

kins, are hereby appointed commissioners to lay out and establish a territorial road commencing at Beloit in the county of Rock, thence by the best and most practicable route to the southwest corner of section number sixteen in town number four north of range ten east, thence northerly so as to intersect the road leading to Madison in the county of Dane. Road from Beloit.

SEC. 29. This act shall take effect from and after its passage.

Approved, February 19th, 1841.

### No. 33.

AN ACT supplementary to the several acts relating to the Milwaukee and Rock River Canal.

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

SEC. 1. That in the construction of the locks on the Milwaukee and Rock River canal, it shall be lawful to substitute wood instead of stone, whenever in the opinion of the chief engineer, approved by the canal commissioners, such substitution shall be deemed expedient. Wood may be substituted for stone in constructing locks

SEC. 2. The governor of the territory is hereby authorized to execute and issue bonds in the name of the territory, for any sum not exceeding one hundred thousand dollars, bearing an interest of seven per cent per annum, payable semi-annually: Governor may issue bonds for \$100,000.  
*Provided*, That all or any part of any moneys which may be borrowed in pursuance of this act, may be deposited in any sound specie paying banks, which shall be selected by the canal commissioners and the governor of the territory, subject to the draft of the receiver of the canal fund whenever the same may be required for expenditures on the canal, but in all other respects conformable to the provisions of the first section of the "act to provide for aiding in the construction of the Milwaukee and Rock River canal," approved February 25th, 1839: Money raised thereby, where to be deposited  
*Provided*, That the canal commissioners are required to, and shall How drawn by the receiver.

Where to be expended. expend upon the western termination of said canal, at least one fourth of the amount of moneys borrowed in pursuance of the provisions of this act: *Provided further*, That it shall not be lawful for the Milwaukee and Rock River canal company to increase the rate of interest on said bonds.

Rate of interest thereon not to be increased. SEC. 3. For the redemption and payment of the principal and interest of any loan which may be made agreeably to the provisions of this act, at the time or times when the same may become due, the same securities are, and shall be pledged, as are provided in said "act to provide for aiding in the construction of the Milwaukee and Rock River canal:" *Provided however*,

Paym't of the said bonds, how secured. That in case a loan shall have been effected on the part of the territory previous to the execution and issue of the bonds provided for in this act, by the sale of the bonds heretofore issued, then the bonds, herein provided for, shall be issued to such an amount only, as shall, with the loan thus effected, be equal to the sum of one hundred thousand dollars: *And provided further*,

Less amount of bonds issued in case. Unnegotiated bonds heretofore issued, to be recalled. That those bonds heretofore issued on the part of this territory, which shall not have been negotiated, shall be recalled prior to the issue and sale of the bonds authorised by this act.

Application for the purchase of canal lands, how to be made. SEC. 4. Any person wishing to purchase any portion, not exceeding one quarter section of the lands appropriated by Congress to aid in the construction of the Milwaukee and Rock River canal, and not reserved from sale as embraced by the 14th and 18th sections of the said act of the 26th of February, 1839, shall make application in writing, for the same, to the board of canal commissioners; which application shall be accompanied by the affidavit of said applicant, and other evidence to the satisfaction of the commissioners, that such land is wanted for immediate occupation and cultivation.

Com'rs. to furnish governor with a list of lands applied for. SEC. 5. It shall be the duty of the commissioners to make out, in the manner provided in the said "act to provide for aiding in the construction of the Milwaukee and Rock River canal," a list and appraisal of such tracts of land as may be applied for, and which the commissioners may deem it advisable to sell, and forward the same to the governor, on or before the first day of September of each year.

SEC. 6. The governor shall, on the receipt of said list of

lands applied for, forthwith order all lands therein described, to be sold at public sale to the highest bidder, giving at least three months' notice by proclamation, of the time when such lands will be offered for sale, and such sale shall be conducted agreeably to the provisions of said act, to provide for aiding in the construction of the Milwaukee and Rock river canal.

Governor by proclamation, to order sale of such lands.

SEC. 7. For each tract of land sold as herein provided, the sum of ten per centum shall be paid to the receiver on the day of sale; upon the receipt of which the receiver shall deliver to the purchaser, a bond executed by him the said receiver, in behalf of the territory, conditioned that if the purchaser, his heirs or assigns, shall pay one fourth part of any balance, which may be due over and above the said ten per centum in seven years from the day of sale of said lands, another fourth part in eight years, another fourth part in nine years, and the remaining fourth part in ten years from said day of sale, together with interest at the rate of seven per cent per annum, on each of said payments, payable semi-annually, and all taxes which shall be lawfully levied or assessed on the said land, he or they shall receive a deed, or patent, for the land described in said bond, to be executed by the governor of the territory, or future state.

One tenth of the purchase money to be paid down, the remainder on time.

Receiver shall give bonds to the purchaser. Condition of said bonds.

SEC. 8. If the said purchaser, his heirs or assigns, shall fail to fulfil the conditions, as aforesaid, or any part thereof, such purchaser, his heirs and assigns, shall forfeit all right conferred by any of the conditions of said bond; and any moneys paid on said bond shall be the property of the territory, as damages for such failure: *Provided however*, That nothing herein contained shall be so construed as to prevent any purchaser, his heirs or assigns, from paying for any lands so purchased, at any time previous to the time specified in the conditions of the aforesaid bonds, and the interest shall only be computed from the day of sale up to the time of such payment; and at any time when such payment and the improvement herein required shall be made, the purchaser, his heirs or assigns, shall be entitled to receive the deed or patent for the land so purchased and improved.

Purchaser to forfeit moneys paid, in case.

SEC. 9. Any person, purchasing any of said canal lands, shall, upon receiving his bond from the receiver, present the

Bonds to purchasers to be recorded by register. same to the register, whose duty it shall be to record the same in a book to be kept for that purpose, and to mark, as sold, on the map in his office, the tract described in said bond.

Notice of forfeitures to be published by com'rs. SEC. 10. It shall be the duty of the canal commissioners, and they are hereby authorised and required, to declare any bond given by the territory, according to the provisions of this act, to be forfeited, whenever the purchaser, his heirs or assigns, of the tract of land for which such bond was given, shall fail to fulfil the conditions of said bond, as required by this act; and the territory, or future state, shall not be holden for any moneys which may have been paid on such forfeited bonds; and said commissioners shall give public notice of such forfeiture, by publishing the same three weeks in a newspaper printed in Milwaukee, specifying on what condition such forfeiture was declared; and all such lands so declared to be forfeited, shall be subject to be sold in like manner as if it had not been previously sold and forfeited.

Such notice to be given to governor by the register. Fulfilment of conditions of bond to be certified on bond. SEC. 11. It shall be the duty of the register to notify the governor of all forfeitures, and make the proper entries in the books of his office; and when the conditions of any bond made in accordance with the provisions of this act, shall have been complied with, the receiver shall certify the same on the face of the bond; and upon the presentation of the bond so certified, to the register, he shall enter such certificate on the record, and certify the same on said bond.

Gov'nor shall give deeds on certified bonds SEC. 12. The governor of the territory is hereby authorised and required, upon presentation of any such bond, certified according to the provisions of the preceding section, to issue to the purchaser named in such bond, his heirs and assigns, a deed or patent for such tract of land as may be described in the bond so presented.

Trespasses on canal land—how prosecuted. SEC. 13. It shall be the [*duty of the*] acting commissioner to protect from trespass and waste all timber growing on any of the lands appropriated for the construction of said canal; and he is hereby authorised and required to institute suits in the name of the board of canal commissioners in behalf of the territory, against any person trespassing or committing waste on

any of said lands; and generally to protect and have the supervision of said lands.

SEC. 14. It shall be the duty of the register to ascertain what tracts, if any, of the canal lands, the purchase money of which has not been fully paid, may be sold for any tax or taxes, and to redeem the same with any moneys in the hands of the receiver. Said money shall be paid by the receiver on the check of the register, specifying the object thereof; and each of said officers shall make entries in their proper books of such payments; which shall be a lien upon the lands until paid, and shall draw an interest of thirty per cent per annum; and if the amount of such taxes, interest and charges, shall not be redeemed, within two years from the time of the sale of any such tract of land for taxes, the same shall be forfeited to the territory.

Certain lands sold for taxes, to be redeemed by the register

Title; how regained by the purchaser.

SEC. 15. The chief engineer shall be hereafter entitled to receive a compensation of five dollars per day for the time actually employed on the canal, when thereto required by the canal commissioners: *Provided*, That his salary or compensation shall not in any one year exceed the sum of twelve hundred dollars.

Compensation of the chief engineer.

SEC. 16. This act shall take effect from and after its passage, and all acts and parts of acts contravening the provisions of this act, are hereby repealed.

When this act to take effect.

Approved, February 12th, 1841.

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### No. 34.

AN ACT for the relief of the Settlers on the Canal Lands in the counties of Milwaukee and Jefferson.

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

SEC. 1. That the collection of the semi-annual interest, due on the 23d day of December, in the year of our Lord eighteen hundred and forty, and the interest hereafter to become due on

Collection of interest due on canal lands postponed.