

to in section first of an act entitled "an act to provide for the appraisal and sale of school lands and granting pre-emptions thereon," approved February 9th, 1850—the pre-emption right to purchase any amount of land not exceeding one hundred and sixty acres, embracing such settlement or improvement, and to be selected by the claimant in legal subdivisions at the appraised value thereof.

SEC. 2. At any time before any such lands shall actually be offered for sale, any person or persons wishing to avail themselves of the right secured by this act, shall prove up their rights to such pre-emption, before the school commissioners by the affidavit of two or more disinterested witnesses together with his or her own affidavit, setting forth that he or she had at the time of their application for the premises therein described, made an actual settlement or cultivation thereon, and shall comply with the same conditions and obligations imposed upon other purchasers of said lands, and in case of non-compliance with the terms thereof, shall forfeit all right to pre-emption: Provided, That this section shall not be so construed as to allow the pre-emption right to extend to improvements made after the passage of this act, without an actual settlement. *And provided further,* That any person owning one hundred and sixty acres or more of land, shall not be entitled to the right of pre-emption under the provisions of this act.

SEC. 3. There shall be appointed by the Governor of the State of Wisconsin, three persons in each county in which any of the five hundred thousand acres of land granted by the United States to the State of Wisconsin, and appropriated to the school fund have been, or may be located, who shall proceed to appraise such lands located in the county for which they were appointed, as provided in the act to which this act is amendatory.

SEC. 4. So much of the act to which this act is amendatory, as conflicts with the provisions of this act, shall be and is hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.

SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 4th, 1851.

NELSON DEWEY.

An Act to authorize Richard H. McGoon to construct and maintain a dam across the Pekatonica river in La Fayette county.

Chap. 36.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SEC. 1. That Richard H. McGoon, his associates, succes-

Proviso.

sors and assigns, are hereby authorized to construct and maintain a dam across the Pekatonica river, on section number twenty, (20) in town number three (3) north of range number three (3) east of the fourth principal meridian, in the county of La Fayette, and there shall be constructed and kept in repair a chute or slide of sufficient size and proper construction to admit of the free passage of Fish over said dam, Provided, That said lands upon which said dam and its appurtenances are constructed shall be owned by the said Richard H. McGoon, or his associates or assigns: Provided also, that the said dam herein authorized to be erected shall not interfere with any dam already erected or heretofore authorized by law to be erected on said stream.

SEC. 2. The said dam may be constructed ten feet in height, the owner or owners thereof becoming responsible for all damages, if any, that may be sustained in consequence of the erection of said dam.

SEC. 3. Any person or persons committing any malicious injury to said dam, now or hereafter to be constructed under the provisions of this act, shall be liable to the owner or owners thereof for the amount of injury done, and all damages sustained may be collected before any court having competent jurisdiction, and in accordance thereto, upon conviction therefor, be punished in the manner provided by law for offences of that nature.

Conditions.

SEC. 4. The said Richard H. McGoon and his associates, successors or assigns shall construct and keep in good repair a sufficient slide not less than twelve feet wide in the clear and so constructed as not to cause a fall of more than three to every twelve feet horizontal surface, to admit of the free passages of fish over said dam.

SEC. 5. Whenever said River shall become navigable below said dam for boats, barges and other water craft, the said Richard H. McGoon and his associates, successors or assigns shall be required to construct and maintain in said dam, convenient locks for the passage of such boats, barges or other water craft and shall attend upon the same and pass and repass all such water crafts free of expense both to the owner and navigator's thereof.

SEC. 6. The Legislature may at any time repeal, alter or amend this act.

FREDERICK W. HORN,
Speaker of the Assembly.

SAMUEL W. BEALL,

Lt. Governor and President of the Senate.

Approved, February 4th, 1851.

NELSON DEWEY.