

that the following property shall be exempt from taxation in said county, to wit: All property belonging to this Territory, any county college, academy or other seminary of learning, or any public library: and also all buildings for public worship, and all school houses and the lots whereon the same are situated; and all interest or shares in the same, every poor house, alms house, house of industry, and the real and personal estate connected with the same, and all property exempted by law from execution. This act shall take effect from and after its passage.

APPROVED February 20th 1845.

AN ACT to provide for the execution of certain trusts in lands entered in pursuance of an act of Congress, approved May 23d, 1844, entitled an act for the relief of the citizens of towns upon the lands of the United States under certain circumstances.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

SECTION 1. That whenever any lands of the United States situated in this Territory, shall have been entered in pursuance of the provisions, and by virtue of the act of Congress of the United States, approved May 23, 1844, entitled an act for the relief of the citizens of towns upon the lands of the United States, under [certain] circumstances, and a patent shall have issued for such land, any person who shall have settled upon, and occupied such land as hereinafter mentioned, may apply by petition to the District Court of the county in which the land is situated, for the execution of said trust in the manner hereinafter provided.

SEC. 2. Such petition shall set forth a description of the premises, the names of the trustees and occupants interested in the premises known to the petitioner, praying for the appointment of commissioners, and shall be accompanied by an affidavit of the truth thereof; a copy of such petition together with a notice to be subscribed by the petitioner, that an application will be made to said Court, on some certain day and time to be specified therein, for the appointment of said commissioners, shall be served on each of the parties interested named in said petition, and published

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Settler may
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execution of
trust.

Petition to be
accompanied
by affidavit.

Notice to be
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published.

in some newspaper printed in said county, if any there be, at least four weeks, once in each week successively, prior to said application.

Commissioners shall take an oath. SEC. 3. On presenting such petition and proof of such service and publication, the Court shall appoint three commissioners, each of whom shall take an oath faithfully and honestly to execute the trust reposed in him, before entering upon the performance of his duty.

Duties of commissioners. SEC. 4. Said commissioners or any two of them, shall as soon as may be, giving first due notice of their proceedings, proceed to ascertain and determine the claims and interests of the occupants of such premises, and for that purpose shall personally examine the premises, and are authorized to hear evidence and examine witnesses on the part of any person interested, and to administer oaths, and issue process to compel the attendance of witnesses; and such commissioners may cause a survey to be made of the premises and of the improvements on premises of the occupant, and if they think proper, may lay out streets and have the premises subdivided into lots. In case of any entry already made by virtue of the act of Congress aforesaid, the premises so entered shall be set off by the said commissioners to such persons as shall have settled upon and been occupants of the same at the date of the act of Congress aforesaid, and in case of any entry hereafter to be made by virtue of said act, the premises so entered shall be set off to such persons as shall have settled upon and occupied the same for three months preceding the time of such entry.— In case of disputed or conflicting claims of any portion of said premises, the respective rights of the claimants shall be determined as nearly as may be, according to justice and equity, and the same shall be set off accordingly; in case there shall be conflicting claims to the possession and improvements of any part of the premises which cannot be equitably determined by a division of the same, or by assigning to each claimant his share in severalty, the same shall be so reported by the commissioners to the Court, if such report is confirmed, the same shall be sold under the direction of the Court, by the trustees holding the title to said premises, or some proper officer of the Court, and the proceeds thereof shall be divided among the several claimants, according to their respective equities to be determined by the Court, on evidence reported by said commissioners.

SEC. 5. Said commissioners shall, as soon as may be, make report of their doings together with the evidence by them taken, to the Court, which unless set aside for cause, shall be confirmed, and a decree and judgement be rendered establishing the interest of the parties accordingly, and directing the conveyance of the same to the parties respectively, by the trustess holding the title to said premises, upon the payment by each party of his proportional share of the costs of the said proceedings, and of the purchase money of said premises; and said Court shall further order and decree the sale of the residuo of the premises, not so set off and ordered to be conveyed, and the division of the proceeds thereof, as herein before provided; first deducting the proportional share of the costs of the proceedings and the purchase money.

SEC. 6. In case there shall be any portion of the premises which shall not be settled upon or occupied by any person, the same shall be so reported by the commissioners to the Court, and if such report is confirmed, said portion of the premises shall be sold at public auction, to the highest bidder, and the proceeds of such sale over and above one dollar and twenty-five cents per acre, shall be paid into the treasury of such incorporated town or place, if incorporated, if not, of the county for the use and support of common schools.

SEC. 7. That in case the Judge presiding in the Court, in which such proceedings may be had, shall be the trustee in whose name the lands shall have been purchased, such Judge shall not for that reason be incapable of, or excused from acting or serving in such cause or proceedings, either as Judge or trustee, but shall execute such trust, and execute conveyances of the premises to the several parties entitled thereto under the judgment and decree of said Court or as purchasers at the sale thereof, under the order of the Court, in the same manner as any other person could be compelled to execute the same.

SEC. 8. This act shall take effect from and after its passage.

APPROVED, February, 24th, 1845.