

in this territory other than on the land on which said road shall run, and which may be actually necessary for the construction of said road. When the said company cannot agree with the owner or owners of such required lands for the purchase thereof or for damages sustained by such owner or owners of any land, gravel or stone, taken for the purpose aforesaid, or when by reason of legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, application may be made to any justice of the peace of the proper county in which the property wanted may lie, who shall thereon issue his warrant under his hand and seal, directed to the sheriff of said county, requiring him to summon a jury of five good and lawful electors of his county not interested, to meet on or near the property or materials to be valued, on a day and hour named in said warrant; no less than five, nor more than ten days after the issuing the same; and before they act, the sheriff shall administer an oath to each, that they will well, truly, faithfully and impartially value the land or materials so to be valued, and their verdict shall be subject to appeals as in other cases.

How prices  
fixed.

Approved January 11, 1838.

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### No. 61.

AN ACT to authorize Jean Brunet to establish and keep a ferry across the Wisconsin river.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin as follows:* That Jean Brunet, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Wisconsin river at that place where the military road, running from Prairie du Chien to Fort Winnebago, crosses said river, for the term of ten years from and after the passage of this act: *provided*, that said ferry, when so established, shall be subject to the same regulations as other ferries are or may be hereafter by law in this territory, fixing the rates of toll and prescribing the manner in which licensed ferries shall be kept and attended to.

**SECTION 2.** That no district, county or board of county commissioners shall have power to grant license to any person to establish a ferry across said river, within one half mile immediately above or immediately below the place aforesaid.

Approved January 17, 1838.

**No. 62.**

**AN ACT** to organize the county of Walworth and to establish the seat of justice thereof.

County organized.

**SECTION 1.** *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That the county of Walworth, shall be organized from and after the first day of January, A. D. eighteen hundred and thirty-nine, and the inhabitants thereof be entitled to all the rights and privileges to which by law the inhabitants of other organized counties of this territory, are entitled to. And the said county shall continue to be a part of the third judicial district, and a district court shall be held therein at the seat of justice of said county, at the court house or such other place as may be provided. Two terms of said district court, shall be held annually after the organization of said county on the third Monday in July and the first Monday in December; and the several acts concerning the district courts of the territory of Wisconsin shall be, and they are hereby made applicable to the district court of the county of Walworth.

Terms of the district court.

Seat of justice.

**SECTION 2.** *Be it further enacted,* That the seat of justice in said county shall, from and after the organization of the same, be established either at Elkhorn, situated at the center of the county, Delavan, situated near Turtle lake, or Geneva, at or near the outlet of Geneva lake, or Franklin, at Doctor Hemingway's, as may be decided by the male inhabitants of the age of twenty-one years, who are actual residents of the said county as is hereinafter provided.

To be determined by vote.

**SECTION 3.** At the next general election in said county, the qualified electors thereof shall by their votes select one of the places named in the second section of this act, as the future seat of justice of said