

ta blished agreeably to this act, they shall be territorial roads to all intents and purposes, and they shall be opened and worked as such as fast as the inhabitants of the counties through which they run, shall by a majority of their votes at their annual township meeting so decide.

• Approved January 12, 1838.

No. 53.

AN ACT providing for the taking the second census or enumeration of the inhabitants of the territory of Wisconsin.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That the sheriffs of the several counties within the aforesaid territory (and their deputies) shall be and they are hereby authorized and required to cause the number of the inhabitants of their respective counties and districts of the territory to be taken, omitting in such enumeration Indians not taxed and who do not live as civilized white men; and omitting officers and soldiers of the regular army of the United States who are not actual and *bona fide* residents of this territory. For effecting which purpose the sheriffs aforesaid shall have power to appoint as many deputies or assistants within their respective counties and districts as to them shall appear necessary, assigning to each deputy or assistant a certain division of his county or district, which division shall consist of one or more towns or townships of a district, plainly and distinctly bounded by water courses, mountains or public roads. The *oath.* sheriffs and their deputies or assistants shall respectively take an oath or affirmation before some judge or justice of the peace resident within their respective county or district previous to their entering on the discharge of the duties by this act required. The oath or affirmation of the sheriff shall be: I, A. B., sheriff of the county of _____, do solemnly swear or affirm, that I will well and truly cause to be made a just and perfect enumeration of all the persons resident within the county or counties, territory or district, [here insert the name of county, territory or dis-

trict,] and return the same to the secretary of territory, agreeably to an act of the legislative assembly, entitled "an act providing for the taking the census or enumeration of the inhabitants of the territory of Wisconsin," according to the best of my ability. The oath or affirmation of a deputy or assistant shall be: I, A. B., do solemnly swear or affirm that I will make a just and perfect enumeration of all persons resident within the division assigned to me by the sheriff of _____, and make due return thereof to the said sheriff _____ agreeably to the directions of an act of the legislative assembly, entitled "an act providing for the taking the census or enumeration of the inhabitants of the territory of Wisconsin," according to the best of my abilities.

Census, when to be taken.

The enumeration shall commence on the first Monday of May, in the year of our Lord one thousand eight hundred and thirty-eight, and shall close within thirty days thereafter: *provided*, that the enumeration in the counties of Crawford and Clayton may be commenced on the first Monday of March next, and shall be closed within ninety days thereafter. The several deputies or assistants shall within the said times limited transmit or deliver to the sheriff by whom they shall be respectively appointed, accurate returns of all persons except Indians not taxed within their respective divisions, which returns shall be made in a schedule distinguishing in each township, parish or city, the several families by the names of their master, mistress, steward, overseer or other principal person therein, in the manner following, that is to say: the number of persons within my division consisting of _____ appears in a schedule hereto annexed.

Subscribed by me this _____ day of _____.

A. B., Deputy or assistant to the sheriff _____ of _____ county, W. T.

Manner.

FORM OF SCHEDULE.

Names of master, mistress, steward, overseer or other principal person.	Names of township or division.	Heads of families.	White males.	White females.	Free males of color.	Free females of color.	Total amount.	Remarks.

Penalty.

SECTION 2. *And be it further enacted*, That every deputy or assistant failing to make a proper return or making a false return of the enumeration to the sheriff within the time by this act limited shall forfeit the sum of two hundred dollars.

Returns where
to be filed.

SECTION 3. *And be it further enacted*, That the sheriff shall file the several returns aforesaid with the clerk of the district court, who is hereby directed to receive and carefully preserve the same. And the sheriffs of the several counties respectively shall on or before the tenth day of June one thousand eight hundred and thirty-eight, transmit and deliver to the secretary of the territory the aggregate amount of all the inhabitants within their respective counties or districts. And every sheriff failing to file the returns of his deputy or assistants or any of them with the clerks of their respective courts as aforesaid, or failing to return the aggregate amount of all the inhabitants in their respective counties or districts (as the same shall appear from said returns) to the secretary of the territory within the time limited by this act shall for every such offence forfeit the sum of five hundred dollars; all which forfeitures shall be recoverable in the courts of the county or district where the offences shall be committed by action of debt, information or indictment, the one-half thereof to the use of the territory and the other half to the informant, but where the prosecution shall be first instituted on behalf of the territory, the whole shall accrue to its use. And for the more effectual discovery of offences the judges of the several district courts of this territory as aforesaid, at their next session to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed to the secretary of the territory, shall give this act in charge to the grand juries in their respective courts and shall cause the returns of the several deputies or assistants to be laid before them for their inspection.

This act to be
given in charge.

Comprehension.

SECTION 4 *And be it further enacted*, That every sheriff or deputy shall receive at the rate of three dollars for every hundred persons by him returned where such persons reside in the county, and where such persons reside in a city or town containing more than eight hundred persons, such sheriff or deputy shall receive at the rate of one dollar and fifty cents for every

three hundred persons; but where from the dispersed situation of the inhabitants in some divisions, three dollars for every one hundred persons shall be insufficient, the sheriff with the approbation of the judge of their respective county or district, may charge such further allowances as shall by such judge be deemed an adequate compensation: *provided*, the same does not exceed three dollars for every fifty persons by them returned.

SECTION 5. *And be it further enacted*, That every person whose usual place of abode shall be in any family within the time limited by this act for taking the enumeration aforesaid shall be returned as of such family; and the names of every person who shall be an inhabitant of any county in this territory, but without a settled place of residence, shall be inserted in the column of the aforesaid schedule which is allotted for the heads of families in that county or district where he or she shall be an inhabitant during the time aforesaid prescribed by this act for taking the enumeration; and every person who may be absent from the territory at the time of taking the enumeration shall be set down by the sheriff as belonging to that place in which he or she usually resides in this territory.

SECTION 6. *And be it further enacted*, That each and every person above the age of sixteen whether ^{Persons obliged to give information.} heads of families or not belonging to any family with in any county or district made and established within this territory, shall be and hereby is obliged to render to such sheriff, deputy or assistant of the county, a true account (if required) to the best of his or her knowledge, of all and every person belonging to such family on pain of forfeiting twenty dollars, to be sued for and recovered by such sheriff, deputy or assistant, the one-half for his own use and the other half to the use of the territory.

SECTION 7. *And be it further enacted*, That each sheriff shall, previous to making his returns to the secretary of the territory, cause a correct copy signed by himself, of the schedule containing the number of inhabitants within his county, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned; for each of which copies the said sheriff shall be entitled to receive five dollars: *provided*, proof of the schedule hav-

*Copies of
schedule to be
posted up.*

ing been set up shall be transmitted to the secretary of the territory with the return of the number of persons, and in case any sheriff shall fail to make such proof to the secretary of the territory as aforesaid, he shall forfeit the compensation allowed by this act for the same.

Secretary to furnish instructions, &c. to the sheriffs.

SECTION 8. *And be it further enacted,* That the secretary of the territory shall be and hereby is authorized and required to transmit to the sheriffs of the several organized counties in this territory regulations and instructions pursuant to this act for carrying the same into effect and also the forms contained therein of schedule to be returned.

Approved December 30, 1837.

No. 54.

AN ACT for the partition of the half breed lands, and for other purposes.

WHEREAS, it is expedient, in order to the settlement of that tract of land lying between the Mississippi and Des Moines rivers, commonly called the "half breed lands," which was reserved for the half breeds of the Sacs and Fox tribes of Indians, by a treaty made at Washington city, between the United States and those tribes, on the fourth of August, 1824, which was released to said half breeds with power to convey their rights, &c. by act of congress approved the 30th of June, 1834, that the validity of the titles of the claimants should be determined, and partition of said lands among those having claims should be made, or a sale thereof, for the benefit of such valid claimants: Now, therefore,

Claimants to make application within one year, and how.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That all persons, claiming any interest in said lands under said treaty and act of congress, are hereby required within one year from the passage hereof, to file with the clerk of the district court of the county of Lee, Wisconsin territory, a written notice of their respective claims, designating the half breed under which they respec-