

AN ACT to organize certain towns in the county of Fond du Lac.

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

§ 1. That townships fourteen, fifteen, and sixteen, of range sixteen, townships fourteen and fifteen, and fractional township sixteen, of range seventeen, and townships thirteen, fourteen, fifteen, and the south half of township sixteen, of range eighteen, and townships thirteen, fourteen, fifteen, and the south half of township sixteen, of range nineteen, be and the same are hereby organized into a separate town by the name of Fond du Lac; and the first election in said town shall be held at the house of M. C. Darling.

Fond du Lac, of what townships composed.

§ 2. That fractional township seventeen, and the north half of township sixteen, of range eighteen, and fractional township seventeen, and the north half of township sixteen, of range nineteen, be and the same are hereby organized into a separate town by the name of Calumet; and the first election in said town shall be held at the house of George White.

Calumet, of what townships composed.

§ 3. That townships fourteen, fifteen, and sixteen, of range fourteen, and townships fourteen, fifteen, and sixteen of range fifteen, be and the same are hereby organized into a separate town by the name of Waupun; and the first election in said town shall be held at the house of Seymour Wilcox.

Waupun, of what townships composed.

APPROVED, February 18, 1842.

AN ACT to provide for the taking the census of the inhabitants of the Territory of Wisconsin, and to authorize the Governor to apportion the members of the Council and House of Representatives.

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

§ 1. That the sheriffs of the several counties of the Territory, are hereby authorized and required to cause the number of inhabitants of their respective counties and districts to be taken; omit-

Sheriffs to take census.

Omitting Indians.
Appoint deputies.

ting in their enumeration, Indians not citizens, and officers and soldiers of the United States army. And the sheriffs, aforesaid, shall have power to appoint as many deputies or assistants to aid them in taking said census, as they may deem necessary; assigning to each deputy or assistant, a certain division of his county or district, to be accurately defined, either by congressional township lines, the boundary of towns organized for town government, or be distinctly bounded by water courses or public roads.

Oath to be taken.

§ 2. The sheriffs, their deputies, or assistants shall respectively take and subscribe an oath or affirmation before some judge or justice of the peace, resident within their respective counties, previous to entering upon the discharge of the duties imposed by this act, that they will well and truly cause to be made a just and perfect enumeration of all the persons resident within the county or counties comprising their district, or within their division, as the case may be, and a true return thereof, make in pursuance of the provisions of this act, according to the best of their abilities. Every deputy to whom shall be assigned any division or district, shall return to the sheriff by whom the said division was assigned, a just and perfect enumeration of the inhabitants thereof, in such form as shall be prescribed by the secretary of the Territory for the sheriffs of the respective counties of the Territory; which returns shall be made to the sheriffs aforesaid, at least ten days before the period fixed by this act for said sheriffs to transmit their returns to the secretary of the Territory.

Deputies when to make return.

Penalty for neglect or false return.

§ 3. Every sheriff, deputy, or assistant, failing to make returns agreeably to the provisions of this act, or who shall make a false return of the enumeration in his county or division, shall forfeit and pay the sum of two hundred dollars, to be recovered in the name and for the use of the Territory, before any court of competent jurisdiction.

Actual inquiry by sheriff.

§ 4. The said enumeration shall be made by an actual inquiry by said sheriffs or assistants at every dwelling house, or by personal inquiry of the head of every family in their respective counties or divisions, and shall commence by the the first day of June, 1849, and shall be completed and closed in fifty days thereafter, and said enumeration shall include only those whose place of residence shall

be in said counties or divisions, on the first day of June aforesaid; and the several assistants shall within ten days after completing the enumeration as aforesaid make and deliver to the several sheriffs by whom they were employed, respectively, a true and accurate copy of the enumeration of all persons (Indians and soldiers excepted,) within their respective divisions, which enumeration shall be set forth in a schedule designating the townships, precincts, or districts comprising his division according to the civil or geographical boundaries thereof, and shall embrace the several families by the name of the head thereof, and the aggregate population therein.

Returns when made.

Schedule.

§ 5. The sheriffs of the several counties of the Territory, shall by the first of July next, prepare duplicate copies of the enumeration of the inhabitants of their respective counties, taken as aforesaid; and transmit one of said copies to the secretary of the Territory, and deliver the other to the register of deeds of the proper county to be by him recorded in his office and preserved on file, subject to the inspection of all persons concerned.

Duplicate copies.

§ 6. The sheriffs and assistants shall receive as compensation for the service to be performed under this act, at the rate of two dollars for every one hundred persons enumerated in their respective counties: *Provided*, that in those counties having a population of less than one thousand souls, there shall be allowed to the sheriffs or assistants at the rate of three dollars for every one hundred persons enumerated therein; *Provided, also*, that the sheriffs shall each be entitled to receive five dollars for making the abstracts or copies required by the preceding section.

Compensation. Pay for duplicates.

§ 7. The secretary of the Territory is hereby authorized and required to prepare before the fifteenth day of May next, and transmit to the several sheriffs of the Territory, the necessary blank forms for carrying into effect the provisions of this act.

Secretary to prepare instructions.

§ 8. As soon as the returns of the sheriffs of the several counties shall have been received by the secretary of the Territory, he shall proceed to make an abstract of the population of the several counties of the Territory, as shown by the returns of the sheriffs, aforesaid, which abstract he shall file in his office, and furnish a certified copy thereof to the Governor of the Territory.

Secretary to make and file abstracts.

Governor to apportion representatives.

§ 9. As soon as practicable after having been furnished with the enumeration of the inhabitants of the Territory, taken in pursuance of the provisions of this act, the Governor of the Territory shall apportion the thirteen members of the Council, and twenty-six members of the House of Representatives, among the several election districts as organized by law, according to their population, as near as may be, as shown by the census taken by virtue of this act.

Apportionment how made.

§ 10. In making said apportionment, the Governor shall proceed in the manner following, viz.

1st. The whole number of representative population of the Territory, excluding soldiers and officers of the United States army, and Indians, not citizens, shall be divided by the number fifty-two, the whole number of units of representation, the quotient shall be the ratio, or the number of population entitled to an unit of representation.

2d. The representative population of each election district shall be divided by said ratio. The quotients shall be the numbers of units of representation in the whole Legislative Assembly assigned to such district, and the remainders shall be the fractions.

Fractions how represented.

3d. The difference between the sum of the quotients and fifty-two, shall be made of the fractions, having regard to the size of the fractions and one unit of representation, shall be assigned to the district entitled thereto, for each fraction so taken, until the whole number of fifty-two is complete.

In dividing the representation.

4th. In dividing the whole representation of the several election districts between the two branches of the Legislative Assembly, every district shall be secured at least one representative in each branch.

5th. From the whole number of units assigned to each district, one unit shall be taken for each member of the House of Representatives, and two units for each member of the Council apportioned to such district, until nothing remains in their apportioning. The weight of representation of every district in the Legislative Assembly, shall be divided as equally as it may be between the two branches.

§ 11. It shall be the duty of the Governor at least thirty days Governor to issue proclamation. next preceding the annual election to be held in September next, to issue a proclamation declaring the apportionment made under this act, and to transmit to the sheriffs of the several counties of the Territory, a copy of the said proclamation; whereupon, the said sheriff shall post up notices of the election of members of the Council and House of Representatives, according to the apportionment made as aforesaid; which notices shall be in form as prescribed by the act to provide for and regulate general elections, any thing in said act requiring longer notice to the contrary notwithstanding.

APPROVED, February 18, 1842.

AN ACT to incorporate the trustees of the Delavan school.

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

§ 1. That there be and hereby is established in the town of Where located Delavan, Walworth county, a seminary of learning, for the instruction of persons of either sex in science and literature, by the name and style of the Delavan School; and Edward C. Delavan, Names of persons incorporated. Reuben Hyde Walworth, Henry Topping, Philip W. Lake, Thos. Topping, Salmon Thomas, Peter M. Keeler, John Topping, Henderson Hunt, Marcellus B. Goffs, Chauncey Parsons, and their successors in office, are hereby created a body politic and corporate, by the name and style of the Trustees of the Delavan School, by which name they and their successors shall forever after [be] known and declared [described;] and shall have perpetual succession, and power to acquire, purchase, receive, possess, hold, retain and enjoy, in deed and in law, to themselves and their successors, property, real, personal and mixed, and the same to sell, grant and convey, rent, or otherwise lawfully dispose of at pleasure, for purpose of education and no other. And they shall have power, under said corporate name, to contract and be contracted with, defend [and be defended,] plead and be impleaded, in all courts and places, in all actions, suits, complaints and causes what-