

Mode of proceeding by Commissioners.

SEC. 24. The Commissioners named in the preceding sections may meet at such time and place as they, or a majority of them, shall agree upon, and proceed to the discharge of their duties, agreeably to the provisions of an act to provide for laying out and opening Territorial roads, approved January 3, 1838.

No expenses to be paid by the Territory or any county.

SEC. 25. No part of the expenses incurred, or damages assessed for laying out said roads, shall be paid from the treasury of any counties through which said road may pass, nor shall any part thereof be paid out of the Territorial Treasury.

Repeal of former provision.

SEC. 26. The fourth section of the act entitled "An act to provide for laying out and establishing several roads therein named, approved March 7th, 1839, be and the same is hereby repealed.

From Burlington to Janesville.

SEC. 27. That Henry Phoenix, Nathaniel Bell, and Aaron W. Pope be, and they are, hereby, appointed Commissioners to lay out and establish a Territorial road commencing at Burlington, in the county of Racine, thence on the most direct and practicable route through Spring Prairie, Elkhorn, by the mills in Delavan, to Janesville in Rock county.

From Platteville to Centerville.

SEC. 28. That Thomas I. Parish, Joseph I. Basge, and Miles M. Vineyard are hereby appointed Commissioners to lay out and establish a Territorial road on the nearest and best route from Platteville, in Grant county, thence, via Wingville, to Centerville, in Iowa county.

Approved, January 13th, 1840.

No. 57.

AN ACT to provide for the support of common schools, and for other purposes.

Tax to be assessed for school purposes.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Wisconsin, That, for the better support and maintainance of common schools in this Territory,* it shall be the duty of the county commissioners, of each organized county, to add to the tax list, for the current expenses of each year, such sum as may be equal to one-fourth of one per cent upon the assessment roll for the same year and to include the same in their warrant to the collector, and the said collector shall

proceed to collect the said tax, in the same manner as other county taxes are by law collected, and pay the same into the county treasury, to be appropriated to the erection of school houses, and the payment of teachers of common schools, as hereinafter directed, and for no other purpose whatever.

SEC. 2. The legal voters of all organized towns in this Territory, shall annually, at the time and place of holding general elections, in their respective towns, elect by ballot, three persons to be school commissioners of said town, whose duty it shall be to take charge of the school lands within the limits of said town, and to lease the same for some term not exceeding two years, to dispose of all fallen timber on said lands, for the benefit of said town, to commence in their own names, and prosecute to effect, all suits for trespass or other injuries done to said lands, and to organize school districts within their respective towns, in the manner hereinafter prescribed; provided that the county commissioners may order an election of school commissioners at an earlier day than the next annual election, in which case the clerk of the board of county commissioners, shall cause notices to be posted in, at least, three of the most public places in said town, giving not less than ten days notice to the legal voters thereof, to meet at a time and place therein named, for the purpose of electing by ballot three school commissioners.

School Commissioners to be chosen annually in each organized town, at the time of general elections.

A choice may be ordered before the next general election.

SEC. 3. Whenever three or more legal voters residing upon any tract or portion of territory, shall make application in writing, to the school commissioners of the same town, to be set off and organized into a separate school district, it shall be the duty of said commissioners to inquire into the matter by personal examination, or otherwise, and if they deem it expedient, shall proceed to set off said district, defining the same by metes and bounds, and within ten days thereafter, shall file in the office of the clerk of the board of county commissioners a plat thereof, with their certificate, that such district has been set off and organized.

School districts how formed.

SEC. 4. All school districts set off and organized by said commissioners, shall be by them named and numbered, commencing with number one and proceeding in numerical order, and from and after the filing the plat of any district, according to the provisions of the third section of this act, such district shall be a body corporate and politic, capable of contracting and being contracted with, of suing and being sued by the name given it by said commissioners, and shall have power to levy and collect

To be named and numbered, and become bodies corporate

taxes; provided that the taxes so levied shall in no case exceed five per cent., elect its own officers, and prescribe their duties, make its own by-laws, and regulate its own internal police; provided, that no by-law shall be passed repugnant to any law of this territory or of the United States.

District clerk, collector and trustees, how chosen.

SEC. 5. It shall be the duty of the school commissioners, within ten days after the organization of any school district, and the filing the plat thereof, as aforesaid, to cause notices to be posted in, at least, two of the most public places in said district, giving not more than ten nor less than six days notice to the legal voters therein, to meet at a time and place specified, for the purpose of electing a clerk, collector and three trustees for said district, and to transact such other business as may be deemed proper when met.

First meeting how governed.

SEC. 6. At the first meeting of the voters of any school district, under the provisions of this act, a moderator shall be chosen to govern said meeting, who shall record, at length, all proceedings had, and under whose discretion a district clerk, district collector, and three district trustees shall be elected by ballot, and the said moderator shall declare the persons having a majority of all the votes given duly elected to their respective offices, for the term of one year and until others are elected.

Duties of the district clerk.

SEC. 7. It shall be the duty of the clerk of each organized school district in this territory, annually, on the first Monday of March, in each year, to make correct duplicate lists containing the names of the heads of families, in their respective districts, and the number of children in each family, between the ages of four and sixteen years, and within ten days thereafter, to file one of said lists in the office of the clerk of the board of county commissioners of the same county, and deliver one other of said lists to the school commissioners of the town, within which such district may be situated.

County commissioners, and school commissioners, annually to apportion among the school districts, all school monies in their hands respectively.

SEC. 8. The county commissioners of each organized county, in this territory, shall annually at their session in April of each year, apportion all monies then in the county treasury, which have been appropriated to the support of common schools, amongst the several districts within their respective counties, according to the number of scholars in each district, as shown by the lists of their respective clerks, and the school commissioners of each town, shall on the same day and in the same manner, apportion all monies, that may have come into their hands for

the aforesaid purpose, whether arising from the school lands or otherwise.

SEC. 9. It shall be the duty of the treasurer of each county, and of the school commissioners of each town upon application to pay to each district or to any authorized agent thereof all monies which may have been previously set apart for and appor- tioned thereto, and to take a receipt for the same. Money to be paid to districts.

SEC. 10. No district shall be entitled to receive its portion of money, unless the certificate of the clerk of such district under oath, shall accompany the list of scholars, returned by him stating that a school has been kept in such district for at least three months during the preceding year. On what condition.

SEC. 11. In case it shall be necessary to form a school district from portions of two or more adjoining towns, application shall be made to the school commissioners of each town, who shall act together in the matter, and the clerk of any district so formed, shall return the number of scholars for each portion of said district, to the school commissioners of the town, in which said portion shall lie. District formed from parts of different towns.

SEC. 12. The county commissioners of all counties in this territory, wherein there shall be no organized towns, shall exercise and perform all the duties required by this act to be done and performed by the school commissioners, and for the purposes of this act, such counties shall be considered as organized towns. Counties, when to be considered as towns.

SEC. 13. In all organized towns, wherein school inspectors have been elected, and are now in office, such inspectors may do and perform all acts, required of the school commissioners, until the next general election, or until school commissioners shall have been elected, according to the provisions of this act. School Inspectors now in office, to do duties of school commissioners, until, &c.

SEC. 14. Every male resident of any school district in this territory, over the age of twenty one years, shall be deemed a legal voter for the purposes of this act, and entitled to vote at any school district meeting. Legal voters in district meetings.

SEC. 15. Every person employed to teach any district school, shall be examined by the school commissioners, as to his qualifications to teach such school, and shall procure a certificate from the school commissioners, that he is qualified to teach the school, in which he is employed, and is of good moral character; and any person who shall teach a district school without such certificate, shall forfeit and pay a sum not exceeding his wages. School teachers to be examined and have a certificate. Penalty for neglect.

Subsisting leases
&c. relating to
school lands,
how enforced.

SEC. 16. All contracts and leases heretofore made, by and with the commissioners of common schools, or inspectors of common schools, in relation to any school lands, shall be prosecuted in the name of the school commissioners of the proper towns.

Former act re-
pealed.

SEC. 17. An act, entitled "an act to establish common schools now in force in this territory, is hereby repealed."

SEC. 18. This act shall take effect from and after the tenth day of April, eighteen hundred and forty.

Approved, January 13th, 1840.

No. 58.

AN ACT relating to Strays.

May be taken up
where, by whom

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Wisconsin,* That no person shall take up any stray, unless such person shall be at the time, a resident of the same township, wherein such stray shall be found, nor unless such stray shall be found upon the land owned or occupied by the taker up.

Notice to owner,
if known.

SEC. 2. Any person taking up any stray, shall within seven days thereafter, notify the owner thereof, if to him known, and request such owner to pay all reasonable damages and charges, and take such stray away.

If unknown, how

SEC. 3. If the owner of any stray be unknown, the taker up shall give notice thereof by publication in some newspaper of the county, for four weeks successively, if one be printed therein, if not by posting up written notices in three of the most public places in the county, said notices to contain a brief description of such stray, the name and residence of the taker up, and as near as may be, the time at which it was taken up.

May work the
stray.

SEC. 4. Any person may use or work a stray, legally taken up by him, if he do so with care and moderation, and not abuse or injure it.

Damages, &c.,
to be a lien on
stray.

SEC. 5. If the owner and taker up of any stray cannot agree upon the amount of damages, charges, or for the use of such stray, the matter shall be settled by some justice of the peace, in the same county, upon the application of either party, with notice to the other, the cost of which adjudication shall abide the