by any county board until the same has been examined and a written report made thereon by the district attorney of the proper county as required by * * * *subsection (4)*; nor shall the claim of any sheriff, undersheriff, deputy sheriff, constable or other such officer for the services or expenses of an assistant in making an arrest or commitment be allowed unless the magistrate before whom the prisoner is brought certifies that there was a necessity for such assistance because of the dangerous character of the defendant or because two or more persons were arrested at the same time.

SECTION 152. Section 679 of the statutes is renumbered to be subsection (3) *Of judicial officers* of new section 59.77.

SECTION 153. Section 680 of the statutes is renumbered to be subsection (4) OF COURT OFFICERS; CERTIFICATION; AUDIT BY DISTRICT ATTORNEY; WAIVER, of new section 59.77 and is amended by striking from the first line of said section the subsection number "1" and the words "Whenever any county shall be liable for the", and from the second line the words "such fees"; by numbering all of subsection 1 of said section following the colon in the fourth line to be paragraph (a); and by renumbering subsection 2 of said section to be paragraph (b).

SECTION 154. Section 681 of the statutes is renumbered to be subsection (5) of new section 59.77 and is amended to read:

(59.77) (5) OF JURORS, WITNESSES, INTERPRETERS; PENALTY.

* * * Whenever any county * * * is liable for fees of jurors, witnesses on the part of the state or on the part of the defendant, or of interpreters in any action or proceeding before a justice of the peace, court commissioner, county judge or other magistrate, *procedure to secure payment of the same shall be as follows:*

(a) * * * *The officer* before whom such juror, witness or interpreter attended, shall furnish to such person a certificate setting forth the name of such person, the time served, the number of miles traveled by him and the amount of compensation to which he is entitled, together with the title of the action in which such person so served, the capacity in which he served and the date of service. Such certificate shall be dated and signed by such magistrate and examined and certified to by the district attorney of the county in which such persons or person so served.

(b) The person receiving such certificate shall in the presence of the magistrate issuing the same indorse thereon a certificate that he is the person mentioned therein by the magistrate, that the time of service, the number of miles traveled and the capacity in which he served are true and correct as therein stated, and that he has not at any time received any compensation therefor.

(c) Upon presentation of such certificate of such magistrate, together with the certificate of such district attorney and of the person holding the same indorsed thereon as hereinbefore specified, the county treasurer shall, except in counties having a population of over three hundred thousand, pay to the holder of such certificate the amount therein set forth, out of the funds of the county, and such certificate with the indorsement thereon shall be filed in the office of the county treasurer.

(d) In counties having a population of over three hundred thousand the aforesaid certificate shall be presented to the county clerk instead of to the county treasurer, and said clerk shall, subject to the provisions of subsection * * * (2) of section * * * 59.81 issue to the person holding said certificate, an order upon the county treasurer for the amount herein set forth.

(e) Said certificate shall then be filed with the county clerk.

* * * (f) Any magistrate, juror, witness or interpreter who shall make or sign any such certificate which is untrue in respect to anything material, which he knows to be false, or

which he has not good reason to believe is true shall be punished as provided in section 4554 * * *.

SECTION 155. Section 696 is renumbered to be subsection (6) of new section 59.77 and is amended to read:

(59.77) (6) FEES FOR STATEMENTS AND CERTIFICATES.
* * * Every county judge, court commissioner and justice of the peace shall receive from the county treasurer twelve cents per folio for making statements and returns required by * * * subsection (3), and twenty-five cents for making each certificate required by * * * subsection (4), and all such statements and certificates shall be transmitted to the county clerk by registered mail, and for so transmitting such statements and certificates such county judge, court commissioner or justice of the peace shall receive the sum of twelve cents.

SECTION 156. Section 678m of the statutes is renumbered to be section 59.78 and is amended to read:

59.78 SPECIAL COUNTIES; CLASSIFICATION OF CLAIMS. * * * In counties containing a population of more than three hundred thousand, the county clerk shall, on and after the first of January following the date when a county auditor * * * is first appointed in accordance with * * * subsection (3) of section 59.72, require the county auditor to classify all such claims according to the budgetary funds provided for in * * * section 59.84, against which they are chargeable, before such claims are laid before such board. He shall then submit with the claims chargeable against each fund, a statement of the balance in such fund against which no county orders have been issued. If such balance in any fund is less than the total of the claims chargeable against such fund, he shall call the attention of the board to that fact, and such board shall not issue county orders in excess of such balance without previously appropriating to such fund an additional sum at least sufficient to cover such orders. If any claims or claim shall be for a purpose for which no specific appropriation has been made in the budget, such claim or claims shall be considered as chargeable against the contingent fund. When the county clerk countersigns any order on the county treasurer for the payment of a claim allowed he shall charge such order against the fund appropriated for that purpose.

SECTION 157. Section 678 of the statutes is renumbered to be section 59.79 ACTION ON CLAIMS BY BOARD.

SECTION 158. Subsection (26) of old section 670 of the statutes is renumbered to be subsection (1) of section 59.80 and is revised to read:

59.80 SALARIES; WHEN PAYABLE. (1) Salaries of county officers, deputies, clerks, assistants and employes shall be paid at the end of each month, but the county board of counties having a population of two hundred fifty thousand or more may authorize the payment of such salaries therein semi-monthly.

SECTION 158a. Subsection (7) of old section 694 is renumbered to be subsection (2) of section 59.80.

SECTION 159. Section 686 of the statutes is renumbered to be subsection (1) **ISSUANCE; LIMITATIONS** of new section 59.81 **COUNTY ORDERS**; and is amended by striking from the first line the words "shall be" and by inserting in lieu thereof the word "is": .

SECTION 160. Subsection (12) of section 715 of the statutes is renumbered to be subsection (2) of new section 59.81 and is amended to read:

(59.81) (2) **SPECIAL COUNTIES; COUNTERSIGNED BY AUDITOR.**
 * * * In all counties * * * having * * * a population of three hundred thousand or more * * * all orders and warrants drawn upon or against county funds shall be countersigned by the county auditor; and the treasurer of such county shall make no payment of county funds for any purpose unless the order, warrant, certificate, direction or authority given him for such payment is countersigned by such county auditor. This provision requiring the countersigning by said auditor shall apply to all laws and statutes, special and general, relative to the payment of county funds by the county treasurer. * * *

SECTION 161. Section 687 of the statutes is renumbered to be subsection (3) **EXAMINATION** of new section 59.81.

SECTION 162 Section 688 of the statutes is renumbered to be subsection (4) of new section 59.81 and is amended to read:

(59.81) (4) **UNCALLED FOR ORDERS, CANCELLATION; REISSUE.**
 * * * The county clerk shall prepare and present to the county board, at each annual session thereof, a descriptive list giving the amount, date and payee of all county orders which * * * have remained in his office for two years uncalled for by the payee. The board shall cause such orders to be compared with such list, and when found or made correct such list shall be entered at length on the journal of the board and filed in the office of such clerk; and all such orders shall be cancelled and destroyed. The person in whose favor such order was drawn, excepting those issued under the provisions of * * * subsection (4) of section 59.77, may, upon application to the chairman of the board and county clerk, made

within six years from the date of such order and not afterwards, have a new order issued to him for the amount of the original, without interest.

SECTION 163. Section 694b of the statutes is renumbered to be section 59.82 EXAMINATION OF MAGISTRATES' DOCKETS.

SECTION 164. Section 689 of the statutes is renumbered to be section 59.83 PUBLICATION OF FINANCIAL REPORT.

SECTION 165. Subsection (23) of section 709 of the statutes is renumbered to be section 59.84 and is amended to read:

59.84 SPECIAL COUNTIES; BUDGETARY PROCEDURE; TRANSFER OF FUNDS. * * * (1) The fiscal year of all county departments and institutions in every county having a population of more than three hundred thousand shall close on December thirty-first of the year in which a county auditor is first appointed, and of each year thereafter.

* * * (2) In every such county * * * *each county officer and* the superintendent of every county institution, * * * the clerk of every court, * * * the secretary of every board or commission which expends county money and * * * the executive head of every other office or department which expends county money, * * * *shall annually, on or before the first day of September, make in writing and file* * * * with the county clerk and county auditor * * * in such form as the county clerk may require, a *detail* report and estimate of all the necessary expenditures of every kind and nature to be made by their several departments, institutions, offices or boards out of county funds, during the ensuing fiscal year.

* * * (3) The county auditor, under the direction of the county clerk, shall compile said reports and estimates, together with an estimate for a reasonable contingent fund for unforeseen emergencies a report of the funds required of such interest and sinking funds for county bonds and land contracts as are to fall due during the ensuing year and an estimate of the receipts to be derived from taxes, from the state, from bonds, and from all other sources to meet such expenditures. The county clerk shall submit all of the said reports and estimates, thus compiled, to the *county board* * * * on or before the fifteenth day of September and said board shall immediately refer them to the proper committee * * * *thereof*. Such committee shall then proceed to hold a series of public hearings at which it shall require every officer who * * * *has* submitted a report and estimate as above provided, or a repre-

representative of the department, institution, office or body for which said report and estimate was made, to appear before such committee and give information with regard to appropriations required for his department, institution, office or body. The county auditor or his assistant shall attend each of said hearings to render assistance and advice. Such committee shall prepare a tentative budget of county expenditures for the ensuing year, and not later than the twenty-fifth day of October * * * shall hold a public hearing * * * thereon at which citizens shall be invited to express their opinions as to the said tentative budget.

* * * (4) On or before the first day of November following, such committee shall submit to the county board * * * a tentative budget, based upon * * * such reports, estimates and hearings. On or before the fifteenth day of the same month, the board * * * shall adopt the budget with such changes, income or decrease as seem to it proper. When so adopted, the sums provided for the said various departments, institutions, offices and bodies and for the various functions within these departments, institutions, offices and boards shall constitute legal appropriations for the ensuing fiscal year and the county auditor, under the direction of the county clerk, shall keep account of each of the said appropriations, together with any other moneys which may become legally available for the use of each respective department, institution, office or body, as a separate fund. Such appropriations shall become available on the first day of said fiscal year but not before.

(5) At the request of the head of any department, or office or at the request of any board, the county board * * * may, by resolution adopted at any legal meeting, transfer money from one fund to another within the appropriation of the department, institution, office or board making the request, and by a resolution adopted by any legal meeting said board may transfer money from the contingent fund to any other budgetary fund or appropriate money from the contingent fund for any legal county purpose.

SECTION 166. Section 694f of the statutes is renumbered to be section 4151b. COPIES OF RECORDS OF CONVEYANCES FOR NEW COUNTIES.

SECTION 167. Sections 697—52, 697—53 and 697—54 of the statutes are consolidated as section 59.85 and are revised to read:

MISCELLANEOUS.

59.85 AID TO IMMIGRATION SOCIETIES. (1) The county board of any county may appropriate not to exceed

one thousand dollars in any one year for the purpose of assisting any county association of the citizens of such county, or any association composed of the citizens of two or more counties of which the citizens of such county are members, organized solely for the purpose of inducing immigration to the state.

(2) The disbursement of any appropriation made under this section shall be under the supervision of the chairman of said board, the county clerk and county treasurer, and in all cases after such an appropriation has been made, there shall be filed with the said county clerk a sworn statement by the treasurer of the immigration society for whose benefit the appropriation was made, showing that the amount of said appropriation has been used by said association for the purpose of inducing immigration to the county making said appropriation and to adjoining counties, and itemized bills for the expenditure of a sum equal to said appropriation duly verified shall accompany such statement of said treasurer. Upon the approval of such statement and such itemized bills, by the county officers above named, said moneys so appropriated shall be paid by the proper officers of the county making the same into the treasury of said immigration association.

SECTION 168. That part of subsection (9) of section 669 commencing with the word "Also" in the seventh line and ending with the last word of said section is renumbered to be section 59.86 and is amended to read:

59.86 AID TO FAIRS. * * * *The county board of any county may vote an amount not exceeding ten thousand dollars in the aggregate for all societies in the county in any one year to aid in the purchase of, or to make improvements upon the fairgrounds for any organized agricultural society, or to aid any organized agricultural society or any incorporated poultry association in its preparations for or conduct of its public exhibitions; and any amount so voted shall be paid upon demand by the county treasurer to the treasurer of such organized agricultural society, who shall keep an accurate record of the expenditure thereof by such society and file a verified copy of such record with the county clerk within one year after the receipt of such amount from the county treasurer. Providing that no appropriation shall be made to any agricultural society or other society of a similar nature in excess of or in preference to any appropriation for any other such society in the county.*

SECTION 169. Section 697—61 is renumbered to be section 59.87 COUNTY AGRICULTURAL REPRESENTATIVES; and is amended by striking out the word "act" where it

occurs in the last line of subsection (1) and in the seventh and twelfth lines of subsection (6), by striking from line 1 of subsection (2) the words "It shall be the duty of", and by inserting immediately after the word "agriculture" in the second line of subsection (2) the word "shall".

SECTION 170. Section 694m of the statutes is renumbered to be section 59.88 and is amended to read:

59.88 GRAND JURY INVESTIGATIONS; APPROPRIATION FOR. * * * (1) The county board of *each county having less than two hundred fifty thousand inhabitants* shall include in its annual tax levy not less than two hundred dollars and not to exceed one thousand dollars to create a fund to be used by the district attorney to defray such expenses in conducting investigations by the grand jury and in the preparation for and in the trial of criminal cases as are necessary and for which no other provision has been made.

(2) No expense shall be incurred against such fund by the district attorney unless he first obtains a written order of the court in which the grand jury is impaneled or the trial is to be had.

(3) Upon the presentation to such judge by the district attorney of a satisfactory statement of any expenses incurred under such order, payment from such fund shall be made as provided in section 4713.

(4) Any part of such fund remaining in the treasury at the end of the county's fiscal year shall be transferred to the general fund of the county.

* * *

SECTION 171. Section 748m of the statutes is renumbered to be section 59.89 DISPOSITION OF UNCLAIMED FUNDS BY COURT CLERKS and the subsection numbers thereof shall be inclosed in parentheses.

SECTION 172. Section 658 of the statutes is renumbered to be section 59.90 ISSUE OF BONDS; PURPOSES; DIRECTIONS; PAYMENT.

SECTION 173. Section 659 of the statutes is renumbered to be subsection (6) of section 59.90.

SECTION 174. Section 697—32 of the statutes is renumbered to be subsection (1) of section 59.91 VIADUCTS AND BRIDGE BONDS (1) SPECIAL COUNTIES MAY CONSTRUCT.

SECTION 175. Section 697—33 of the statutes is renumbered to be subsection (2) LOCATION; BONDS WHEN ISSUED, of section 59.91 and is amended by striking out the words "in sections 697—32 to 697—44, inclusive," where they occur

in the third line and by inserting in lieu thereof the words "this section". and by striking the word "act" from the next to the last line and by inserting in lieu thereof the word "section".

SECTION 176. Section 697—34 is renumbered to be subsection (3) DUTY OF SURVEYOR; NEGOTIATIONS BY BOARD; DAMAGES, of section 59.91 and is amended by striking from the third and fourth lines the words and figures "sections 697—32 to 697—44, inclusive" and by inserting in lieu thereof the words "this section".

SECTION 177. Section 697—35 is renumbered to be subsection (4) DRAWBRIDGE; HEIGHT OVER TRACK of section 59.91.

SECTION 178. Section 697—36 is renumbered to be subsection (5) PROFILE; PLANS; CONTRACT of section 59.91, and is amended by striking from the second line the words and figures "section 697—32 to 697—44, inclusive;" and by inserting in lieu thereof the words "this section".

SECTION 179. Section 697—37 of the statutes is renumbered to be subsection (6) FRANCHISES AND RIGHTS NOT TO BE GRANTED of section 59.91, and is amended by striking from the fourth and fifth lines thereof the words and figures "sections 697—32 to 697—44, inclusive", and by inserting in lieu thereof the words "this section".

SECTION 180. Section 697—38 of the statutes is renumbered to be subsection (7) BONDS, WHEN ISSUED; SUBMISSION OF TO VOTE OF PEOPLE; WHEN of section 59.91 and is amended by striking from lines three, ten and fourteen the words and figures "sections 697—32 to 697—44, inclusive" and by inserting in lieu thereof in each case the words "this section".

SECTION 181. Section 697—39 of the statutes is renumbered to be subsection (8) BONDS, TENOR AND EFFECT OF of section 59.91 and is amended by striking from the second line the words and figures "sections 697—32 to 697—44, inclusive," and by inserting in lieu thereof the words "this section".

SECTION 182. Section 697—40 of the statutes is renumbered to be subsection (9) DUTY OF COUNTY TREASURER; BOND AND SURETIES of section 59.91 and is amended by striking therefrom the words and figures "sections 697—32 to 697—44, inclusive" wherever they occur and by inserting in lieu thereof in each case the words "this section".

SECTION 183. Section 697—41 of the statutes is renumbered to be subsection (10) INTEREST AND PRINCIPAL,—HOW PAID of section 59.91 and is amended by striking from the third and sixth lines thereof the words and figures "sections 697—32 to

697—44, inclusive”, and by inserting in lieu thereof in each case the words “this section”.

SECTION 184. Section 697—42 of the statutes is renumbered to be subsection (11) ORDERS; FORM OF, of section 59.91.

SECTION 185. Section 697—43 of the statutes is renumbered to be subsection (12) BONDS TO BE NUMBERED AND REGISTERED of section 59.91.

SECTION 186. Section 697—44 of the statutes is renumbered to be subsection (13) POWERS OF COUNTY BOARD of section 59.91, and is amended by striking therefrom the last paragraph.

SECTION 187. Section 697—60 of the statutes is renumbered to be section 59.92 BONDS FOR RECLAIMING LANDS. Subsections 1 to 4, inclusive, are renumbered to be subsections (1) to (4) and subsections 7 to 23, inclusive, are renumbered to be subsections (5) to (21), inclusive, of said section 59.92.

SECTION 188. Section 697—67 of the statutes is renumbered to be section 59.93 HIGHWAY BONDS.

SECTION 189. This act shall take effect upon passage and publication.

Approved July 29, 1919.

No. 402, A.]

[Published August 8, 1919.

[Republished September 11, 1919.

CHAPTER 696.

AN ACT to amend subsection (1) of section 29.09, subsection (2) of section 29.18, subsection (3) of section 29.22, subsection (5) and paragraph (c) of subsection (6), paragraphs (a) and (c) of subsection (7) and subsections (8) and (9) of section 29.33, paragraph (a) of subsection (2) of section 29.47, paragraph (b) of subsection (1) of section 29.63 and sections 4562b and 4562c of the statutes, to repeal subsection (9) of section 29.18 and subsections (1), (1a), and (1b) of section 29.19 and to create two new subsections to be numbered subsection (9) of section 29.18 and subsection (1) of section 29.19 of the statutes, relating to fish and game.

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

SECTION 1. Subsection (1) of section 29.09, subsection (2) of section 29.18, subsection (3) of section 29.22, subsection (5) and paragraph (c) of subsection (6), paragraphs (a) and (c) of subsection (7) and subsections (8) and (9) of section 29.33, paragraph (a) of subsection (2) of section 29.47, paragraph (b) of subsection (1) of section 29.63 and sections 4562b and 4562c of the statutes are amended to read: (29.09) (1) Ex-