Statute II.

June 18, 1838.

CHAP. CXIV.—*An Act to grant a quantity of land to the Territory of Wisconsin, for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock river.* (a)

Certain lands granted to Wisconsin to aid in opening a canal, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, granted to the Territory of Wisconsin, for the purpose of aiding in opening a canal to unite the waters of Lake Michigan, at Milwaukee, with those of Rock river, between the point of intersection with said river, of the line dividing townships seven and eight and the Lake Koshkonong, all the land heretofore not otherwise appropriated or disposed of in those sections and fractional sections which are numbered with odd numbers on the plats of the public surveys, within the breadth of five full sections, taken in north and south, or east and west tiers, on each side of the main route of said canal, from one end thereof to the other, and reserving the even numbered sections and fractional sections, taken as above, to the United States; and the said land, so granted to aid in the construction of said canal, shall be subject to the disposal of the Legislature of the said Territory, for the purpose aforesaid, and no other: *Provided*, That the said canal, when completed, and the branches thereof, shall be, and for ever remain, a public highway, for the use of the Government of the United States, free from any toll or other charge whatever, for any property of the United States, or persons in their service, passing through the same: *Provided*, That said main canal shall be commenced within three years, and completed in ten years, or the United States shall be entitled to receive the amount for which any of said land may have been previously sold, and that the title to purchasers under the Territory shall be valid.

Lands so granted shall be subject to the disposal of the Legislature.

Proviso.

Proviso.

The Governor shall transmit a plat of the route, &c. to the Com. of the Gen. Land Off., who shall ascertain the lands herein granted, and cause lists of them to be prepared, &c.

Sec. 2. *And be it further enacted*, That so soon as the route of the said main canal shall be definitively located and established, agreeably to an act of the Legislature of said Territory, incorporating the Milwaukee and Rock river Canal Company, approved January fifth, 1838, it shall be the duty of the Governor thereof, to transmit a plat of the same, showing its terminations and its connections with the section-corners of the public surveys, to the Commissioner of the General Land Office, whose duty it shall be to ascertain, under the direction of the President of the United States, the particular lands herein granted to said Territory; and shall cause duplicate lists of the same to be prepared from the plats on file in his office, one of which he shall transmit to the Governor of said Territory, who, or such other person or persons as shall be appointed for the purpose, under the authority of the Legislature of the said Territory, or of the State which may be erected out of the same, after the admission of such State, shall have power to sell or convey the whole, or any part of said land, at a price not less than two dollars and fifty cents per acre, and to give a title in fee simple therefor, to whomsoever shall purchase the whole or any part thereof.

Prices of the land.

Sec. 3. *And be it further enacted*, That the alternate sections and fractional sections which shall remain to the United States, agreeably to the first section of this act, shall not be sold for a less sum than two dollars and fifty cents per acre, nor be subject to pre-emption.

Sections divided by route of main canal, how to be counted.

Sec. 4. *And be it further enacted*, That in reference to the provisions of the first section of this act, where a section shall be divided by the route of the main canal, such section shall be counted (in fixing the lateral limits of said grant) as being on or towards that side of the line next the larger portion of said section, ascertained by reference to the mile-lines and corners of the sections, and the land and water thereby included.

(a) See notes of the acts relating to the territory of Wisconsin, April 20, 1836, chap. 54.

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Whenever the Terr. of Wisconsin shall become a State, such part of the lands hereby granted as may not have been sold shall vest in the State, &c.

Number of shares the State of Wisconsin may hold in said canal, &c.

Provisions relating to the claims of stock, &c.

Proviso.

Wisconsin responsible to the U.S. for all moneys received, &c. if, &c.

Assent of the Legislature required.

The Legislature of Wisconsin may borrow upon a pledge of said lands.

Sec. 5. *And be it further enacted*, That whenever the Territory of Wisconsin shall be admitted into the Union as a State, the lands hereby granted for the construction of the said canal, or such part thereof as may not have been already sold, and applied to that object, under the direction of the Territorial Government, shall vest in the State of Wisconsin, to be disposed of under such regulations as the Legislature thereof may provide, the proceeds of sale to be applied to the construction of the said canal, or of such part thereof as may not have been completed; and the State of Wisconsin shall be entitled to hold, in virtue of the grant hereby made, as many shares of the stock of the said canal as shall be equivalent to the aggregate of all the sums of money arising from the nett proceeds of the sales of the said lands, and applied to the construction of the canal, any thing in the charter of the Milwaukee and Rock river Canal Company to the contrary notwithstanding, and shall be entitled to the same dividends on said stock as any other stockholder; and in the event that the said State shall make no other adequate provision for purchasing out the residue of the stock of the said canal, the dividends of the State stock hereby acquired, and all other proceeds of the sales of the lands hereby granted, shall constitute a fund, and be applied to the extinguishment of the claims of all other stockholders, until the entire stock vested in the canal shall have been acquired by the State: after which, and after the said State shall have been reimbursed for all expenses incurred out of her own proper funds in the construction and repairs of said canal, no other tolls or charge whatever, for the use or navigation of the said canal shall be levied, except to such amount as may be required to keep the said canal and the works appurtenant thereto in good repair, and provide for the collection of the tolls and the superintendence of said canal: *Provided, moreover*, That no part of the said lands shall be sold for less than two dollars and a half per acre, nor any sale made until after three months' public notice thereof, and to the highest bidder; but in case such price cannot be obtained therefor, within five years from the first sale attempted to be made, it shall and may be lawful for the Territorial or State Legislature of Wisconsin to reduce the minimum price of the said lands.

Sec. 6. *And be it further enacted*, That the said State of Wisconsin shall be held responsible to the United States, and for the payment into the Treasury thereof, of the amount of all moneys received upon the sale of the whole or any part of said land, at the price at which the same shall be sold, not less than two dollars and fifty cents per acre, if the said main canal shall not be commenced within three years, and completed within ten years, pursuant to the provisions of the act creating said canal corporation.

Sec. 7. *And be it further enacted*, That, in order to render effectual the provisions of this act, the Legislature of the State to be erected or admitted out of the territory now comprised in Wisconsin Territory, east of the Mississippi, shall give their assent to the same by act to be duly passed.

Sec. 8. *And be it further enacted*, That, for the purpose of securing a better price for the lands hereby granted, and expediting the construction of the said canal, the Territorial Legislature of Wisconsin may borrow, upon a pledge of the said lands, such sum or sums of money as they may think expedient, and defer the sale of said lands, or any part thereof, until such time or times, not exceeding two years beyond the period of the completion of said canal, as they may deem expedient; and for such sum or sums as may be so borrowed, and applied to the construction of said canal, the State of Wisconsin shall be entitled to such interest in the stock of said canal as shall be equivalent thereto in

amount, and the interest so acquired shall be subject to all the obligations and restrictions provided in the last section of this act.

Assent of Congress hereby given to the act of the Legislature of Wisconsin, incorporating the Milwaukee and Rock river canal company.

Sec. 9. *And be it further enacted*, That the assent of Congress is hereby given to the act of the Territorial Legislature of Wisconsin entitled an act to incorporate the Milwaukee and Rock river Canal Company, subject to the preceding modifications and to the following provision; that in estimating the principal sum and interest to be paid by the said Territory or the future State of Wisconsin to the stockholders of the said canal, a credit shall be given to the Territory or State for all dividends received by the said stockholders prior to the extinguishment of their interest in the said canal, in the mode provided by the twenty-third section of the said act of incorporation.

Tolls.

Sec. 10. *And be it further enacted*, That Congress may, at any time until said Territory shall be admitted as a State, prescribe and regulate the tolls to be received by said company; and after said Territory shall be admitted as a State, the Legislature thereof shall possess the like power; and said act of incorporation is hereby approved, subject to the modification and conditions aforesaid.

Lands probably falling within limits of said grant, &c., to be reserved from sale.

Sec. 11. *And be it further enacted*, That the Secretary of the Treasury shall reserve from sale the lands probably falling within the limits of said grant, and the lands which, by the first section, were reserved to the United States, until the said canal can be located and the lands selected as contemplated by this act, and no pre-emption right shall attach thereto.

Approved, June 18, 1838.

Statute II.
June 18, 1838.
1839, ch. 27.

Chap. CXV.—*An Act to reorganize the district courts of the United States in the State of Mississippi.* (*a*)

Mississippi divided into two districts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Mississippi shall be, and the same is hereby, divided into two districts, in the following manner, to wit: The counties of Noxubee, Winston, Attala, Carrol, Bolivar, Coahoma, Tunica, De Soto, Marshal, Tippah, Tishemingo, Itawamba, Monroe, Lowndes, Oaktibbeha, Choctaw, Yalobusha, Tallehatcha, Penola, Lafayette, Pontotoc, and Chickasaw, in said State, shall compose one district, to be called the northern district, and a court shall be held for the said district, at the town of Pontotoc, and the residue of the counties of the said State shall hereafter compose the southern district of Mississippi, and a court shall be held for the same, as heretofore, at the city of Jackson.

Northern district.

Southern dist.

U. S. district judge for Miss. to hold two terms a year in northern dist.

Sec. 2. *And be it further enacted*, That there shall be two terms of the district court, for the northern district, held at Pontotoc, in each year, to begin on the first Monday of June and December, and the district judge of the United States for the State of Mississippi is hereby required to hold the courts aforesaid.

All cases pending in the dist. court at Jackson, &c. to be transferred for trial, &c.

Sec. 3. *And be it further enacted*, That all causes at law or in chancery, and all indictments pending in the district court at Jackson, in which the defendant or defendants resided in the northern district (hereby established) at the time of serving process or the finding of a bill of indictment, shall be transferred for trial to the district court for the said northern district, and be proceeded in, heard, adjudged, and determined, in the same manner as though originally commenced or prosecuted in the said court; and it shall be the duty of the clerk of the district court at Jackson, safely to transmit to the clerk of the district court at Pontotoc, the original papers in all cases and prosecutions hereby ordered to be transferred, together with a transcript of all orders and other proceedings had thereon.

The original papers to be transferred.

(*a*) See notes of acts relating to the district court of Mississippi, vol. 3, 611.