

## No. 96.

AN ACT supplementary to an act entitled an act to regulate the mode of petitioning the legislative council in certain cases.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That all petitions that may hereafter be presented to the legislative assembly of this territory, when the particular rights or privileges of any individual or individuals, bodies politic or corporate, may be affected or infringed, shall be in conformity with the provisions of the act to which this is a supplement, and shall in addition thereto be accompanied with the following affidavit to be sworn to by the person or persons who may have carried about or put the said petition in circulation :

TERRITORY OF WISCONSIN, }  
County of \_\_\_\_\_, } ss.

I, A. B., do solemnly swear that I have presented the above petition to the persons whose names are thereunto subscribed and that, to the best of my knowledge, they are all residents of this county, are of proper age and have the qualifications of voters, and that the true object of said petition has been explained, and that the signatures are all signed by the proper persons whose names appear thereto, or by some person duly requested so to do by such person.

[Signed] C\_\_\_\_\_ D\_\_\_\_\_.

Sworn and subscribed to before me at my office this  
— day of —, 18 .

E\_\_\_\_\_ F\_\_\_\_\_,  
Justice.

Approved Jan. 19, 1838.

## No. 97.

AN ACT to prevent trespass and other injuries being done to the possession of settlers on the public domain and to define the extent of the right of possession on the said lands.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That hereaf-

ter in actions of trespass *quare clausum fregit*, trespass, Possession of  
 ejectment, forcible entry and detainer, as well as forcible unenclosed  
 detainer only, when any person may be settled on public lands.  
 any of the public lands in this territory, where the same have not been sold by the general government, his, her or their possession shall be considered on the trial as extending to the boundaries embraced by the "claim" of such person or persons, so as to enable him, her or them to have and maintain either of the aforesaid actions, without being compelled to prove an actual enclosure; *provided*, that such "claim" shall not exceed in number of acres the amount limited to any one person, according to the custom of the neighborhood in which such land is situated, and shall not in any case exceed in extent three hundred and twenty acres; *and provided*, that such "claim" may be located in two different parcels as will suit the convenience of the holder. But no such holder shall be entitled to hold a "claim," less than the smallest legal subdivision agreeable to the laws of the United States relative to selling the public lands. And all such claim or part of a claim shall be marked out, so that the boundaries thereof can be readily traced, and the extent of said claim easily known: *provided*, that no person shall be entitled to sustain either of said actions for possession of, or injury done to, any "claim" (except mineral lots) unless he has actually made an improvement as required by the custom of the neighborhood in which such claim or claims are situated. Proviso.

SECTION 2. A neglect of a claim by the owner, and those under whom he claims, for a period of six months or more shall be considered such an abandonment, as to preclude said owner from sustaining either of the aforesaid actions. Abandonment.

SECTION 3. Nothing in this act contained shall be construed to prevent any person from sustaining either of the aforesaid actions, when there shall be an actual enclosure for an injury done within the same although the "claim" of such person enclosed and unenclosed may exceed in the whole three hundred and twenty acres. Present law not changed in some respects.

Approved January 19, 1838.