

Persons
agrieved may
maintain ac-
tion.

or transportation company, or other person, who shall wilfully violate any of the foregoing provisions of this act, shall, upon conviction thereof, be fined in any sum not exceeding one thousand dollars, or be imprisoned in the State Prison of this State, for a term not exceeding three years, or both, in the discretion of the court. And every person aggrieved by the violation of any of the provisions of this act, may have and maintain an action against the person or persons violating any of the foregoing provisions of this "Act," to recover all damages which he may have sustained by reason of any such violation, as aforesaid, before any court of competent jurisdiction, whether such person shall have been convicted of any such violation of the provisions of this act or not.

Not to apply
to property re-
moved by law.

SEC. 8. So much of the preceeding [preceding] fourth and sixth sections, as forbid the delivery of property, except on surrender and cancelation of the original receipt, or the endorsement of such delivery thereon, in case of partial delivery, shall not apply to property replevied or removed by operation of law.

Force and ef-
fect.

SEC. 9. This law shall take effect and be in force from and after its passage and publication; and section 36, of chapter 165, of the Revised Statutes, "Of offences against property," is hereby repealed.

Approved April 2, 1860.

CHAPTER 341.

[Published April 28, 1860.]

AN ACT to extend the time of payment of principal upon School and University Land certificates.

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

Time extend-
ed ten years.

SECTION 1. The day of payment of all unpaid principal of the purchase money of any school or university lands, sold by the State prior to the first day of January, A. D. 1853, is hereby extended ten years, from the time when said principal would become due, by the terms of the certificates issued upon such sales, were not this act passed; and all such certificates of sale are hereby continued in full force and effect, for such period of time,

(unless as hereinafter otherwise provided). The terms thereof, and of the contract between the State and purchaser, or his assigns, or legal representatives, evidenced thereby, remaining unchanged in every part thereof, except as to the time of payment of principal, as changed by this act: *Provided, however*, that the extension of time of payment of principal, granted by this act, shall become null and void as to any principal unpaid upon any tract of land upon or from which the purchaser, his heirs or assigns, or legal representatives, or the holder of the certificate of purchase thereof, shall cut down, or destroy, or carry off any wood or timber standing or growing thereon, without the written consent of the commissioners of the school and university lands, or shall suffer the same to be done, except what may be actually necessary for the erection of fences or buildings thereon, or for firewood, for the use of the family residing thereon, or for actual and *bona fide* improving the same for the purposes of cultivation. In the cases where the extension of time of payment, granted by the provisions of this section, becomes null and void, as aforesaid, the commissioners are hereby authorized to demand and require immediate payment of all unpaid principal and interest thereon: *Provided*, that in no case shall payment of principal be demanded within one year after the expiration of the time of payment of principal fixed in the original certificate of sale.

Contract to remain unchanged.

When extension becomes null and void.

Proviso.

SEC. 2. The extension of time of payment of principal on school and university lands, provided for by section one of this act, shall not apply to principal unpaid on any tract of land upon or from which the purchaser, his heirs or assigns, or his legal representative, may have cut down, or destroyed [destroyed], or carried off, (or suffered the same to be done,) any wood or timber growing or standing thereon, except when the same has been done by the written consent of the commissioners, except what may have been necessary for the erection of fences or buildings thereon, or firewood for the use of the family residing thereon, or for the actual [actual] and *bona fide* improving the same for the purposes of cultivation.

Extension of time when not to apply.

Exception.

SEC. 3. The Commissioners of the School and University Lands are hereby authorized and empowered to permit the holder, and absolute owners of any certificate of sale of school or university lands, made prior to the first day [of] January, A. D. 1853, to surrender the same, and take a patent for the land described [described]

Payment may be made and patent issued.

therein, upon the payment of the amount due thereon, or giving a mortgage to the State upon the whole of the land patented, as security for the payment of the amount due thereon: *Provided, however,* that the commissioners shall not be authorized to cause such patent to be issued, and mortgage taken, to secure the payment of the amount due thereon, unless the person making such application for patent to be issued in such cases, or some one in his behalf, shall cause the same to be appraised, under oath, by some officer or officers in the county in which the land is situated, such officer to be designated by the commissioners; and it shall appear by such appraisal that the land is worth twice the amount due thereon, aside from all perishable improvements thereon, and of all wood or timber standing thereon or growing thereon; but if the land proposed to be patented is not of sufficient value, as above required, to secure the amount due thereon, the commissioners may take sufficient additional security upon other real estate, but in all cases the mortgage shall be upon the whole land purchased: *And provided further,* that the commissioners may require any other or additional certificates, before securing any such mortgage for the unpaid principal.

How only patent can issue.

Mortgage first lien.

SEC. 4. Any mortgage given upon land patented pursuant to the provisions of this act, shall be the first lien upon such land, and shall be such a lien whether of record or not.

Commissioners may require all lands to be patented and one mortgage to be given

SEC. 5. The commissioners may require of any person who may desire to patent any school and university land, in any county, by securing the amount due thereon to the State, as provided by this act, to patent all of the lands of the kind, (school or university land, as the case may be,) of which he holds and is the owner of the certificate of sale, in such county, and give only one mortgage to secure the payment of the entire amount due thereon. And any person patenting several tracts of land of the same kind, in any one county, shall not be required to give more than one mortgage to secure the payment of the amount due upon the whole.

Interest to be credited.

SEC. 6. Any person who may patent any land, pursuant to the provisions of this act, shall be credited with the interest, which he may have paid in advance, on the principal on the land patented.

SEC. 7. This act shall take effect and be in force from and after its passage and publication:

Approved April 2, 1860.