

No. 9.

AN ACT supplementary to an act entitled an act for the partition of the half breed lands, and for other purposes.

How lands may be sold to defray present expenses.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That the commissioners of sale appointed by the twelfth section of the act, to which this is a supplement, or a majority of them, and their successors in office or a majority of them, may, at any time, apply by petition to the judge of the district court of the county of Lee, in term time, or in vacation, for the sale of portions of the said half breed tract for the purpose of paying the expenses of the commissioners, and expose at public sale, according to the provisions of the act, such portion of said tract, to be designated by his order, as may seem to be required for the purpose of defraying such expenses; and the said commissioners are hereby invested with powers, with regard to the lands to be sold as aforesaid, as are given them generally by the provisions of said act.

Claimant to enter into bond.

SECTION 2. Before any claim shall be examined by the commissioners appointed under the said recited act, the claimant, his agent or attorney, shall enter into a bond in a penalty to be prescribed by the clerk of the district court of Lee county, conditional for the payment of all costs that may accrue in consequence of said claim being made, in case said claim should be unsuccessful; and non-resident claimants shall give one or more good securities, to be included in their bond, and to be approved of by the said clerk, said bonds to be made payable to the commissioners of sale, and to be filed with the clerk of the district court of the county of Lee aforesaid.

When justices of the peace may take depositions.

SECTION 3. That when any witness necessary in the investigation of any half breed claim depending before the commissioners appointed under the second section of the above recited acts, shall live within the territory, and at a greater distance than fifty miles from Montrose, in Lee county, or is going out of the territory before the time of the investigation of said claim, or by reason of age, sickness, or other bodily infirmity, is rendered incapable of appearing before said commissioners, in that case, any justice of the peace of

this territory, shall, within his proper county, be and hereby is empowered to take the deposition of such witness and transmit the same to the commissioners aforesaid: *provided*, that notice by the party requiring such deposition, be first made out and published for five successive weeks, before the time of taking such deposition, in some newspaper published in the county where the half breed lands lie, if there be any paper published in said county, if not, then in some paper published in the nearest county thereto in the territory, in which notice shall be specified, the name or names of such witness or witnesses, and the time, place of taking such deposition, so that other parties interested may attend at the taking of the same, and cross examine such witness or witnesses if they think proper. Proviso.

SECTION 4. That the figures 1824 in the eighth line of the ninth section of the act of which this is a supplement, be stricken out, and the figures 1827 inserted in lieu thereof.

Approved June 22, 1838.

No. 10.

AN ACT organizing the county of Johnson and establishing the seat of justice of said county.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin*, That the county of Johnson be, and the same is hereby organized from and after the fourth day of July next, and the inhabitants of said county be entitled to all the rights and privileges to which by law the inhabitants of other organized counties of this territory are entitled to. And the said county shall continue to be a part of the second judicial district, and a district court shall be held at the town of Napoleon the seat of justice, at the court house, or such other place as may be provided. Two terms of the said district shall be held annually after the organization of said county, to wit: on the second Monday of August, and December; and the several acts concerning the district When organized.

Seat of justice.
Terms of court.