

CHAPTER 46.

[Published March 4, 1869.]

AN ACT to protect the lands and timber thereon, granted to the St. Croix and Lake Superior railroad company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

SECTION 1. The governor of the state of Wisconsin is hereby authorized and empowered to appoint one or more competent persons as agents of the state, who shall hold office during the pleasure of the governor, and whose duties shall be to preserve and protect the timber growing or being upon any of the lands heretofore granted by congress to the state of Wisconsin, to aid in the construction of railroads, approved June 3, 1856, and which were granted by the state to the St. Croix and Lake Superior railroad company, for the purpose of aiding in building a railroad from the river or lake St. Croix, between townships twenty-five and thirty-one, to the west end of Lake Superior and to Bayfield, and upon any and all lands now reserved from market, from which said company are to select lands.

Governor may appoint agents to protect timber on lands donated to railroad companies

SECTION 2. It is hereby made the duty of said agent or agents, to take into possession, on behalf and in the name of the state of Wisconsin, any and all logs and timber which may be cut on or carried away from said premises without lawful authority, by any person or persons wherever the same may be, and sell and convert the same into money, which shall be immediately paid into the state treasury, less the necessary costs and expenses incurred in the recovery and sale of such property : *provided*, that such sale of timber or logs so seized shall be made at public auction to the highest bidder for cash. The time and place of any such sale shall be published for three successive weeks prior thereto, in a newspaper published in the county where such sale is to be held, if there is a newspaper published in such county, and ten days' notice thereof shall

Duties of the agents.

be posted in one or more conspicuous places at or near the place of sale, and in one or more conspicuous places at the county seat of the county in which such seizure is made: *provided*, that for the timber or logs already cut at the passage of this act, such agent or agents, may at his or their discretion, commute or compromise for the same, at a rate not less than two dollars and fifty cents per thousand feet.

May prosecute offenders in name of state.

SECTION 3. Said agent or agents shall have full power, and it is hereby made his or their duty to prosecute, in the name of the state of Wisconsin, any person or persons, who shall cut or carry away any timber or logs growing or being upon said lands, or who shall commit any trespass upon or injury to the same, before any court or magistrate having jurisdiction of the action, and shall recover from such person or persons triple damages for the wrongs and injury done, and said agent or agents are further authorized and empowered to prosecute such person or persons, as provided in section fifty-three of chapter one hundred and sixty-five of the revised statutes.

Shall commence proceedings against St. Croix and Lake Superior R. R. Co.

SECTION 4. It shall be the duty of said agent or agents to commence proceedings without unnecessary delay against the "St. Croix and Lake Superior railroad company" or any of its agents, officers or attorneys, for the recovery of all moneys, effects and property collected by said company or its agent, under chapter 277 of the general laws of 1864, and not paid over to the state.

Agents to make reports of actions commenced and moneys paid.

SECTION 5. Each of said agents, appointed by virtue of this act, shall make a full and complete verified report on the last days of March, June, September and December in each year, of all actions commenced and moneys collected, paid out or expended in carrying out the provisions of this chapter, and shall receive such compensation as shall be fixed by the governor and his necessary expenses: *provided*, that the costs and expenses aforesaid shall not be paid until vouchers and bills for the same shall have been filed with the secretary of state, and approved and allowed by him; and all the compensation and expenses herein mentioned shall first be audited and approved by the secretary of state and shall be paid by the state treasurer, and a sum sufficient to pay the same, to be audited as aforesaid, is hereby annually appropriated out of any money in the

state treasury received from collections made by said agent or agents in pursuance of this act.

SECTION 6. Whenever said agent or agents shall become possessed of any money, being the proceeds of the state [sale] of any logs or timber cut on or being upon said lands, and shall fail to pay the same over as provided in this act, or shall wilfully convert the same to his own use, or to the use of any other person, he shall be deemed guilty of the crime of embezzlement, and punished accordingly.

Failure of agent to pay over moneys to be punished for embezzlement.

SECTION 7. Whenever the northern Wisconsin railway company shall file with the state treasurer satisfactory proof that the title to any of said lands has become vested in said company, by virtue of the construction of their said railway, or any part thereof, the state treasurer shall pay over to said company all moneys which shall have been collected and paid into said treasury by said agent or agents, for trespass committed on the lands so vested.

When northern Wisconsin railway company shall be entitled to moneys.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.

CHAPTER 47.

[Published March 4, 1869.]

AN ACT to repeal chapter 277 of the general laws of 1864, entitled "an act authorizing the St. Croix and Lake Superior railroad company to protect their lands and the timber thereon."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 277 of the general laws of 1864, entitled "an act authorizing the St. Croix and Lake Superior railroad company to protect their lands and the timber thereon," is hereby repealed.

Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1869.