

CHAPTER 82.

[Published March 9, 1860.]

AN ACT to amend an act entitled ‘ An act to amend an act to incorporate the village of Omro.’”

(See Supplement to Local Laws.)

CHAPTER 83.

[Published March 10, 1860.]

AN ACT to repeal chapter 201, of the General Laws of 1859, entitled “An act to remit certain penalties imposed by section 59, of chapter 26, of the Revised Statutes, entitled “Of school and university lands.”

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

Repeal

SECTION 1. Chapter 201, of the General Laws of 1859, entitled “An act to remit certain penalties imposed by section 59, of chapter 26, of the Revised Statutes, entitled ‘Of school and university lands,’ ” is hereby repealed.

SEC. 2. This act shall take effect from and after its passage.

Approved March 7, 1860.

CHAPTER 84.

[Published March 8, 1860.]

AN ACT concerning mortgages to the State on school lands in the city of Racine.

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

When more than one owner to lands

SECTION 1. Whenever the lands described in a mortgage given to the State, to secure the payment of the purchase money, of any school lands in the city of Racine, shall belong to more than one owner, either of said owners may apply to the Commissioners of school and university lands to ascertain the proportion of the amount of such mortgage, which, as between the lands of the

applicant and the other lands included in said mortgage, upon the basis of the value of such land, excluding all improvements thereon, the applicant ought to pay.— And when the amount of such proportion is ascertained, such mortgage shall be a lien, to that amount, upon the lands of such applicant alone, and shall have the same force and effect as though a mortgage for that amount had been originally given upon his said lands, and the remainder of said mortgage shall, in like manner, be a lien only upon the remainder of the mortgaged premises.

Mortgage to be a lien proportionately on lands of applicant alone.

SEC. 2. In all cases where the portion of the mortgaged premises, belonging to such applicant, shall have been separately appraised by the appraisers of school lands in said city, and returned to the office of the Secretary of State, such proportion shall be the amount of such appraisal, and no notice of the application need be given. In all other cases, the applicant shall give at least ten days notice, in writing, to all other owners of the lands described in such mortgage, of the time when, and the place where, he will make such application.

Separate appraisalment.

Notice required.

SEC. 3. Said Commissioners shall, by rule or order, prescribe the form of such notice, and the mode of serving the same, and also the manner of proving the value of the mortgaged premises, in cases where the same are not separately appraised; and when they have ascertained the proportion of any such mortgage, properly chargeable upon the lands of the applicant, they shall execute and deliver to him, upon payment of the legal fees therefor, a certificate, in such form as they may prescribe, stating what part of said mortgage is a charge upon the lands of the applicant, included therein. Such certificate may be recorded in the office of the register of deeds of Racine county, and the recording thereof shall have the same force and effect as the recording of the original mortgage.

Duty of commissioners.

Certificate where recorded.

SEC. 4. When the amount of any such mortgage is so apportioned upon the lands of the different owners of the mortgaged premises, in the manner aforesaid, the amount so apportioned, upon the lands of any such owner, shall be considered and treated, in all subsequent proceedings relating thereto, as a separate mortgage for that amount, upon such lands alone, for all purposes whatsoever.— But nothing in this act contained shall affect any existing equities between such owner, or any other persons having an interest in the mortgaged premises.

Separate mortgage.

Other equities not affected.

Approval of **SEC. 5.** No such division or release shall be made,
Atty. General. without the approval of the Attorney General as one of
 said Commissioners, nor if, in his opinion, the security
 of the State shall be thereby impaired or endangered.

When foreclo- **SEC. 6.** No proceedings shall be taken to foreclose
sure may com- any mortgage to the State, given to secure the purchase
mence. money for any school or university lands in said city of
 Racine, until after the fifth day of June, A. D. 1860,
 and in case the interest due on any such mortgage to the
 first day of January, 1860, shall be paid by the fifth day
 of June, 1860, no proceedings shall be taken to foreclose
 such mortgage, until after the fifteenth day of January,
 1861, and in case the owner, or some person interested
 therein, shall, on or before the day last aforesaid, pre-
 sent to the said Commissioners the certificate of the pro-
 per officers, that there are no outstanding tax titles, and
 no unpaid taxes or assessments accruing previous to
 January 1st, 1860, (except those the collection of which
 has been enjoined), upon the mortgaged premises, then
 no proceedings shall be taken to foreclose such mortgage,
 until after the fifteenth day of January, A. D. 1866, un-
 less there shall be some subsequent default in the pay-
 ment of the interest upon such mortgage, or the taxes
 and assessments upon such mortgaged premises. And
 to prevent such default, such interest must be paid for
 the preceding year before each fifth day of June, and
 such certificate for the same year furnished the Commis-
 sioners before the following fifteenth day of January :
Payment of in- *Provided, however,* if all such interest be paid, and the
terest. proper certificates furnished, at any time before any pro-
 ceedings are taken by the Commissioners to foreclose
 such mortgage, no such proceedings shall be taken until
 after some subsequent default.

Provided.

Repeal.

SEC. 7. All acts and parts of acts contravening the
 provisions of this act are hereby repealed.

SEC. 8. This act shall be published immediately and
 shall take effect from and after its passage and publica-
 tion.

Approved March 7, 1860.