

[No. 73, S.]

[Published February 21, 1879.]

## CHAPTER 22.

AN ACT to facilitate the execution of the trusts assumed by the state of Wisconsin by her acceptance of the grants of land made by acts of congress, approved respectively June 3, 1856, and May 5, 1864, to aid in the construction of certain railroads in said state.

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

SECTION 1. In consideration of the performance by the North Wisconsin railway company of the things in section two hereof mentioned, as by it to be performed, all lands heretofore patented by the state of Wisconsin to the said North Wisconsin railway company, not heretofore sold or contracted to be sold by said company, and all lands which may hereafter be patented by the said state to the said company, under the provisions of chapter one hundred and twenty-six of the general laws of said state for the year 1874, entitled an act to confer certain lands upon the North Wisconsin railway company and the Chicago and Northern Pacific Air Line railway company, and to execute the trusts assumed by the state of Wisconsin by its acceptance of the grants of lands made by congress by acts approved June 3, 1856, and May 5, 1864, and the acts amendatory thereof and supplementary thereto, are hereby exempted and shall remain exempt from taxation of all kinds, general and local, and from assessments of every nature, for the period of ten years.

Lands exempted from taxation for ten years.

SECTION 2. The said North Wisconsin railway company and its successors shall hereafter sell all of its said lands so patented, or to be patented, which may be suitable for tillage or agricultural purposes, to actual settlers, at a price not exceeding two dollars and fifty cents per acre, and shall also transport over its said road, free of charge, for the period of thirty years from the passage hereof, all troops and property of the state of Wisconsin: *provided, however,* that nothing in this section contained, shall be construed as requiring the said company to sell at said price more than three hundred and twenty acres of said land to any one settler.

Farming lands to be sold for not more than \$2.50 per acre.

SECTION 3. All lands so patented to said company shall be deemed agricultural lands within the meaning of this act, upon any forty acre tract of which there shall be, at the date of sale, less than one hundred thousand feet of merchantable pine timber. But such

What constitutes farming lands; pine thereon may be reserved to company.

company shall, in all cases, have the right to reserve in the contract of sale of any land, under the provisions of this act, the right to cut and remove from said land all merchantable pine timber being thereon. All lands upon any forty acre tract of which there shall be more than one hundred thousand feet of merchantable pine timber, which the said company may sell, reserving the right to cut and remove therefrom the said pine, and all lands from which the said pine timber shall have been removed, shall be deemed agricultural lands within the meaning of this act, and shall be sold to actual settlers at a price not to exceed two dollars and fifty cents per acre; it being the intention hereof to afford to actual settlers for the purpose of tillage and agriculture, any of the lands acquired by said company at the maximum price hereinbefore mentioned: *provided, however*, that nothing in this act contained, shall be construed as requiring the said company, or its successors, to sell at any price any land reasonably convenient for use in connection with its railway and the operation thereof, and within a distance of one mile on either side of said railway, or any land not exceeding in extent forty acres at any one place adjacent to logging streams and suitable and proper for log landings and for the construction of dams for logging purposes, which, if owned by any individual or individuals, might be used to render less available and accessible any unsold timber belonging to said company.

Lands other than pine, which may not be considered farming lands.

Lands, when title transferred by absolute sale, to be taxable.

SECTION 4. Whenever any of said land so patented to said company shall be sold, contracted to be sold, leased, or conveyed, and whenever the pine timber upon any of said land shall be sold or cut by said company, the land so sold, contracted to be sold, leased, or conveyed, and the land upon which the said pine timber is so sold or cut shall become immediately taxable: *provided, however*, that a conveyance by way of mortgage or trust deed, and a sale pursuant to a foreclosure decree thereof, shall not be construed or deemed to be a conveyance or sale within the meaning of this section, so as to render said lands taxable.

Purpose of this act.

SECTION 5. It is hereby declared to be the main object and purpose of this act to aid in securing the completion and equipment, in accordance with the acts of congress, approved June 3, 1856, and May 5, 1864, of a railway from Lake St. Croix to Bayfield, on Lake Superior, and to enable said railway company to apply

the avails of its lands to such construction and equipment, the exemption herein provided being, in the opinion of the legislature, necessary for said purposes and demanded by the public interest; and this act shall not be taken or deemed to be a part of the charter of the said North Wisconsin railway company or an amendment thereto.

SECTION 6. She said North Wisconsin railway company shall, at the times and in the manner fixed by the revised statutes for similar reports from other railroads of the state, make a report of its gross earnings for the preceding year, and shall each year during the continuance of the exemption provided by section one, pay into the state treasury at the times fixed by the revised statutes for the payment by railway companies of their license fees, a sum equal to five per centum of its gross earnings for the preceding year, which shall be in lieu of all other license fees exacted from said company.

Company to pay to the state five per cent. of the gross earnings.

SECTION 7. It shall be the duty of said North Wisconsin railway company to cause to be prepared, on or before the fifteenth day of August in each year, a sworn list of lands owned by it in each of the several counties in which said lands are located, and which were on the first day of August in said year exempt from taxation, under the provisions of this act. The said lists shall specify the name of the county in which said lands, exempt as aforesaid, are located; the description of each tract, giving the section, township and range, together with the number of acres in each tract so described, and the gross number of acres exempt, as aforesaid, in each county. The list, or a copy thereof, duly sworn to, shall be transmitted immediately to the state treasurer, to be filed in his office; and the said company shall, on or before the fifteenth day of August in each year, transmit to the county treasurer of each county, in which are situated any lands owned by it, as aforesaid, a sworn copy of that portion of the list hereinbefore required to be sent to the state treasurer, which relates to such county.

Company to make each year certified list of its lands, and transmit same to state treasurer.

SECTION 8. Upon the receipt of said list from the said railway company, as required by section seven of this act, it shall be the duty of the state treasurer, and he is hereby directed to ascertain, on the basis of the total acreage of land exempt from taxation under this act, the amount per acre for the payment of which the said five per centum so paid into the treasury by said company, is adequate, and thereupon to transmit before

State treasurer to apportion the five per cent. gross earnings to counties containing N. Wis. R'y lands.

the fifteenth day of September of said year, to the county treasurer of each county in which the exempted lands are situated, the amount to which each county is upon said basis entitled.

County treasurers to apportion same to towns containing N. Wis. R'y lands.

SECTION 9. The county treasurer of each county on the receipt of the sum thus transmitted by the state treasurer, shall proceed forthwith to apportion the same to the several towns in such county in which any of the said exempted lands are situated, and the amount to which said town shall be entitled shall be ascertained in the same manner as that herein provided for the guidance of the state treasurer in making the apportionment between the said counties. The county treasurer, after making the apportionment, shall transmit to the town treasurer of each town, without delay, the sum to which said town is entitled, which shall be by said town treasurer, placed in the treasury of said town as a part of the general fund thereof, to be expended for general purposes under the restrictions now existing in regard to the expenditures of the general fund of towns.

Taking effect of this act.

SECTION 10. This act shall not take effect unless the said North Wisconsin railway company shall, within sixty days from its passage, file with the secretary of state a resolution duly adopted by its board of directors, accepting the same, and the provisions thereof, and agreeing to the performance of the things herein mentioned as by it to be performed.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1879.

[No. 31, S.]

[Published February 20, 1879.]

## CHAPTER 23.

AN ACT to encourage the artificial propagation of fish in Wisconsin.

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

Spawn to be furnished private parties.

SECTION 1. The fish commissioners of the state of Wisconsin are hereby authorized to supply private parties, resident in the state, with the spawn or fry of fish, as provided in this act,, provided that such action shall not interfere with the stocking of public waters.

Conditions upon which spawn is to be furnished.

SECTION 2. The person or persons applying for such spawn or fry, shall first provide a proper pond,