

being satisfied that any one of the places named has a greater number of votes than the other, the town having the greatest number of votes polled, shall be thenceforward the seat of justice of Scott county, and minute thereof shall be made in the proceedings of said board of county commissioners for Du Buque county.

SECTION 4. In case of a tie in the election aforesaid, it shall be the duty of the sheriff of Du Buque county to notify the sheriff of Scott county of the same, who shall thereupon give ten days' notice to the qualified electors aforesaid, that another election shall be had, stating the time and place of such election, and the same proceedings shall be had as in the foregoing section of this act. In case of a tie.

SECTION 5. Until the seat of justice of Scott county shall be established as hereif provided, all writs and process, which by law are to be returned to the district courts of said county, shall be valid if made returnable to said court on the first day of the next term without specifying the place, and all parties, witnesses, jurors, and other persons required to appear before the said court at the said term shall appear at the place where the seat of justice of said county may be established according to the provisions hereof. Return of process, &c.

SECTION 6. Any person voting at said election who is not a qualified elector according to the provisions of this act, and the general election laws of this territory, shall on conviction thereof before any tribunal having jurisdiction, be fined in a sum not less than one hundred nor more than five hundred dollars. All acts and parts of acts contravening the provisions of this act are hereby repealed. Penalty for illegal voting.

Approved June 23, 1838.

No. 29.

AN ACT to locate a territorial road in Grant and Iowa counties.

SECTION 1. *Be it enacted by the council and house of representatives of Wisconsin territory,* That Jonathan Craig, William Davidson and Stewart McKee, are hereby appointed commissioners to locate and establish a territorial road from Oceola, in the county of Grant, to Belmont in the county of Iowa, by the Road from Oceola to Belmont.

way of Plattville. The commissioners or a majority of them shall meet at Plattville on or before the first Monday of August next, and proceed to the discharge of the duties assigned them by this act according to the provisions of the act regulating the mode of laying out territorial roads passed at the last session of the legislative assembly.

Expenses.

SECTION 2. The county commissioners of the counties of Grant and Iowa, shall audit and pay the expenses in their respective proportion to the amount of the road laid out in each. The commissioner shall receive each three dollars per day for the time necessarily employed in the discharge of the duties assigned them by this act.

Road from Mineral Point to Galena.

SECTION 3. *And it is further enacted,* That Lewis Curtis, Wm. J. Madden and George W. Hickok be, and are hereby appointed commissioners to locate and establish a territorial road from Mineral Point through Elk Grove to the state line of Illinois on the most direct and eligible route to Galena, and again commencing at Mineral Point and running eastwardly to intersect the military road leading from Prairie du Chien to Green Bay at or near the Blue Mounds. That Robert C. Hoard, John Messersmith, sen., and Henry L. Dodge be, and are hereby appointed commissioners to locate and establish a territorial road from Mineral Point through Dodgeville to Helena on the Wisconsin river, and that Charles F. Legate, Henry M. Billings and Cancil Moore be, and are hereby appointed commissioners to locate and establish a territorial road from Mineral Point through Diamond Grove to Savannah on the Wisconsin river by the most eligible route.

From Mineral Point to Helena.

To Savannah.

The commissioners or a majority of them shall meet at Mineral Point in the county of Iowa on or before the first Monday of August next and proceed to the discharge of the duties assigned them by this act, according to the provisions of the act regulating the mode of laying out territorial roads passed at the last session of the legislative assembly. And the county commissioners of the counties of Iowa and Danc shall audit and pay the expenses in their respective proportion to the amount of the road laid out in each, allowing the commissioners so employed each three dollars per day for the time necessarily employed in the discharge of the duties assigned them by this act.

SECTION 4. That Alvin Foster, George J. Goodhue and Charles Johnston are hereby constituted a board of commissioners to lay out a territorial road from Beloit in Rock county to Goodhue's mill at the head of Johnston's rapids on Rock river, passing through Janesville and Fort Atkinson on the east side of Rock river in the county of Jefferson on or before the first Monday of November next.

From Beloit to Goodhue's mill.

SECTION 5. That Caleb Blodget, Isaac Butler and William Bowen be and they are hereby constituted a board of commissioners to lay out and establish a territorial road from Mount Pleasant in Racine county, by way of Geneva village, outlet of Geneva lake, Jefferson Prairie and Beloit on Rock river.

From Mount Pleasant to Beloit.

SECTION 6. That George H. Williston, Henry F. Janes and James Briggs be, and they are hereby appointed commissioners to locate and make a territorial road commencing at Janes' ferry at Janesville, thence on the nearest and best route to Mineral Point.

From Janesville to Mineral Point.

SECTION 7. That Josiah Rice, J. H. Palmer and Richard Palmer be, and they are hereby constituted a board of commissioners to locate and establish a territorial road as follows, to wit: beginning at Madison in Dane county, thence by the most practicable route to New Mexico, and to the southern boundary of Green county, thence by the most practicable route to Freeport. The said commissioners shall be required to meet at Madison on the first Monday in September next and proceed to the discharge of their duties agreeably to the provisions of the above recited act.

From Madison to Freeport.

SECTION 8. *And be it further enacted,* That the commissioners above appointed be and they are hereby required to file with the clerks of the boards of commissioners of each county through which said roads may pass, a certified copy of the field notes and plat of said survey.

Approved June 23, 1838.

No. 80.

WHEREAS, By an act of the territory of Michigan, and which act was in force in the territory of Wisconsin, it was among other things required that justices