

CHAPTER 116.

[Published April 1, 1872.]

AN ACT to amend chapter one hundred and eighty-eight of the general laws of 1859, entitled an act to amend chapter eighty-six of the revised statutes, entitled "of alienation by deed of the proof and recording of conveyances and the cancelling of mortgages."

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

Amended.

SECTION 1. Section one of chapter one hundred and eighty-eight of the general laws of A. D. 1859, is hereby amended by adding thereto the following words, to-wit: or a clerk of a court of record, with the seal of such court affixed."

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

Approved March 23, 1872.

CHAPTER 117.

[Published April 8, 1872.]

AN ACT to amend chapter two hundred and sixty of the general laws of 1860, entitled "an act regulating the rights of miners and persons digging for lead ore."

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

Section one amended.

SECTION 1. Section one of chapter two hundred and sixty of the general laws of 1860, entitled "an act regulating the rights of miners and persons digging for lead ore," is hereby amended so as to read as follows:

How regulated in absence of contract.

"Section 1. That where there is no contract between the parties, or terms established by the landlord to the contrary, the following rules and regulations shall be applied to mining contracts, and leases for the digging of ores or minerals."

SECTION 2. Section three of said chapter two hundred and sixty is hereby amended so as to read as follows: "Section 3. The discovery of a crevice or range containing ores or minerals shall entitle the discoverer to the ores or minerals pertaining thereto, subject to the rent due his landlord, before as well as after the ores or minerals are separated from the freehold, but such miner shall not be entitled to recover any ores or minerals, or the value thereof, from the person digging on his range in good faith, and known to be mining thereon, until he shall have given notice of his claim, and he shall be entitled to the ores or minerals dug after such notice."

Section three amended.

What discoverer entitled to.

SECTION 3. Section four of said chapter two hundred and sixty is hereby amended so as to read as follows: "Section 4. In case of conflicting claims to a crevice or range bearing ores or minerals, the court before which an action to enforce such claim is pending may continue the cause for the purpose of allowing parties to prove up their mines or diggings. In such case the court shall appoint a receiver, into whose hands the ores or minerals raised by either party, pending the dispute, shall be delivered. The mines or diggings shall be worked under the direction of the receiver (who shall discharge the rent) subject to the order of the court or judge, in such manner as will best tend to ascertain the respective rights of the parties, but no such continuance shall be allowed unless it shall appear to the court by sufficient evidence that such delay is necessary to promote the ends of justice; and the circuit judges, on proper notice and proofs, may grant time to prove up a claim, and appoint a receiver in vacation as well as term time."

Section four amended.

How conflicting claims settled.

Shall appoint receiver who shall control mine.

SECTION 4. Section five of said chapter two hundred and sixty is hereby amended so as to read as follows: "Section 5. Any miner who shall conceal or dispose of any ores or minerals, or mines or diggings for the purpose of defrauding his lessor of his rent, or who shall neglect to pay any rent on ores or minerals raised by him for three days after notice thereof and claim of such rent, shall forfeit all right to his mines, diggings or range, and his landlord, after such concealment, or after three days have expired from the time of demanding rent, may proceed against him to recover possession of the mines or diggings, before a justice of

Section five amended.

Penalty for concealing minerals.

the peace, as in the case of a tenant holding over after the termination of his lease, according to chapter one hundred and fifty-one of the revised statutes; and in case a miner shall neglect to work his mines or diggings according to the usages of miners, without reasonable excuse, he shall likewise forfeit his mines or diggings, and his landlord may proceed against him in like manner to recover possession of the same."

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1872.

CHAPTER 118.

[Published April 1, 1872.]

AN ACT to provide for investing a portion of the trust funds of the state, in bonds of the city of Milwaukee.

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

May invest trust funds in bonds.

SECTION 1. The commissioners of school and university lands are hereby authorized to invest at their discretion a portion of the trust funds of this state, not exceeding in the aggregate the sum of five hundred thousand dollars in the water bonds of the city of Milwaukee, at the lowest rate at which such bonds can be bought, and not exceeding par.

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

Approved March 23, 1872.