

original county, or district in which such vacancy may have occurred: *provided* that nothing herein contained shall be construed to permit any person to vote, so residing within the said limits, who has not the other qualifications of a voter.

SECTION 32. In cases of elections to fill vacancies, as provided for in the preceding sections, the returns shall be made by the clerks of the board of county commissioners, of the different counties, within twelve days, to the office of the clerk of the board of county commissioners of the original county, composing the district, and certificates of election shall be made out and signed by the clerks of the boards of county commissioners of the different counties, in which such election may have been held. Returns, how made.

SECTION 33. All acts and parts of acts, contravening any of the provisions of this act, are hereby repealed. This act to take effect and be in force from and after its passage.

Approved Jan. 18, 1838.

## No. 70.

AN ACT providing for the recording of town plats.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That when any county commissioners, or other person or persons, wish to lay out a town in this territory, or an addition or subdivision of out lots, said commissioners or other person or persons shall cause the same to be surveyed, and a plat or map thereof made, by the county surveyor, if any there be in the county in which said town or addition is situated; but if there be no county surveyor in the county, then and in that case by the county surveyor of an adjacent county; which plat or map shall particularly describe and set forth all the streets, alleys, commons or public grounds, and all in and out lots, or fractional lots, within, adjoining or adjacent to said town, giving the names, widths, courses, boundaries and extent, of all such streets and alleys. Plat, by whom made.

SECTION 2. All the in lots, intended for sale, shall What to embrace.

**Lots to be numbered.** be numbered in progressive numbers, or by the squares in which they are situated, and their precise length and width shall be stated on said plat or map; and out lots shall not exceed ten acres in size, shall in like manner be surveyed and numbered, and their precise length and width stated on the plat or map, together with any streets, alleys or roads which shall divide or border on the same.

**Corner stone and its object.** SECTION 3. The county commissioners, proprietor or proprietors of the town, addition or subdivision of out lots, by themselves or agents, shall at the time of surveying and laying the same, plant and fix at a corner of the public ground or at the corner of a public lot, if any there be, and if there be none, then at the corner of some one of the in lots in the town and at the corner of each out lot, a good and sufficient stone, of such size and dimensions and in such manner as the surveyor shall direct, for a corner from which to make future surveys; and the point or points where the same may be found shall be designated on the plat or map.

**Plat to be acknowledged and recorded.** SECTION 4. The plat or map, after having been completed, shall be certified by the surveyor, and the county commissioners, and every person or persons whose duty it may be to comply with the foregoing requisition, shall, at or before the time of offering such plat or map, for record, acknowledge the same before any person authorized to take the same. A certificate of such acknowledgement, shall, by the officer taking the same be endorsed on the plat or map; which certificate of the survey and acknowledgement shall also be recorded and form a part of the record.

**What to be deemed a sufficient conveyance.** SECTION 5. When the plat or map shall have been made out and certified, acknowledged and recorded, as required by this act, every donation or grant to the public, or any individual or individuals, religious society or societies, or to any corporation or bodies politic, marked or noted as such on said plat or map, shall be deemed in law and in equity a sufficient conveyance, to vest the fee simple of all such parcel or parcels of lands as are therein expressed; and shall be considered to all intents and purposes a general warranty against such donor or donors, their heirs and representatives, to the said donor or donors, grantee or grantees for his, her or their use, for the uses and pur-

poses therein named, expressed and intended, and no other use or purpose whatever. And the land intended to be for the streets, alleys, ways, commons or other public uses in any town or city or addition thereto, shall be held in the corporate name thereof, in trust to and for the uses and purposes, set forth and expressed or intended.

SECTION 6. If the county in which said town or addition is situated, shall not be organized, then, and in that case the plat or map shall be recorded in the recorder's office of that county to which the county in which said town is situated shall at the time be attached for judicial purposes.

When county not organized.

SECTION 7. When any town, addition or subdivision of out lots, has been heretofore laid out, and lots sold in this territory, either by county agents, commissioners or other persons, and a plat or map of the same has not been acknowledged and recorded, in conformity to the acts heretofore in force in this territory, it shall be the duty and it is hereby required of the present county commissioners, or a majority of them, in such county, or other person or persons, proprietor or proprietors, who have laid out the same, or his, her or their legal representatives, to have the same fairly, fully and clearly made out, certified, acknowledged and recorded in the proper county, in the form and manner required by this act, noticing and particularly describing, the donation of land or otherwise to individuals, societies, bodies politic, or for common or public uses if any shall have been made by the first of January, 1839: *provided*, that if the lots shall have been differently numbered, and sales made and they cannot well be changed, they shall be returned as originally stated: but in all other respects, the plat or map shall conform to the requisitions of this act. And if any county commissioner or commissioners, or other person or persons whose duty it is to comply with the requisitions of this act shall neglect or refuse so to do, he or they shall forfeit and pay the sum of one hundred dollars for each and every month he, she or they shall delay a compliance.

The above regulations made applicable to towns heretofore laid out.

Lands donated, to be described.

Proviso.

Penalty for neglect of duty.

SECTION 8. If any county commissioner, or other person or persons, shall hereafter lay out any town or addition to any town or city, and neglect to plant the corner stones therein, or cause the same to be survey-

Or for non-compliance with this act.

ed and planted in any other manner than that which is prescribed in this act, every person so offending shall forfeit and pay the sum of one hundred dollars.

SECTION 9. If any person or persons, shall dispose of, offer for sale, or lease for any time, any out or in lots in any town or addition to any town or city, or any part thereof, which shall hereafter be laid out, until all the foregoing requisitions of this act shall have been complied with, every person so offending shall forfeit and pay the sum of twenty-five dollars for each and every lot or part of a lot sold or disposed of, leased or offered for sale.

Fees for sur-  
veyor,

and recorder.

SECTION 10. The county surveyor, who shall lay out, survey and plat any town or addition, shall be entitled to receive twenty-five cents for each and every in and out lot the same may contain, and the recorder of the county recording the same shall receive the sum of two cents for each and every lot as aforesaid; the said plat and survey, to be by him transcribed or copied into a book to be provided for that purpose.

Prosecutions to  
be in the name  
of the county  
treasurer.

Receipt.

SECTION 11. All forfeitures, and liabilities, which may be incurred and arise under this act, shall be prosecuted for, and recovered, in the name of the county treasurer; and any officer or officers paying over any money to the said treasurer received under any of the provisions of this act shall take his receipt therefor, and forthwith file the said receipt with the clerk of the board of commissioners; and the said clerk shall charge the amount of said receipt in account against said treasurer on the books of the county commissioners.

SECTION 12. All acts and parts of acts, contravening the provisions of this act, are hereby repealed. This act to be in force from and after its passage.

Approved January 18, 1838.

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## No. 71.

AN ACT to incorporate the Marquette and Kentucky city canal company.

Name and pow-  
ers of the cor-  
poration.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That all such persons as shall become stockholders, agreeably to the provisions of this act, in the corporation hereby