

No. 55.

AN ACT in relation to suits in favor of the Territory.

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

Attendance of witnesses, how procured.

SECTION 1. The Attorney General is authorized to issue subpoenas, and compel the attendance of witnesses on behalf of the Territory, without paying or tendering fees in advance; and any witness failing or neglecting to attend, after being served with a subpoena, may be proceeded against, and shall be liable, in the same manner, as now provided by law in other cases where fees have been paid or tendered.

Fees, how and when paid.

SEC. 2. The clerk of any court, at which any witness shall have attended on behalf of the Territory, shall give to such witness a certificate of travel and attendance, which shall entitle him to receive the amount from the Territorial treasury.

To what cases this act applies.

SEC. 3. The provisions of the two preceding sections of this act, shall extend to all suits and informations brought in the name of the Attorney General, or any other person or persons for the benefit of the Territory.

Approved, January 13th, 1840.

No. 56.

AN ACT to provide for laying out and establishing Territorial Roads therein named.

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

Read from Prairie du Chien to Fort Winnebago.

SECTION 1. That Berry Haney, Cyrus Leland, William Baxter and James S. Albon be appointed Commissioners, in addition to those appointed by an act approved March 11th, 1839, for the purpose of laying out a Territorial road from Prairie du Chien to Fort Winnebago.

From Madison to Sac Prairie.

SEC. 2. A Territorial road shall be laid out and established, running from Madison, the seat of government, on the most direct and eligible route to Sac's Prairie on the Wisconsin river, and that Isaac H. Palmer, Berry Haney and Mahlon Blaker be and are hereby, appointed Commissioners to lay out said road.

SEC. 3. A Territorial road shall be laid out and established on the nearest and best route from Mineral Point to Sac's Prairie, and that Charles O. Baxter, James S. Albon and Carey Johnson be, and are hereby appointed Commissioners to lay out said road.

From Mineral Point to Sac Prairie.

SEC. 4. A Territorial road shall be laid out and established, running from Sac's Prairie on the most direct and eligible route to Whitney's Mills on the Wisconsin river, also from Sac's Prairie to Fort Winnebago on the north side of the Wisconsin river, and D. B. Crocker, John S. Mann and William G. Simons be, and hereby are appointed Commissioners to lay out said roads.

From Sac Prairie to Whitney's Mills and to Fort Winnebago.

SEC. 5. A Territorial road shall be laid out and established, commencing at Rapid Croche, at a point where the Military road leaves Fox river, thence along the margin of said river, to the point of the hill below Garner's landing at the foot of the Grand Kackalin, thence to the town of Clifton, on Winnebago Lake, and Hoel S. Wright, John V. Suydam and Henry B. Kelso, are hereby appointed Commissioners to lay out said roads.

From Rapid Croche to Winnebago Lake.

SEC. 6. A Territorial road shall be laid out and established, running from the town of Two Rivers, on Lake Michigan, on the nearest and best route to Clifton on Lake Winnebago, and Robert M. Everts, J. V. Suydam and Samuel C. Chase be, and are hereby appointed Commissioners to lay out said road.

From Two Rivers to Lake Winnebago.

SEC. 7. That Enoch G. Darling, Elisha W. Edgerton and James M. Moore be, and are hereby appointed Commissioners to lay out and establish a Territorial road commencing at Prairieville, and running thence to the county seat of Jefferson county, thence by the most eligible route to Madison the seat of government.

From Prairieville to Madison.

SEC. 8. A Territorial road shall be laid out and established from a point where the Chicago state road intersects the south line of the Territory, near the outlet of Geneva Lake, by Elkhorn, to the county seat of Walworth county; and the mouth of White Water Creek to the county seat of Jefferson county; also a Territorial road shall be laid out and established from the south line of the Territory, at or near Beloit, thence running on the east side of Rock river, through the county seat of Jefferson county to Watertown, in said county; and Milo Jones, Lucius J. Barber and William Sanborne, be and are hereby appointed Commissioners to lay out said road.

From the line of the territory near Geneva Lake, to the county seat in Jefferson county

From Racine to
Fon-du-lac.

SEC. 9. A Territorial road shall be laid out and established, commencing at the town of Racine, and running thence by the nearest and most eligible route to Prairie Village, and thence through Lisbon to Fon-du-lac, and that E. S. Purple, Cephas L. Rockwood and George W. Wharton, be and are hereby appointed Commissioners to lay out said road.

From the Mil-
waukee and
Janesville road,
to Fort Atkinson.

SEC. 10. That Dwight Foster, George V. Thompson and Waterman Field, are hereby appointed Commissioners to lay out and establish a Territorial road, commencing at or near the twenty third (23) mile stake, in the Territorial road running from Milwaukee to Janesville, via Eagle Prairie, on the nearest and best route to Fort Atkinson.

From Walker's
Point to Wind
Lake.

SEC. 11. That Levi Godfrey, Levi G. Guild and Walter Shattuck are hereby appointed Commissioners to lay out and establish a Territorial road to commence at or near Walker's Point in the town of Milwaukee, on the nearest and best route to intersect the Territorial road on the west side of Wind Lake in the county of Racine.

From Racine to
Prairieville.

SEC. 12. That Gilbert Knapp, John Gale, jr. and Silas Griffith are hereby appointed Commissioners to lay out and establish a Territorial road to commence at or near the town of Racine in the county of Racine, thence running on the nearest and best route to intersect the road from Milwaukee to Madison, at Prairie Village, in the county of Milwaukee.

From the Mil-
waukee and
Janesville road
to Janesville and
Watertown road.

SEC. 13. Farnum Chickering, Elisha Newhall and Elias Ogden, are hereby appointed Commissioners to lay out and establish a Territorial road to commence at the point where the Milwaukee and Janesville road crosses the town line between towns three and four, in range sixteen east, thence on the nearest and best route to intersect the Janesville and Watertown road at the point where it crosses the town line between towns three and four, range thirteen east.

From — to
Fon du-lac.

SEC. 14. Robert Lockwood, Martin Field and Jonathan Parsons, be and are hereby appointed Commissioners to lay out and establish a Territorial road, to commence at the Territorial road running from Milwaukee to Beloit, where said road crosses the section line between sections twenty-five and twenty-six, in town four range seventeen in the town of Troy, thence running northerly by the nearest and best route to Fon-du-lac.

From Prairie-
ville to Fort At-

SEC. 15. That Cephas L. Rockwood, Horace Churchill and Milo Jones, are hereby appointed Commissioners to lay out and

establish a Territorial road from Prairie Village by Bark River Mill to Fort Atkinson in Jefferson county.

SEC. 16. Robert Grignon, Samuel R. Merrill and Daniel Whitney, are hereby appointed Commissioners to lay out and establish a Territorial road on the most direct and eligible route from the Winnebago Lake to the Wisconsin river, at or near Whitney's Mill.

From Winnebago Lake to Whitney's mill.

SEC. 17. Hamilton Stevens, J. P. Brown and are hereby appointed Commissioners to lay out and establish a Territorial road on the most direct and eligible route from Knagg's Ferry, on the Fox river, to Frankfort in Dodge county.

From Knagg's Ferry to Frankfort.

SEC. 18. David C. Bridge, Matthew G. Fitch and Lucius G. Fisher, are hereby appointed Commissioners to lay out and establish a Territorial road, commencing at Beloit in Rock county, and running thence on the nearest and best route to Mineral Point, in Iowa county.

From Beloit to Mineral Point.

SEC. 19. Samuel Hall, jr., Ira Pierce and E. C. Waterman, are hereby appointed Commissioners to lay out and establish a Territorial road, commencing at Southport, in Racine county, and running thence on the nearest and best route to Beloit, in Rock county.

From Southport to Beloit.

SEC. 20. Miles M. Night, Hugh R. Hunter and Benjamin Millian, are hereby appointed Commissioners to lay out and establish a Territorial road, commencing at Mineral Point, in Iowa county, and running thence on the nearest and best route to the state line of Illinois, at the point in said state line, where the road from Rockford, in said state through Winslow to Mineral Point crosses said state line.

From Mineral Point to the state line of Illinois.

SEC. 21. That the Commissioners appointed by this act shall have power to adopt such portion of any Territorial or United States' roads, which they may find to have been previously located on any of the said routes, [as they see fit.]

Discretionary power of Commissioners.

SEC. 22. That Thomas Hugill, James Moore and Robert Dunley, are hereby appointed Commissioners to lay out and establish a Territorial road, to commence at Plattville on the nearest and best route to Sinipee, in the county of Grant.

From Plattville to Sinipee.

SEC. 23. A. V. Hastings, David Southwick, and D. R. Shutts, are hereby appointed to lay out and establish a Territorial road commencing at the White Oak Springs, running by Shutts' Ford, on the Pekatonica, to Hamilton's Furnace, in Iowa county.

From White Oak Springs to Hamilton's Furnace.

Mode of proceeding by Commissioners.

SEC. 24. The Commissioners named in the preceding sections may meet at such time and place as they, or a majority of them, shall agree upon, and proceed to the discharge of their duties, agreeably to the provisions of an act to provide for laying out and opening Territorial roads, approved January 3, 1838.

No expenses to be paid by the Territory or any county.

SEC. 25. No part of the expenses incurred, or damages assessed for laying out said roads, shall be paid from the treasury of any counties through which said road may pass, nor shall any part thereof be paid out of the Territorial Treasury.

Repeal of former provision.

SEC. 26. The fourth section of the act entitled "An act to provide for laying out and establishing several roads therein named, approved March 7th, 1839, be and the same is hereby repealed.

From Burlington to Janesville.

SEC. 27. That Henry Phoenix, Nathaniel Bell, and Aaron W. Pope be, and they are, hereby, appointed Commissioners to lay out and establish a Territorial road commencing at Burlington, in the county of Racine, thence on the most direct and practicable route through Spring Prairie, Elkhorn, by the mills in Delavan, to Janesville in Rock county.

From Platteville to Centerville.

SEC. 28. That Thomas I. Parish, Joseph I. Basge, and Miles M. Vineyard are hereby appointed Commissioners to lay out and establish a Territorial road on the nearest and best route from Platteville, in Grant county, thence, via Wingville, to Centerville, in Iowa county.

Approved, January 13th, 1840.

No. 57.

AN ACT to provide for the support of common schools, and for other purposes.

Tax to be assessed for school purposes.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Wisconsin, That, for the better support and maintainance of common schools in this Territory,* it shall be the duty of the county commissioners, of each organized county, to add to the tax list, for the current expenses of each year, such sum as may be equal to one-fourth of one per cent upon the assessment roll for the same year and to include the same in their warrant to the collector, and the said collector shall