

Chapter 84.

[Published April 5.]

An Act to provide for the protection of the swamp and overflowed lands in this state, and to grant pre-emption rights thereon.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the Governor of this state, within a reasonable time after the passage of this act to cause to be made complete descriptive lists of all the swamp and overflowed lands granted to this state by an act of congress, entitled, "act to enable the state of Arkansas and other states to reclaim the Swamp lands within their limits," approved September twenty-eighth, eighteen hundred and fifty, lying within each of the several counties of this state, so far as the same have been surveyed; and he shall attach to each of such descriptive lists a certificate that the same is a complete descriptive list of all the swamp and overflowed lands granted to this state by the act of congress aforesaid, lying within the county for which the list is made, so far as he can ascertain the same; and he shall cause such descriptive lists, with the certificates thereto annexed, to be transmitted to the register of deeds of the several counties for which said lists are made.

Description lists of swamp and overflow'd lands to be made.

SEC. 2. The register of deeds for the several counties of this state, on receiving such descriptive lists, shall record the same in a book of deeds in his office, and preserve the original in his office.

Register of deeds to make record.

SEC. 3. Any person who shall wilfully cut down or destroy, or by girdling or otherwise shall injure any trees growing or situated on any of the said swamp or overflowed lands granted to this state by the act of congress aforesaid, or who shall wilfully cut or take, carry or haul away from any such lands, any timber or wood previously cut or severed, from said lands, shall be guilty of a misdemeanor, and upon conviction of any of said offences shall be punished by imprisonment in the county jail of the proper county, not more than one year, nor less than three months, or by fine not exceeding five hundred dollars.

Penalty for destroying timber.

SEC. 4. Any justice of the peace shall have concurrent jurisdiction in his own county, with the circuit court, of any offence mentioned in the preceding section, when the

Justice of the peace to have concurrent jurisdiction.

value of the trees, wood or timber, shall be alleged not to exceed the sum of one hundred dollars, and in such case the punishment shall be by fine, not exceeding one hundred dollars, nor less than ten dollars.

Duty of sher-
iffs, &c.

SEC. 5. It is hereby made the duty of all sheriffs, justices of the peace, and constables who may have knowledge of or who may receive information of any offence mentioned in section three of this act, committed within the county in which they are officers, or within any county attached to such county for judicial purposes, to forthwith inform the district attorney of the county in which said offence was committed, of the commission of such trespass, of the name of the trespasser or trespassers, and of the name of the witness or witnesses in the case; and it shall be the duty of the district attorney immediately on receiving such information, or on receiving information from any other source, of the commission of any trespass on said lands, proceed to bring such trespasser or trespassers before the proper tribunal for trial, and he shall prosecute them in the name of the state.

Duty of dis-
trict attorneys.

SEC. 6. It is hereby made the special duty of the district attorneys of the several counties in this state to bring and prosecute actions, in the name of the state, against any person or persons who shall trespass on said swamp or overflowed lands, within the county for which he is elected, or within any county attached to said county for judicial purposes, to recover damages for such trespass or trespasses, or to recover possession for the state of any trees, timber, wood or lumber which may have been removed from such lands by any person or persons.

Descript'n list
to be received
as evidence in
court.

SEC. 7. In all prosecutions, actions and suits brought under the provisions of this act, the descriptive lists made and certified as provided in section one of this act, and deposited in the office of the register of deeds of the proper county, shall be received in any court, in which such prosecution or suit is pending, as sufficient evidence that the title to any tract of said swamp or overflowed lands, described in such list, in this state, and a certificate of the register of deeds of any county, certifying that any particular tract of land lying within the county for which he is register, is described within the descriptive list remaining in his office as swamp or overflowed lands, shall be received and taken in all such prosecutions, actions and suits as prima facie evidence that the title to such tract is in the state.

SEC. 8. All sums of money recovered and collected for damages under the provisions of this act shall be paid in to the county treasury of the proper county for the use of the state, and all timber, trees, wood and lumber which may be recovered by the state in any suit or action under the provisions of this act, shall be sold under the direction of the district attorney of the proper county, at public auction, after giving the same notice of the time and place of making such sale as is required to be given by sheriffs on sales of personal property made by virtue of executions issued out of a court of record, and the proceeds of such sales, after deducting the costs and expenses of making the same, shall be paid into the county treasury, by such district attorney, for the use of the state.

State to rec^{ve}
money, &c.

SEC. 9. The board of supervisors of the several counties shall audit and allow the several district attorneys of this state a just compensation for services rendered under the provisions of this act, to be paid out of any money paid into the county treasury as directed by this act.

Compensation

SEC. 10. Any person who now occupies or who may hereafter occupy before the day that may be appointed pursuant to law for the sale of any of said swamp or overflowed lands, either by a residence thereon or having improvements thereon of the value of ten dollars per forty acres, and used for agricultural purposes, shall have the right to purchase the same at one dollar and twenty-five cents per acre, by proving his or her occupancy or improvement of such lands in the manner hereinafter provided; *Provided*, That no one person shall have the right to pre-empt and purchase more than one hundred and sixty acres of such lands to be by him or her settled in legal subdivisions according to the government survey, and in a compact body, *And provided further*, That no person claiming the right to occupy any of said lands under the provisions of this act, shall be allowed to take away from said lands more timber than is necessary for the use of said lands, and that every person claiming the right of pre-emption to any of said lands in pursuance of the provisions of this act, shall forfeit such right of pre-emption, if he or she shall fail to prove his or her claim and pay for the lands so claimed within ten days of the time fixed by law for the sale of the lands embraced in such claim.

Proviso.

SEC. 11. Any person intending to avail himself or herself of the right of pre-emption secured by the preceding section of this act, shall within six months after the pas-

Right of pre-emption—certificate to be made.

sage of this act or within thirty days after he or she shall have commenced the occupancy of such lands intended to be claimed as a pre-emption, or after the commencement of his or her improvement thereon, make or cause to be made a certificate, in writing, describing the lands claimed as his or her pre-emption right, and certifying that he or she claims the right of pre-emption to such lands, that it is his or her bona fide intention to purchase said lands under his or her pre-emption claim, whenever the same shall be brought into market, and that he or she is either in the occupancy of the same or some part thereof, or that he or she have made some improvements thereon; such certificate shall be signed by the person claiming the pre-emption, and the truth of said certificate shall be attested by the oath of the person signing the same; such certificate so made, signed and attested, shall be acknowledged by the party signing the same before some person authorized to take the acknowledgments of deeds, and he or she shall cause the same so acknowledged to be recorded in the office of the register of deeds for the county in which the lands described in such certificate are situated.

Parties to make oath to certificate.

To be recorded in office of register of deeds.

Register of deeds to record certificates.

Right of persons making certificate.

Duty of persons claiming lands.

SEC. 12. The register of deeds of the several counties in this state shall record such certificates in a book to be kept by them for that purpose, and they shall receive the same fees for recording such certificates as they are authorized to receive for the recording deeds.

SEC. 13. Each and every person who shall have caused a certificate of his or her pre-emption claim to be made, attested and recorded as provided in section eleven of this act, shall be entitled to the exclusive possession of the lands therein described until such time as the same shall be brought into market for sale, or until he or she shall have forfeited his or her right to such pre-emption; and such certificate, or the record thereof, or a certified transcript for the record thereof, shall be sufficient evidence of title to enable the person making the same to maintain any suit or suits, action or actions, against any person or persons, in any court of competent jurisdiction, for any trespass or injury done to such lands or any part thereof, or to any buildings or improvements thereon, or to the timber, grass, grain or other product growing or being thereon, or any proper action or proceeding to recover possession thereof. All persons claiming lands under this act shall be required to drain and reclaim the same so far as

the same may be necessary for the purposes hereinafter contemplated.

SEC. 14. This act shall take effect and be in force from and after its passage and publication.

Approved, April 2, 1855,

Chapter 85.

[*Published April 24.*]

An Act for attaching Columbia County to the Ninth Judicial Circuit.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The county of Columbia is hereby attached to, and shall constitute a part of, the ninth judicial circuit of this state.

SEC. 2. The time for holding the regular terms of the circuit courts, in said county of Columbia, shall be on the second Monday of February and on the second Monday of September in each year. Time of holding court in Columbia co.

SEC. 3. This act shall take effect from and after the second Monday of April next.

Approved, April 2, 1855.

Chapter 86.

[*Published April 24.*]

An Act for the protection of Laborers on Railroads.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SEC. 1. All railroad corporations within this state shall be responsible and obligated in law to the laborers on the line or lines of railroads being constructed by said corporations responsible to laborers.