

SEC. 3. It shall be the duty of the canvassing officers to make out and sign an abstract of the votes of said county, upon said subject, and make return thereof, to the Clerk of the Board of Commissioners of said county, who shall record the same in the journal of the proceedings of said board.

APPROVED, February 8th, 1845.

AN ACT to provide for carrying into effect an Act of Congress entitled "an Act granting a section of Land for the improvement of Grant River at the town of Potosi in Wisconsin Territory," Approved, June 15, 1844.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

SECTION 1. That Nelson Dewey, James E. Freeman and Henry L. Massey, be and they are hereby appointed commissioners for and on behalf of the Territory to carry into effect an act of the Congress of the United States, entitled "an act granting a section of land for the improvement of Grant River, at the town of Potosi, in Wisconsin Territory," approved June 15th, 1844, for which purpose the said commissioners shall as soon as practicable, cause section number thirty-four, in township number three, north of range number three west of the fourth principal meridian in Grant county, to be surveyed into lots as is hereinafter mentioned, to wit: all that part of the said section that has been heretofore surveyed and plotted into town lots, and so much more of the said section as the said commissioners or a majority of them shall think proper, shall be surveyed into town or village lots, and in making the said survey, the said commissioners shall conform the same so far as concerns the laying out of the streets, to the plot of that part of the said town of Potosi, which is situated on the said section thirty-four, as near as may be, except that the south end of Main street shall be so altered as to meet the north end of Main street, according to the old plot of the town of Van Buren, at the south line of said section.

SEC. 2. That all the rest and residue of the said section shall be laid out by the said commissioners into out lots of suitable size

and form, and in making the said survey of both town or village lots ^{It.} and out lots, the said commissioners shall regard as far as practicable the rights of actual settlers and occupants residing on said lots at the time of the passage of the said act of Congress.

SEC. 3. That the said commissioners shall before entering upon their duties, severally take an oath before some proper officer, that ^{To take oath.} they will faithfully and impartially perform their duties according to the provisions of this act, and of the said act of Congress; and they shall cause to be made, four accurate and correct plots of the ^{To make plots} survey of the said section as hereinbefore directed to be made, which shall be certified by themselves and the surveyor whom they may employ to do the work; one of which plots they shall file with the Register of deeds of Grant county, which shall be by him recorded as other town plots; one they shall send to the Governor of the Territory; one they shall forward to the office of the Surveyor General of Wisconsin and Iowa, and the fourth they shall keep on file in their own office.

SEC. 4. That so soon as the said survey and plots shall be completed, the said commissioners shall give four weeks public notice of the same in the newspapers printed in the county, and of ^{To give notice of time & place to examine pre-emption claims} the time and place at which they will commence the examination of claims to pre-emption rights to lots, according to the provisions of the said act of Congress, and at the time so appointed, the the said commissioners shall in the town of Potosi, commence the examination of all claims to pre-emption rights to lots on the said section, which may be presented to them, and they shall hear the proofs of the claimants to establish their rights, and shall determine all conflicting claims to pre-emption rights as the very right of the case shall be made to appear, and shall decide in each case whether the applicant is or is not entitled to a pre-emption right under the said act of Congress, and the said commissioners or any one of them, may administer all necessary oaths to parties or witnesses in the examination of any claim to pre-emption, and each application for a pre-emption right, shall state the facts upon which ^{Application to state facts.} it is founded, which shall be verified by the oath of the applicant. The said commissioners shall make out duplicate certificates of each

pre-emption right allowed by them; one of which they shall deliver to the pre-emptor, and the other they shall forward to the Governor of the Territory; they shall also make an entry thereof in the record of their proceedings, and they shall continue their sessions until the whole of the claims to pre-emption rights shall be decided: *Provided*, that they shall not sit for that purpose more than thirty days.

Proviso.

Commissioners
to keep record

SEC. 5. That the said commissioners shall keep a record of all their proceedings, and shall make accurate returns to the Governor of all lots sold by pre-emption or otherwise, according to any of the provisions of this act, and they shall be paid for their services out of the proceeds of the sales of said lots, one dollar and fifty cents each, for every day actually employed in the performance of their duties, and no more.

To give notice
to Surveyor
General.

SEC. 6. That so soon as the said commissioners shall have decided upon all the claims to pre-emption rights, that may be made before them, they shall immediately give notice thereof to the Surveyor General of Wisconsin and Iowa, and the commissioners to be appointed by the said Surveyor General to view and examine all the lots actually improved and occupied, according to the provisions of the said act of Congress, shall as soon thereafter as practicable,

Value of lots
to be assessed.

proceed to assess the true value of all lots upon the said sections to which pre-emption rights have been allowed by the commissioners appointed by this act; and no town or village lot to which a pre-emption right has been allowed by the commissioners appointed by this act, shall be assessed at less than five dollars, nor less than at the rate of twenty dollars per acre. and no out lot to which such pre-emption has been allowed, shall be assessed at less than at the rate of five dollars per acre, and so soon as the said valuation shall be completed, they shall make out and certify three copies thereof; one of which they shall file with the commissioners appointed by this act; one they shall file with the said Surveyor General; and the other they shall forward to the Governor of this Territory, and the said commissioners to be appointed by the said

Compensation
of commission
ers.

Surveyor General, shall each be allowed and paid out of the proceeds of the sales of the said lots, one dollar and fifty cents

per day for his services: *Provided*, that neither of the said commissioners shall be allowed more than twenty-five dollars for his whole service under the provisions of this act, and of the said act of Congress. Proviso.

SEC. 7. That Robert Templeton be, and he is hereby appointed Receiver of the funds arising from the sales of lots upon the said section. Before entering upon his duties, the said receiver shall execute a bond to the Governor of the Territory, and his successors in office for the use of the Territory in the sum of ten thousand dollars, with good and sufficient securities to be approved by the commissioners appointed by this act, and conditioned that he will faithfully perform all the duties devolving upon him as such receiver, and that he will faithfully account for and pay over all money that may come to his hands arising from the sale of lots on said section whenever he shall be lawfully required so to do, and the said Receiver shall also, before entering upon his duties, take and subscribe an oath before some proper officer, that he will faithfully in all things perform all the duties devolving upon him as such Receiver, which oath shall be indorsed on said bond, and the said bond shall be filed with the Governor of the Territory. Receiver appointed.
To give bond and take oath.

SEC. 8. That so soon as the valuation of the said lots shall be completed, and return thereof made to the Commissioners appointed by this act, the said last mentioned Commissioners shall proceed to advertise for sale all the lots on said section, that shall not be entered by pre-emption, according to the provisions of this act and of the said act of Congress, prior to the day of sale, by giving six weeks notice thereof in the Wisconsin Herald, and by giving such other notice as the said Commissioners may think best to give publicity to said sale: *Provided*, That said sale shall not take place before the sixteenth day of June 1845. And it shall be competent for all persons who have proven their rights of pre-emption to lots on said section, and obtained their certificates therefor, to enter the same by paying to the Receiver the assessed value thereof, at any time before the day appointed by the Commissioners for the sale of said lots, and taking his receipt therefor and also causing an entry thereof to be made by the said Com- Commissioners to advertise.
Proviso.

missioners, and the said Receiver shall make return of all such payments to the said Commissioners, who shall make an entry thereof in the record of their proceedings, and the said commissioners shall, on the day named in the said notice, proceed, in the town of Potosi, to sell at public auction, for cash only, all the lots on the said section, that shall not have been entered by pre-emption prior to the day of the commencement of such sale, and such sale shall be kept open from day to day until the whole of said lots shall be sold: *Provided*, That such sale shall not continue longer than six days; And *provided further*, that no lot for which a certificate of pre-emption may have been issued, shall be sold for a less sum than the assessed value thereof, and no town or village lot for which said certificate shall not have been issued, shall be sold for a less sum than five dollars, nor for less than twenty dollars per acre, and no out lot for which such certificate shall not have been issued shall be sold for a less sum than five dollars per acre.

Provided further.

SEC. 9. That the said Commissioners appointed by this act shall cause an entry to be made of all lots sold at such public sale specifying the purchasers thereof and the price bid therefor, and the purchasers shall pay to the Receiver the price bid for the said lots respectively, on the same day on which they are sold, and if any lot which shall be so purchased at such public sale, shall not be paid for on the day on which it is sold, it shall, on the next day, be again offered for sale in the same manner as other lots as is provided in the last section, and no person who shall purchase any lot at such sale and refuse or neglect to pay for it on the day of such purchase, shall be permitted to bid for or purchase the same or any other lot during such sale, and the said Receiver shall execute duplicate receipts for the purchase money for each lot sold at such sale or entered by pre-emption upon payment to him of the price thereof, one of which receipts he shall deliver to the purchaser, and the other he shall forward to the Governor of the Territory, and the said receipts shall in all cases correspond with the entries of lots sold, made by the said commissioners.

Purchasers to pay on day of sale.

Receiver to execute duplicate receipts.

SEC. 10. That whenever any purchaser either by pre-emption or at the public sale of any of said lots on said section shall present to the Governor of the Territory the duplicate receipt of the Re-

ceiver for the purchase money of any of said lots purchased by him, corresponding with the receipt on file in the executive office and the returns of the said Commissioners, the Governor shall issue ^{Governor to issue patents.} a patent in fee simple to such purchaser for such lot and the duplicate receipt shall be canceled.

Sec. 11. That the said Commissioners appointed by this act, so soon as may be practicable after the said lots shall be sold as is herein provided, shall cause a survey and estimate to be made of ^{Commissioners to cause surveys to be made.} the improvement provided for by the said act of Congress, which shall contain a statement of the probable cost of the said improvement, which survey and estimate and all necessary information connected there with, that may be collected by the said Commissioners, shall be by them reported to the next Legislative Assembly of this Territory.

Sec. 12. That all monies arising from the sale of said lots, ^{Monies to remain in hands of Receiver.} shall remain in the hands of the said Receiver, to be applied to the said improvement, (after the expenses of surveying, valuing and selling said lots, and making said survey and estimate are paid) in such manner as the Legislative Assembly shall hereafter by law direct, and if the said Receiver shall embezzle the said money, or any part thereof, or shall fail or refuse to account for and pay the same when lawfully required so to do, he shall be guilty of a misdemeanor and be liable to be proceeded against by indictment, and upon conviction, shall be punished by fine or imprisonment, or both, at the discretion of the court; and the said Receiver shall receive as a full compensation for all his services ^{Compensation of Receiver.} under any of the provisions of this act, one per cent upon all sums received by him for the purchase of lots on said section, and one per cent upon all sums disbursed by him upon the orders of the said commissioners appointed by this act, according to any of the provisions herein contained, and in case the Receiver appointed by this act, shall neglect or refuse to qualify, the said commissioners appointed by this act, shall have power to appoint some other person as Receiver, who shall give the same bond, take the same oath, perform the same duties, receive the same compensation, and be liable to the same penalties, as is provided in this act in relation to the Receiver herein appointed.

Sec. 13. That a majority of the commissioners appointed by

Majority of commissioners competent to act

this act, shall be competent to do and perform all acts required to be done and performed by the said commissioners, and the said commissioners, or a majority of them, shall draw upon the said Receiver for all sums to be expended and disbursed, under any of the provisions of this act, and the purposes of the expenditure shall in

Receiver to pay drafts of commissioners and report to the Legislative Assembly.

all cases be specified in such drafts, and the said Receiver shall pay all such drafts if the expenditure be authorized by this act, and shall upon making such payments, take up such drafts, and the receipts of the drawers, which shall be vouchers for him in the settlement of his accounts, and he shall report annually to the Legislative Assembly, and state his accounts, showing his receipts and expenditures, and the amount of money on hand.

Papers to be preserved in executive office.

SEC. 14. That all papers directed by this act to be forwarded to, or filed with the Governor of the Territory, shall be by him preserved in the executive office, and the records of the proceedings of the said commissioners appointed by this act, and all papers filed with them, shall at all times be open to the inspection and examination of any person having business therewith. This act shall take effect from and after its passage.

APPROVED, February 18th, 1845.

AN ACT to amend an act entitled "an act to provide for the support of illegitimate children," approved February 17th, 1841.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

SECTION 1. That so much of section four of an act entitled "an act to provide for the support of illegitimate children," approved February 17th, 1841, as refers to the first section of said act, be, and the same is hereby repealed, and in case any person accused as provided in the first section of said act, shall not comply with provisions of the second section thereof, the justice before whom the complaint shall be made shall bind such person in a recognizance as provided in said fourth section, and in case of neglect or refusal to give such security said justice shall cause such person to be committed to jail as provided in said fourth section.

Accused to enter into recognizance.