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Marinette Co.

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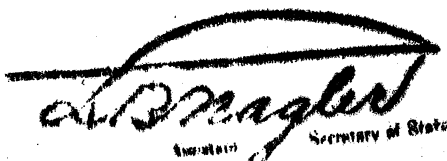
Wagner, Town of-

Created from territory de-  
tached from Porterfield.

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STATE OF WISCONSIN  
Department of State  
Received and Filed

DEC 30 1916

  
Secretary of State



## DEPARTMENT OF STATE

MADISON, WISCONSIN

JOHN S. DONALD,  
Secretary of State  
L. B. NAGLER,  
Asst. Secretary.

December 30, 1916.

Mr. Elwood N. Wazek  
County Clerk Marinette County  
Marinette, Wis.

Dear Sir:

We wish to acknowledge receipt of the corrective ordinance creating the Town of Wagner and which you certified to on December 27, 1916.

We beg to call your attention to the fact that the document does not show the date on which this corrected ordinance was passed. Will you kindly insert this important information?

Permit us again to call your attention to the importance of securing the passage of a legalizing act by the next legislature to set at rest forever the legality of the acts of this new town board prior to the time when Township Thirty-three North of Range Twenty-two was legally included. Questions as to the legality of roads laid out, school districts organized, etc., may be raised in the future to annoy you.

We suggest that you call the attention of your district attorney to this matter. But please allow us to assure you that we make this suggestion only in the spirit of friendly helpfulness and because we desire to aid you in avoiding complications which might arise in the future.

The ordinance is returned to you herewith.

Very truly yours,

*John S. Donald*  
Secretary of State.  
By *Brown*

*File this letter  
with ordinance*

GB-C.  
Incl.

The following resolution was adopted by  
Marinette County Board on Aug. 30<sup>th</sup> 1916

The following resolution was introduced by Sup. Kleinprintz who moved its passage and adoption.

WHEREAS by a resolution duly passed by the County Board of Supervisors the Town of Porterfield in said county was divided and a certain part of said Town of Porterfield was made the town of Wagner, and whereas in said resolution so passed describing the boundaries of said town of Wagner, Township 33, North of Range 22 was inadvertently omitted thru a clerical error when said township Thirty Three (33), North of Range 22 should have been included therein. Now therefore be resolved that said resolution so passed be amended so as to include said Township Thirty three (33) North of Range 22, the same as though it were originally included in said resolution

VAL. KLEINPRINTS

Seconded by JOS. WAGNER

Carried on roll call, all voting aye.

State of Wisconsin ( ) ss.  
County of Marinette (

I, Elwood N. Wazek, County Clerk of Marinette County, Wisconsin hereby certify that I have carefully compared the annexed copy of resolution with the with the original Board Proceedings now on file in my office. That the said resolution is a true and correct copy of said resolution as contained in the original Proceedings.

Elwood N. Wazek  
County Clerk for Marinette County

Subscribed and sworn to before me this 27<sup>th</sup> day of December 1916.

Minerva Lynes  
Notary Public, Marinette County, Wis  
My Commission Expires April 6, 1919.

*Filed December 30, 1916*

COPY OF  
RESOLUTION

Dividing Town of Porterfield  
and  
Creating new Town of Wagner.

November 10th, 1914.

*Filed June 22, 1916*

# County Clerk's Certificate.

STATE OF WISCONSIN, }  
Marinette County. } ss.

I, Edwood M. Wazek, County Clerk

of Marinette County, Wisconsin, hereby certify that I have carefully compared the annexed Copy of Resolution  
Dividing Town of Pasterfield into Wagner  
with the original of said resolution

as found on file in my office.

That the said annexed copy is a true and correct copy of said original, and of the whole thereof

and that said original

was filed in my office, on the 10<sup>th</sup>

day of November, 1914

Witness my hand and official seal this 27<sup>th</sup>

day of June, 1916

SEAL

Edwood M. Wazek County Clerk.  
Subscribed and sworn to me this 27<sup>th</sup> day June, 1916  
Minerva Lynes, Notary Public, Marinette Co. Wis.

WHEREAS, The Town of Porterfield at its last annual meeting on April 7th, 1914, voted upon town division; namely to create the new town of Wagner out of the northern half of the old town of Porterfield to contain the territory as described below, and

WHEREAS, The vote carried in both proposed sub-division of said town and that each sub-division contains more than thirty-six sections of land valued at the last preceding assessment at more than \$ 100,000.00, and has more than 50 qualified voters resident therein, and contains a population of more than 125 inhabitants, therefore,

BE IT RESOLVED:- 1st. That in accordance with the powers granted County Boards under Section 671 of the Revised Statutes of Wisconsin, the request of the petitioner of the Town of Porterfield be granted.

And that Sections one to twelve both inclusive of township thirty two north of range twenty-two East, and all of fractional township thirty-three north of range twenty-three East, and fractional township thirty four north of range twenty-two East and fractional township thirty-four north of range twenty-three East, being part of the present town of Porterfield, are hereby set off and detached from said town and created and constituted a separate town to be known and designated as the town of Wagner.

To take effect after the first meeting of said Town.

NO. 2.- Joseph Wagner Sr., S.O. Peterson and John E. Johnson are hereby named as Caucus Committee for said Town of Wagner who shall post notices for the first Town Caucus for said Town as provided for in Chapter 686 of Laws of Wisconsin for 1913. Said first Caucus to be held at Wagner school house in School District No. 4 of said Town on the 20th day of March, 1915, 2:30 o'clock afternoon, provided further that John E. Johnson of said caucus committee is hereby appointed to receive and file all nomination papers for the nomination of candidates for the first town meeting for the said new Town of Wagner and he shall cause to be printed a sufficient number of sample and official ballots, as per nominations made at said caucus and by nomination papers filed with him at the expense of the new Town of Wagner, and deliver same to the Election Inspectors of said new Town of Wagner at 9 a.m. the morning of the first town meeting.

No. 3. The first town meeting of said town of Wagner shall be held at the school house known as Wagner School in School District No. Four of said town on the first Tuesday of April, 1915 and at such meeting the qualified electors of said town shall in the manner provided by law, elect town officers for said town, and any and all business that may properly come before the electors of any duly organized town have the power to do.

For the purpose of such town election, the qualified electors of said town, assembled at the place aforesaid; shall between the hours of nine and eleven o'clock in the forenoon of said day choose three of their number to act as inspectors and two to act as ballot clerks of the election and one to act as town clerk, and such inspectors, ballot clerks

and town clerk shall before entering upon their respective duties, severally take the usual oath of office and file the same with their returns, and such inspectors and town clerks shall respectively canvass and return the vote cast at such election in all respects as provided by law for inspectors and town clerks at Annual Town Meetings.

NO. 4 Notice of said first town meeting shall be given by the posting of notices thereof in at least five public places in said town at least ten days before the time of holding said first town meeting by the town clerk of the town of Porterfield, who shall make a proper affidavit of such posting and file the same the day of the first town meeting with the inspectors chosen at said meeting to conduct the same.

NO. 5 When said town meeting shall have been held as herein provided and the town officers required by law duly elected and qualified, the said town of Wagner shall be deemed to be duly organized, and shall possess all the rights, powers and liabilities of other towns in the county.

NO. 6 The assets and liabilities of said towns of Wagner and Porterfield shall be apportioned to the said town of Wagner pro rata in proportion as the valuation of all the taxable property detached from the said town of Porterfield bears to the whole of the assessed valuation of said town according to the assessment roll for the year 1914.

NO. 7 The Supervisors of the town of Porterfield and the Supervisors of the new Town of Wagner, shall on the first Monday in May 1915, meet at the office of the town clerk of the town of Porterfield for the purpose of making a settlement between said two towns according to the provisions of section 672 of Statutes, and at said meeting any three of the Supervisors shall have full power and authority to send for and have brought before them at such meeting any books, papers and records necessarily involved or needed in the settlement between the two towns.

The Town Clerk of the town of Porterfield shall act as clerk of said meeting, and the clerk of the new town of Wagner shall be present and assist as such clerk and sufficient duplicates or copies of all proceedings shall be made in order that each town shall have at least one for the use and information of the Town Clerk and Town Board of Supervisors thereof. Each town shall be chargeable with the expenses and for the services of its own officers only, and the bills thereof shall be audited and paid by the respective towns of Wagner and Porterfield as other bills are by law authorized to be audited and paid.

J.O. ROLLINS

C.A. CORRELL

The roll was then called upon the proposed town division resulting in all voting Aye except Supervisor Anderson, Kleinprintz, Miller and Strehlau, absent.

December 19, 1916.

Mr. Elwood N. Wazek  
County Clerk, Marinette County  
Marinette, Wis.

Dear Sir:

In the matter of the new town of Wagner we do not appear to have heard from you since you wrote us July 6, 1916, promising a copy of the corrected ordinance creating such town which you said would probably pass the County Board on August 30, 1916. Can you now send us a certified copy of the corrected ordinance?

When did the town of Wagner begin to operate as a separate town? If it has been doing business from November 1914, the date of the original ordinance, will a bill be introduced into the next legislature to legalize its acts while not properly organized?

Very truly yours,

Secretary of State.

Per

GB-C.



38

July 7, 1916.

Mr. Elwood N. Wazek  
County Clerk, Marinette County  
Marinette, Wis.

Dear Sir:

We have your letter of July 6th, 1916, relative to the omission of the description of Township 33, North of Range 22 East, from the ordinance creating the Town of Wagner, and note that you will send us corrected ordinance in due time.

In requesting the correction we were under the impression that the omission was the result of a clerical or printer's error in copying the original ordinance.

Very truly yours,

Secretary of State.

Per

GB-C.

Office of  
County Clerk, Marinette County

MARINETTE, WIS., July 6th, 1916.

Mr. John S. Donald,  
Madison, Wis.

Dear Sir:-

I have your letter of June 29th, and note contents. In regard to same will say that I have taken the matter up with our District Attorney, and he advises me that I have no right to change the resolution as passed by the County Board.

On August 30th our County Board will meet again, a resolution will be introduced and no doubt passed amending the one passed on November 10th, 1914, dividing the Town of Porterfield and creating the Town of Wagner.

Directly after this meeting I will advise you as to the action taken and will furnish you then with a certified copy of the resolution that will be passed.

Very truly yours,

Elwood N. Wazek  
County Clerk.

June 29, 1916.

Mr. Elwood N. Wazek  
County Clerk Marinette County  
Marinette, Wis.

Dear Sir:

We desire to thank you for the typewritten copy of resolution creating the town of Wagner, but we believe the intention of the county board was to include Township 33, North of Range 23 East in the Town of Wagner. We do not find this description in the certified copy nor in the printed copy. If this was the intention, will you kindly correct the certified copy and return to us?

Very truly yours,

Secretary of State.

Per

GB-C.

Incl.

June 23, 1916.

Mr. E. N. Wazek  
County Clerk Marinette County  
Marinette, Wis.

Dear Sir:

We have received a copy of the proceedings of your County Board for 1913 and 1914 containing a marked copy of an ordinance creating the town of Wagner, for which we thank you.

You will no doubt agree with us that a copy of the ordinance so marked hardly meets the requirements of Section 709 (12) as to certified copy. We can not file or index it in this shape. Will you, therefore, send us a typewritten certificate under your signature and seal? Should you wish to clip and paste, please paste every part of the ordinance to a good strong sheet of paper to prevent tearing.

We suggest this because some ordinances that come to us are printed on such poor paper and with such cheap ink that in a few years they are torn and worthless. Yet these ordinances will probably be needed for authoritative information fifty years or more hence. This is why we suggest the typewritten copy.

Very truly yours,

Secretary of State.

Per

38

June 20, 1916.

County Clerk  
Marinette County.

Dear Sir:

We have received some inquiries concerning the new town of Wagner. If such a town has been created will you kindly send us a copy of the ordinance? As yet we have had no official notice of such a town.

Thanking you for this information, I am

Very truly yours,

Secretary of State.

Per

GB-C.