

SEC. 2. If any purchaser, his heirs, executors, or assigns, of any tract of canal lands, shall not have filed with the register a bond and mortgage as required by the eleventh section of the said act, approved on the 26th of February, 1839, within six months from the passage of this act, and shall fail or neglect from any cause to make payment of the interest and principal moneys becoming due on such land, at the time or times when the same shall become due, every such purchaser, his representatives or assigns, shall forfeit all right, legal or equitable, to such lands.

Purchasers to forfeit lands by not filing bond and paying interest.

SEC. 3. This act shall take effect from and after its passage.

Approved, February 19th, 1841.

### No. 36.

AN ACT to authorize the construction of a towing path from the western termination of the Milwaukee and Rock River canal to Jefferson.

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

SEC. 1. That Abraham Vanderpoel, Enoch G. Darling, William Sanborn, Alvin Foster and Alpheus E. Taylor, be, and they are hereby appointed commissioners to locate and construct a towing path on the east bank of Rock river, not exceeding twenty feet in width, above high water mark, from the present western termination of the Milwaukee and Rock River canal, as located by the Milwaukee and Rock River canal company, to the junction of the Rock and Crawfish rivers, at Jefferson, the county seat of Jefferson county.

Towing path, where to be located.

SEC. 2. It shall be lawful for said commissioners, or any of them, or their agents, to enter upon, and take possession of, any lands and materials, necessary for the construction of said towing path, doing, however, no unnecessary damage; and in case any lands or materials taken for the construction of said work, shall not be given or granted for the purpose aforesaid, and in case said commissioners shall not be able to acquire for and in the name of the territory, a title to the same by agreement

Lands and materials necessary, how obtained.

with the parties concerned, a board of appraisers shall be appointed, consisting of three persons, one of whom shall be appointed by the commissioners before named and hereby appointed; one by the claimant or claimants applying for damage, and one by the county commissioners of Jefferson county; who shall, before they enter upon the duties of their office, severally take an oath or affirmation, before some person authorised to administer oaths, faithfully and impartially to perform the duties required of them by this act; and it shall be the duty of said appraisers, or a majority of them, to make a just and equitable estimate and appraisal of the loss or damage, if any, over and above the benefit and advantage accruing by said work, to the respective owners, proprietors or parties interested in said lands or materials so taken for the purpose aforesaid, and make a report of their said assessment; which report shall be filed in the office of the clerk of the district court of said county of Jefferson; and the said commissioners, hereby appointed, shall pay the damages so assessed and appraised; and the fee simple of the premises so taken and appropriated, shall thereupon vest in the territory or future state of Wisconsin: *Provided, however,* That if the owner or owners of the lands or material so taken, shall not make application to said commissioners, for the payment of damages by them sustained, within one year after such lands or materials shall have been taken possession of by said commissioners, he or they shall thenceforth be debarred from the collection of any damages from said commissioners, for the lands or materials so used and appropriated: *Provided further,* That if either party shall feel aggrieved by the decision of said board of appraisers, he or they shall have the right to appeal to the district court of said county of Jefferson.

SEC. 3. The work hereby authorised to be constructed shall be completed within the time limited for the completion of the Milwaukee and Rock river canal; and if said work shall not be completed within the time above limited, or shall be abandoned, all the lands taken for the purpose aforesaid, shall revert to the original owners, their heirs or assigns.

To revert to the owners, in case.

Towing path to be a highway.

SEC. 4. The towing path so constructed, shall be forever a public highway, for the purpose of towing boats and other wa-

ter crafts on said river, between the places before mentioned, and shall be free of toll; and if any person shall wilfully obstruct the navigation of the river along said towing path, or shall place any obstruction on said towing path, or do any injury or damage thereto, the person or persons so offending, shall forfeit and pay a fine of not more than twenty-five, nor less than ten dollars, over and above the expense of removing such obstructions; to be paid into the treasury of the county of Jefferson, to be sued for and recovered, before any court of competent jurisdiction, on complaint of either of the commissioners hereby appointed, or the commissioners of said county.

Penalty for obstructing it.

SEC. 5. No part of the expense of constructing said work shall be paid out of the territorial treasury or that of the county of Jefferson. Expenses.

SEC. 6. This act may be altered, amended, or repealed, by any future legislature of the territory or state of Wisconsin, and shall take effect from and after its passage.

Approved, February 19th, 1841.

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## No. 37.

AN ACT to provide for the completion of the Capitol at Madison.

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

SEC. 1. The treasurer of the territory is hereby authorised to issue, in the name of the territory, and under his hand and seal, countersigned by the commissioner of public buildings, seventy bonds of one hundred dollars each, bearing an interest of seven per cent per annum, from the first day of April, A. D. 1841, redeemable and payable from any moneys in the territorial or state treasury, as the case may be, not otherwise appropriated, in two years from the date aforesaid; which bonds may be transferable by endorsement.

Treasurer to issue bonds for \$7,000 in the name of the territory.

SEC. 2. The treasurer aforesaid, on or before the first day