

of the funds which may be hereafter applicable to said work, be and the same is hereby repealed.

J. McM. SIAFTER,

Speaker of the Assembly.

E. B. DEAN, JR.

President pro tem. of the Senate.

Approved, April 14, 1852.

LEONARD J. FARWELL.

[*Published, June 9, 1852.*]

An Act to provide for the completion of the improvement of the Fox and Wisconsin Rivers.

Chap 340

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of providing for the completion of the improvement of the Fox and Wisconsin rivers and of the canal to unite the said streams, the lands granted by congress and remaining unsold by the state, estimated to be about two hundred thousand acres, shall be selected and brought into market, and the minimum price at which said lands shall be sold shall not be less than two dollars and fifty cents per acre, except as hereinafter provided: *Provided however,* That said lands shall not be disposed of except as said improvements progress, *Provided,* that is, so much of said lands may be sold as will produce the sum of twenty thousand dollars; and the sales shall then cease until the Governor shall certify the fact to the president of the United States, that one-half of said sum has been expended upon said improvement, when a further sale may be made of a sufficient quantity to reimburse the amount expended, and then the sales shall progress as the proceeds thereof shall be expended, and the fact of such expenditure certified in the manner hereinbefore mentioned.

Lands to be brought into market.

SEC. 2. Every person who may enter at private sale any of said lands, shall be entitled to the terms of payment as follows, to wit: one-tenth of the purchase money to be paid at the day of sale, and the interest on the balance of the purchase money, at the rate of seven per cent. per annum, to the first day of January following; the balance of the principal to be paid in ten equal annual installments, with like interest payable in advance, at least thirty days prior to the first day of January in each year, at the treasury of the state land office: *Provided,* That nothing herein shall prevent any purchaser from paying the whole balance of purchase money at any time, if he

Terms of payment.

Provided.

chooses so to do. And if any person residing upon or who has made improvements upon any of said lands, or who is claiming the same by pre-emption, shall desire to pay the whole amount of purchase money at the time of making his entry of the lands claimed by him, he shall be entitled to enter the same at one dollar and twenty-five cents per acre: *And provided further*, That the register shall give a certificate upon such sale setting forth the terms and conditions thereof, which shall have the same force and effect and no other, and be liable to forfeiture in the same manner as certificates issued under the twenty-fourth chapter, title eight of the revised statutes, by the commissioners of school and university lands.

Treasurer to
make returns of
sales.

SEC. 3. It shall be the duty of the treasurer of the state land office to make monthly returns on the first day of each month, to the state treasurer, of the quantity of lands sold, and the amount of moneys received during the month preceding the date of such report, and on the first day of January in each year and quarterly thereafter, the register shall transmit to the secretary of state, duplicate copies of all certificates of sale granted by him, and all payments made upon said certificates, except the one-tenth and interest paid at the time of sale, shall be paid into the state treasury, and it shall be the duty of the treasurer of the state land office to pay into the state treasury quarterly or oftener if directed so to do by the Governor of the state, all moneys received by him except the one-tenth of the purchase money upon such sales.

How money ap-
propriated.

SEC. 4. The moneys arising from sales of lands as provided in this act, and payable into the state treasury, except so much thereof as may be deemed necessary by the board of public works to complete the navigation of the canal and upper Fox river between the Wisconsin river and Lake Puckaway, shall be set apart as a separate and distinct fund, for the purpose of paying interest on, and redeeming the stock certificates hereinafter mentioned, and shall be applied from time to time upon the warrant of the Governor, to the payment of the interest on the said certificates as the same shall become due, and for the redemption of the said certificates as the same may become due, and for the redemption of said certificates as they may become redeemable, and for the payment of expenses incurred in preparing, issuing, and paying said certificates; and the said fund shall be and remain inviolably pledged and appropriated to the purposes aforesaid until the said certificates shall be fully paid: *Provided*, That if at any time there shall be a surplus of moneys in the treasury

Proviso.

which may not be required for immediate application to the interest or principal sums due on said certificates, the Governor is hereby authorized to direct the same to be invested in such manner as may by law be provided for the investment of school funds, or may apply such surplus to the purchase of the stock certificates issued in conformity with the provisions of this act.

SEC. 5. The secretary of state under the direction of the Governor, shall cause stock certificates to be prepared of such denominations, payable at such place, and at such limited periods not exceeding ten years from the date thereof, as he may deem expedient, and bearing interest at the rate of twelve per cent. per annum, payable on the first day of January in each year. The said certificates shall be in the following or equivalent form:

STATE OF WISCONSIN.
IMPROVEMENT FUND CERTIFICATE.

STATE DEPARTMENT,
Madison, ———, 18—.

Form of certificate.

This certificate entitles _____ or _____ assigns to receive _____ dollars, on the _____ day of _____ 18—, and the interest thereon at the rate of twelve per cent. per annum, on the first day of January in each year, until the time when the principal sum will be payable at _____; and for the redemption thereof and for the payment of interest thereon, the moneys arising from the sales of land granted by congress to the state of Wisconsin in aid of the improvement of the Fox and Wisconsin rivers, and to connect the same by a canal in said state, and the revenues of said improvement are pledged and appropriated in and by an act of the legislature of said state, entitled "An act to provide for the completion of the improvement of the Fox and Wisconsin rivers," approved April —, 1852, without any other pledge or liability on the part of the state.

In testimony whereof the secretary of state, in conformity with the provisions of said act, has hereunto set his hand and affixed the great seal of the state.

L. s.

Done at Madison this — day of —, 18—.

Such stock certificates shall be signed by the secretary of state, and countersigned by any transfer agent who may be appointed by the Governor to negotiate the same.

SEC. 6. The Governor is authorized to sell the said stock certificates or to deliver the same in payment of any sums

How certificates disposed of.

due or to become due to any contractor upon said improvement, upon the proper vouchers from the board of public works, showing the amounts so due, but no certificate shall be disposed of at less than its par value, nor shall the whole amount of such certificates to be issued in conformity with the provisions of this act, exceed the sum of two hundred thousand dollars; and in the application of the moneys to be received on sales of said certificates, or from any other source, preference shall be given to contractors according to the date of their several contracts.

Certificates heretofore issued, redeemable in 1861

SEC. 7. The certificates heretofore issued to Morgan L. Martin, and numbered from one to fifty-two inclusive, are hereby made redeemable on the first day of January, 1861, and shall be payable out of the fund created by the provisions of this act.

Warrants receivable in payment for lands.

SEC. 8. All warrants heretofore issued by the board of public works, and the stock certificates issued in pursuance of the provisions of this act, shall be receivable in payment for the lands heretofore mentioned belonging to the improvement fund, at the office where such lands are sold.

Proceedings for pre-emption in case lands are occupied as town site.

SEC. 9. Whenever any portion of said lands has been or shall be settled upon and occupied as a town site, and therefore not subject to entry under any existing pre-emption law of this state, it shall be lawful in case such town shall be incorporated, for the corporate authorities thereof, and if not incorporated, for the judge of the county court for the county in which such town may be situated, to enter at the state land office at said minimum price of two dollars and fifty cents per acre, the land so settled and occupied, in trust for the several use and benefit of the occupants thereof, according to their respective interests; and said corporate authorities or said judges as the case may be, are hereby authorized and required to cause full and accurate surveys of said towns to be made, into in and out lots, in conformity as nearly as may be, with the then present surveys, and so as best to accommodate the public interest; to cause said surveys, duly certified, to be recorded in the office of the register of the proper county, and to execute conveyances to the different persons entitled thereto according to said survey, subject to all streets and alleys and subject to the payment in advance of their portion of all costs and charges for such entry, survey, record, and conveyance, the execution of which trust, and settlement of any conflicting interests, shall be subject to the final decision of the judge of the circuit court of the proper county sitting as a court of equity, on the application by petition or bill in chancery of any person or persons interested

therein and feeling aggrieved by the decision of said county judge or corporate authorities: *Provided*, That the entry and payment of the land intended by this section be made prior to the commencement of the public sale (next following) of the body of land in which it is included, and that the entry shall include only such land as is actually occupied by the town, and be made in conformity to the legal subdivisions of the public lands, and shall not in the whole exceed three hundred and twenty acres. Proviso.

SEC. 10. In case the military reserve at Fort Winnebago shall be granted to the state in aid of said improvement, it shall be the duty of the board of public works to cause the same to be subdivided into lots of such dimensions as may be deemed most for the interest of the state, and such lots shall be sold at public sale to the highest bidder. Military, reserve

SEC. 11. All the lands mentioned in this act shall be subject to taxation as soon as the same shall have been sold. Lands subject to taxation.

SEC. 12. It is hereby made the duty of the board of public works to commence the work of improvement of the navigation of the Wisconsin river the present season and to prosecute the same until it shall be completed, according to the plan submitted in the report of the chief engineer for the year 1849, or in such other manner as shall be best calculated to open a channel through the several flats mentioned in said report; and in order to carry into effect the provisions of this section, the one-sixth of the avails of the fund arising from the sales of land granted by congress in aid of the improvement of the Fox and Wisconsin rivers, is hereby set apart for that purpose, or so much thereof of the said one-sixth as shall be necessary to complete said improvement according to the plan submitted by said engineer. How improvement completed.

SEC. 13. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

J. McM. SHAFER,
Speaker of the Assembly.

E. B. DEAN, JR.,
President pro tem. of the Senate.

STATE OF WISCONSIN, }
In Senate, April 9th, 1852. }

I certify that the foregoing act was this day returned by the Governor to the Senate, (in which it originated,) with his objections, and that after the same had been entered at large upon the journal, and reconsidered, the vote being

taken by yeas and nays, two thirds of the members present agreed to pass the same, as follows: yeas, thirteen; nays, five.

JOHN K. WILLIAMS,
Chief Clerk of the Senate.

STATE OF WISCONSIN, }
In Assembly, April 14th, 1852. }

I certify that the foregoing act was this day reconsidered in the Assembly, and approved, the vote being taken by yeas and nays, as follows: yeas, thirty-nine; nays, eighteen.

ALEXANDER T. GRAY,
Chief Clerk of Assembly.

[Published April 17, 1852.]

An Act authorizing the borrowing of money on the faith and credit of the State to defray the extraordinary expenditures.

Chap 341

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of defraying extraordinary expenditures, a loan of fifty thousand dollars is hereby authorized and required to be made on the faith and credit of the state in the form hereinafter specified and for the following purposes, to wit: to pay the expenses not yet paid of the present session of the legislature; to pay the appropriations now made and unpaid for the maintenance and furnishing of the asylum for the blind; for part payment of the printing of the laws and journals of the present legislature; for territorial indebtedness; for the the keeping of state prisoners, and to pay such appropriations as may be made for the expenditures incurred in the erection of the state prison and for the maintenance of the same.

SEC. 2. The governor, as soon as practicable after the passage of this act, shall cause to be prepared state bonds with coupons attached, of the state of Wisconsin, printed in blank, for the sum of one thousand dollars each, to the number of fifty, and shall execute the same as the executive of the state for and on behalf of the state, and cause the great seal of the state to be affixed thereto. Said bonds to be made payable at such place within the state of Wisconsin, or at the city of New York, as may be deemed for the best interest of the state, five years from the first day of April, 1852, at a rate of interest not exceeding eight per cent. per annum, payable annually at such place as the principal of said bond is made payable, the interest on said coupons be-