

JOINT RESOLUTIONS.

[No. 10, S.]

JOINT RESOLUTION, NO. 1.

In relation to a Judicial Act pending in the Senate of the United States.

PREAMBLE.

As it appears to be an almost unanimous expression of the business and professional men of our nation, that the over-crowded state of the calendar of the Supreme Court of the United States, and the desire for more latitude of appeals and speedier decisions in important litigation in the federal tribunals, require and now imperatively demand some remedial federal legislation in the premises; and

WHEREAS, Senator David Davis, late one of the justices of the Supreme Court of the United States, and formerly assigned to, and presiding over a judicial circuit, including the State of Wisconsin, has introduced a bill, now pending in the United States Senate, entitled "a bill to establish a court of appeals," for the purpose of affording relief to the United States Supreme Court, by the creation of intermediate courts of appellate jurisdiction from the judgments and decrees of the Circuit and District Courts of the United States: Be it

Resolved, by the Senate, the Assembly concurring, that the Legislature of the State of Wisconsin, expressing the now well defined wish of the people of the State, desire the passage of said bill, or some bill of like character, by the congress of the United States.

Resolved, that the senators and representatives in Congress, from the State of Wisconsin, be requested to use their influence in favor of, and vote for, such bill, or one of like character.

Further Resolved, that his excellency the Governor of the State be requested to send a certified copy of this preamble and resolution, to Hon. David Davis, President of the United States Senate, by him to be laid before said Senate; and also a copy of the same to each of the senators and representatives in Congress from the State of Wisconsin.

[No. 23, S.]

JOINT RESOLUTION, No. 2.

In relation to the claim of the State of Wisconsin against the United States for swamp and overflowed lands.

WHEREAS, In pursuance of an arrangement entered into be-

tween the Governor of Wisconsin on the part of the State, and the Commissioner of the General Land Office and the Secretary of the Interior on the part of the Government, the plats and field notes of the government survey in the State of Wisconsin have been re-examined and the former selections of swamp lands have been duly revised; and

WHEREAS, In making said revision, it was found that the United States have sold since March 3, 1857, 435,081½ acres of land now determined to be swamp lands within the meaning of the act of the 28th day of September, 1850, and as such should have inured to the State of Wisconsin; and

WHEREAS, The department of the Interior, by stipulation dated August 13, 1881, and filed in the general land office, concedes that the State of Wisconsin is entitled to indemnity for the loss of 115,181 and ½ acres thereof, but declines to take further action therein, because there is no existing law under which the State can be indemnified; now, therefore,

Resolved by the Senate, the Assembly concurring, That our senators and representatives in Congress be earnestly requested to use their utmost endeavors to secure the early settlement of said claim by the Department of the Interior, and, if necessary, to procure such legislation as they may deem requisite and appropriate to the accomplishment of the object hereinbefore recited.

Resolved, The Governor be and hereby is requested to forward copies of these resolutions and accompanying report to our senators and representatives in Congress.

REPORT OF COMMITTEE.

The Committee on Finance, Banks and Insurance, to whom was referred the Executive Communication to the Legislature dated December 31, 1881, transmitted January 19, 1882, have had the same under consideration, and beg leave to report the following facts:

In addition to the school and swamp lands certified and patented to the State of Wisconsin under the administration of Governor Smith, the claim of the state to the following swamp lands remains unadjusted and requires the further attention of the state departments:

1st. Lands ascertained by the revision of former selections to be swamp lands, but covered by adverse claims: 48,779½ acres.

2nd. Swamp lands within the Indian reservations, estimated: 55,000 acres.

3rd. Swamp lands sold by the United States since March 3, 1857, and ascertained by stipulation dated August 13, 1881: 115,181½ acres. Total due state, 218,961.

The lands included in the first division are the vacant swamp lands, situated north of the second correction line, which have not

been patented to the state, because they are adversely claimed, as follows: By the land-grant railroad companies, about 30,000 acres; by the Sturgeon Bay Canal Company, 2,500 acres; under the military wagon road grant, 1,591 acres; under the reservoir proclamation and private claims, 14,688 $\frac{1}{2}$ acres. A complete list of these lands has been furnished to the General Land Office by the Land Office Department of this State; there is no question that the State has a prior claim of title to these lands, and it is expected that they will be patented to the State within the present year.

The second subdivision refers to overflowed lands situated within the boundaries of the Indian Reservations in the counties of Shawano, Lincoln, Chippewa, Ashland and Bayfield. The Commissioner of the General Land Office concedes the justice of our claim to these lands, as well as to 5,653.94 acres of school land situated therein. No action has been taken by the State Commissioners of Public Lands to select an equal number of acres of vacant lands in lieu thereof, because the lands within these Reservations are more valuable than any vacant lands which may be selected; and the Commissioners consider it wise to await the probable resumption of the Reservations, in which case the same will be patented to the State.

The recommendation of Governor Smith, that a memorial to Congress be passed requesting legislation to indemnify the State for loss sustained by an imperfect selection of swamp lands, has reference to the third division. The late readjustment of the list of lands within the State, which are actually subject to overflow and properly denominated swamp lands, demonstrated to the satisfaction of the Secretary of the Interior, that the State is equitably entitled, under the provisions of chapter 84, laws of 1850, and chapter 147, laws of 1855, to 115,181 $\frac{1}{2}$ acres of land, in addition to the lists heretofore approved. (See report of Commissioner of General Land Office for 1881, pages 203 and 204, and stipulation filed August 13, 1881, between the State and the government.) The committee declines to express an opinion, whether additional legislation by Congress is necessary to enable the Secretary of the Interior to indemnify the State of Wisconsin for the losses so sustained. The construction of the laws cited, as well as the question whether the statute of limitations affirmed May 12, 1860 (XII Stat. 3), applies to the State of Wisconsin and will bar our claims, may well be left to the decision of our Senators and Representatives in Congress. The committee is, however, of the opinion that the acquisition of 180 sections of land to our Normal School and Drainage Funds, is a matter of sufficient importance to deserve the attention of our delegation in Congress, and have therefore instructed me to report by Jt. Res. No. 23, S., annexed hereto, and to recommend that the same do pass, and when so

passed be transmitted, with copies of this report, to our Senators and Representatives in Congress.

A. FINKELNBURG, *Chairman.*

[No. 20, S.]

JOINT RESOLUTION NO. 3.

Ratifying amendments to section 4 of article VI, section 12 of article VII, and section 1 of article XIII of the constitution of the State of Wisconsin, so as to provide for biennial general elections.

WHEREAS, At the annual session of the legislature of this state for the year 1881, an amendment to the constitution of this state was proposed and agreed to by a majority of the members elected to each of the two houses, which amendment was in the following language :

Resolved by the assembly, the senate concurring, That section 4 of article VI of the constitution of the state of Wisconsin, be so amended as to read as follows :

SECTION 4. Sheriffs, coroners, registers of deeds, district attorneys and all other county officers, except judicial officers, shall be chosen by the electors of the respective counties, once in every two years. Sheriffs shall hold no other office and be ineligible for two years next succeeding the termination of their offices ; they may be required by law to renew their security from time to time, and in default of giving such new security their office shall be deemed vacant ; but the county shall never be made responsible for the acts of the sheriff. The governor may remove any officer in this section mentioned, giving to such a copy of the charges against him and an opportunity of being heard in his defense. All vacancies shall be filled by appointment, and the person appointed to fill a vacancy shall hold only for the unexpired portion of the term to which he shall be appointed and until his successor shall be elected and qualified.

That section 12, article VII of said constitution, be so amended as to read as follows :

SECTION 12. There shall be a clerk of the circuit court chosen in each county organized for judicial purposes, by the qualified electors thereof, who shall hold his office for two years, subject to removal as shall be provided by law. In case of a vacancy, the judge of the circuit court shall have power to appoint a clerk until the vacancy shall be filled by an election. The clerk thus elected or appointed shall give such security as the legislature may require. The supreme court shall appoint its own clerk, and a clerk of the circuit court may be appointed a clerk of the supreme court.