

SECTION 5. Said commissioners shall make out a report of their doings, under this act, as soon as practicable after the completion of said road, with the probable expense of working and clearing out the same, and shall furnish the clerk of the board of county commissioners of Dubuque county, with a copy of the same.

SECTION 6. After the road as aforesaid shall be established, agreeably to this act, it shall forever be and remain a territorial road.

SECTION 7. Said commissioners before entering upon their duties, shall severally take an oath faithfully to discharge their duties under this act.

Approved January 8, 1838.

### No. 26.

AN ACT to authorize the several counties in this territory, to hold and convey real estate, to sue and be sued, and for other purposes.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That all deeds, grants and conveyances heretofore made, or which shall hereafter be made and duly acknowledged and recorded, as other deeds conveying any lands, tenements or hereditaments to any county, or the inhabitants of any county, and their successors, or to the county commissioners, or to the governor or to any other person or persons, by whatever form of conveyance, for the use and benefit of any county, shall be good and valid to all intents and purposes, to vest in such county in fee simple or otherwise all such right, title, interest and estate as the grantor or grantors in any such deed or conveyance, had at the time of the execution thereof, in the lands conveyed, and was intended thereby to be conveyed.

SECTION 2. The county commissioners may by their order to be entered on their records, appoint a commissioner to sell and dispose of any real estate of their county; and the deed of such commissioner under his proper hand and seal for and in behalf of such county, duly acknowledged and recorded, shall be

Counties may hold real estate.

And convey the same.

sufficient to all intents and purposes, to convey to the purchaser or purchasers, all the right, title, interest and estate whatever which the county may then have in and to the premises so to be conveyed.

May hold choses  
in action.

SECTION 3. All notes, bills, bonds, contracts, covenants, agreements or writings, made or to be made, whereby any person or persons, is, are, or shall be bound, to any county or the inhabitants thereof, or the county commissioners, or to the governor, or any person or persons, in whatever form, for the payment of money, or any debt or duty, or the performance of any matter or thing, to the use of the county, shall be valid and effectual to all intents and purposes, to vest in the said county, all the rights, interests and actions which would be vested in any individual, if any such contract had been made directly to him. Suits may be commenced, sued or prosecuted thereon in the name of the said county, as is provided in the first section of this act, or in the name of the persons to whom they are made, to the use of the county, as fully and effectually, to all intents and purposes, as any person may or can upon like notes, bills, bonds, contracts, agreements or writings, made to him.

And enforce the  
payment  
thereof.

Contracts how  
made.

SECTION 4. The county commissioners may appoint an agent or agents to make any contract or contracts on behalf of such county, for erecting any county buildings, or for any other purpose authorized by law. The contracts of such agent or agents duly executed for and on behalf of such county, shall be valid to all intents and purposes.

Actions by or  
against coun-  
ties, where  
brought.

SECTION 5. All actions, local or transitory, against any county may be commenced and prosecuted to final judgment and execution in the district court of the county against which the action is brought. Any action, local or transitory, in which any county shall be plaintiff may be commenced and prosecuted to final judgment in the county in which the defendant in such action resides. When any action shall be commenced against any county, a copy of the summons shall be left with the clerk of the board of commissioners either during their session or so that a term of said session shall intervene between the day of leaving a copy of such summons and the return day thereof. There shall always be ten days between the service and return of every such summons, in all actions

brought by or against every county. The inhabitants of the county so suing, or being sued, may be jurors or witnesses if otherwise competent or qualified according to law. The inhabitants may be jurors.

SECTION 6. *And be it further enacted,* That from and after the first organization of the board of commissioners in the several counties in this territory, all acts and parts of acts contravening any of the provisions of this act are hereby repealed: *provided,* that this act shall not affect any contract or right which may have accrued to, or against any county before the passage of this act. And all actions and suits shall be conducted in the same manner to final judgment on the said rights and contracts, as if this act had not been passed. Repealing clause.

Approved Jan. 8, 1838.

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### No. 27.

AN ACT to make valid the location of a road from Racine to Janesville, Rock county.

SECTION 1. WHEREAS, At the last session of the legislative assembly convened at Belmont, a bill was introduced and passed the council and house of representatives, for locating and establishing a territorial road from Racine on lake Michigan, to the Mississippi river, passing through Mount Pleasant, Rochester on Fox river, and Janesville on Rock river, Elisha Smith, Bushnell B. Cary, and Palmer Gardner, being appointed commissioners in part for laying out said road, and the said commissioners believing that the said bill had received the signature of the executive and had become a law, proceeded to lay out, survey, make and establish said road from Racine to Janesville agreeable to the foregoing specification,

*Therefore, be it enacted by the council and house of representatives of the territory of Wisconsin,* That the said road be and the same is hereby established, agreeable to the route as laid out by said commissioners: *provided,* that nothing herein contained shall be so construed, as to prevent a second survey and location of