

No. 20.

AN ACT to provide for laying out and opening territorial roads.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That all territorial roads, to be hereafter located and established within this territory, shall be viewed, surveyed and established, and returns made thereof, agreeably to the provisions of this act, within two years from the passage of the act by which said road or roads may be granted, or authorized to be laid out respectively. Territorial roads to be laid out within two years.

SECTION 2. The commissioners appointed to locate and establish any territorial road, shall cause the same to be correctly surveyed, and to be marked from the beginning throughout the whole distance, by setting stakes in the prairie at a reasonable distance apart, and blazing trees in the timber; they shall establish mile posts, which shall be marked with a marking iron, in regular progression, from the beginning to the termination of said road, and shall also establish a post at every angle in said road, marking as aforesaid upon the same, and upon a tree in its vicinity, if any there be, the bearing from the true meridian of the course, beginning at said angle post, set as herein directed, and note the bearing and distance of two trees, in opposite direction, if there be any in the vicinity, from each angle and mile post. Mode of laying out.

SECTION 3. The commissioner, and surveyor of each road, shall make a certified return of the survey, and plat, of the whole length of said road, specifying in said return the width, depth and course of all streams, the position of all swamps and marshes, and the face of the country generally, noting when timber, and when prairie, and the distance said road shall have been located in each county. Return.

SECTION 4. Said return, and plat, shall be signed by a majority of the commissioners, and the surveyor of said road, and forwarded to the secretary of the territory, within sixty days after the view and survey of the same, to be by him recorded and preserved; they shall also, within sixty days as aforesaid, deposit in the office of the clerk of the board of commissioners, of each county through which said road shall be laid, a return, and plat, as aforesaid, of so much of said To be filed with the Secretary of the Territory.

road as shall be laid out and established in said county, to be there recorded as aforesaid.

Expenses to be paid by the counties.

SECTION 5. The said commissioners shall, after the completion of the survey of any road, as aforesaid, make out a certified account of all services rendered, as well by the surveyor and other hands, as by themselves, charging to each county, through which said road may have been laid, a proportion of the expense, agreeably to the number of days employed therein, and the board of commissioners of said county shall audit and settle the same.

Width of roads.

SECTION 6. All territorial roads, authorized to be laid out by any law of this territory, and not yet commenced, shall be laid out in the manner prescribed in this act; and the commissioners shall comply with all the regulations herein contained; and further, the established width of all territorial roads shall be sixty-six feet.

SECTION 7. When any road shall have been located and established, agreeably to the provisions of this act, the same shall be, and forever remain, a public highway, and shall be opened, and worked, by the counties through which it shall be laid, as county roads are; and no part of the expense of laying out and establishing any territorial road, or of the damages sustained by any person or persons, in consequence of laying out any territorial road, shall be paid out of the territorial treasury.

Approved January 3, 1838.

No. 21.

AN ACT concerning town and county officers, in the several counties of Brown, Milwaukee and Racine, and the counties attached to them for judicial purposes.

Number of constables to be elected and justices to be appointed.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That the people of each town, as provided for in the act establishing and setting off towns in the several counties of Racine, Milwaukee and Brown, may elect, at the time and place of holding elections for county commissioners, any number of constables, not exceeding