

goods, wares, merchandise, or other property, which may be offered for sale by virtue of the judgment, order or decree of any court, or by the provisions of any law of this state or of the United States.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Approved Oct. 11, 1856.

CHAPTER 125.

Published October 15.

An Act to provide for the disposal and sale of the Swamp and Overflowed Lands.

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

To provide for disposal of swamp and overflowed lands.

SECTION 1. All the lands granted to this state by an act of congress, entitled "an act to enable the state of Arkansas and other states to reclaim the swamp and overflowed lands within their limits," approved September 28, 1850, shall be sold by the attorney general, secretary of state and state treasurer, whenever the governor shall deem it expedient so to do. Such sale shall be conducted in the manner and under the restrictions provided for the sale of the school and university lands, in chapter twenty-four of the revised statutes, so far as said provisions may be applicable, and not inconsistent with the provisions of this act.

Pre-emption rights.

SEC. 2. In all cases of pre-emption, under the act of the legislature, entitled "an act for the protection of the swamp and overflowed lands of the state, and to grant pre-emption rights thereon," approved April 2, 1856, the pre-emptors, upon complying with the provisions of this and the last aforesaid act, shall have the right to purchase in virtue of such pre-emption, one hundred and sixty acres of said swamp or overflowed lands, at one dollar and twenty-five cents per acre; all and every of the pre-emption rights granted by the aforesaid act, approved April 2, 1855, are hereby secured to every person who,

before the taking effect of this act, shall have complied with the provisions of the said act, approved April 2, 1855, and every such pre-emptor shall, by the affidavits of at least two credible and disinterested persons, prove that he has complied with the provisions of the aforesaid act, approved April 2, 1855; such affidavit shall be taken before some person, by law authorized to administer oaths, and when completed shall be filed with the register of deeds, of the county wherein such pre-emption lands lie, or of the county to which it may be for county purposes attached. Such register shall, on demand of, or on behalf of every such pre-emptor, make out a true and complete copy of such affidavits, as aforesaid, and of the declaratory statement of such pre-emptor, as aforesaid, and which is required by the aforesaid act, approved April 2d, 1855, and over his official signature, shall certify to the correctness and completeness thereof, in the same manner as by law required, to make copies of the record of deeds evidence.

Affidavits that law has been complied with.

Copies of such declaratory statement and affidavits certified as aforesaid, shall be by, or on behalf of such pre-emptor filed with the secretary of state, and the whole purchase money paid at least ten days prior to the time appointed for the sale of the swamp and overflowed lands, in the county where such pre-empted lands lie. A neglect to comply with the provisions of this act, shall be deemed as is hereby declared to be a waiver, surrender and forfeiture of all rights to said lands, in virtue of pre-emption rights.

Copies of same to be filed with secretary of state.

SEC. 3. After the taking effect of this act no pre-emption shall be made to any of said swamp or overflowed lands.

When pre-emption ceases

SEC. 4. Either the attorney general, secretary of state or state treasurer, or any pre-emption claimant, or the contestant of such claimant, may proceed, by way of appeal to the circuit court of the county, wherein is situated any of said swamp or overflowed lands, claimed by pre-emption rights, and in such court have the pre-emption right claim determined by a jury. In all such appeal proceedings the appellant shall, within sixty days after the copies of the statement and affidavits mentioned in section two of this act, and as in the last mentioned section, filed with the secretary of state, procure a certified copy thereof; from the said secretary of state, and file the same in the circuit court to which the appeal is taken.

Appeal.

Circuit court
to make rules
of procedure.

And the circuit courts shall make rules prescribing the mode of procedure on such appeals. If on appeal, the right claimed by pre-emption shall be determined against the pre-emption claimant, then in that and in every such case, the state treasurer shall refund to such claimant, his heirs, executors or administrators, the purchase money paid by him for the lands by him claimed.

To adopt
United States
survey.

SEC. 5. It shall be the duty of the said attorney general, secretary of state and state treasurer, to adopt, without appraisal or survey, the lines, boundaries and descriptions of the United States survey, as exhibited by the plats and field notes of the swamp and overflowed lands, and which plats and field notes they are hereby required to procure and pay for, as far as may be necessary, out of the proceeds of the sales of such lands.

Minimum
price.

SEC. 6. The minimum price of said swamp and overflowed lands shall be five dollars per acre, except such as shall be purchased in virtue of the pre-emption right. At least one half of the purchase money of all of said lands described or designated in the plats and field notes aforesaid, as timbered lands, shall be paid at the time of the sale thereof, and of all other in the ratio as provided in chapter twenty-four of the revised statutes, for the sale of school and university lands, other than the five hundred thousand acres.

Expenses of
sale.

SEC. 7. The legitimate expenses incident to the sale of the swamp and overflowed lands aforesaid, shall be first paid out of the proceeds of such sales, and seventy-five per cent of the residue, and all of the purchase money for the selected lands in this section hereafter mentioned, shall form and be a constituted part of the school fund of this state, and shall be subject to the same uses, designs, regulations and laws. All lands by or under the authority of this state, selected in lieu of swamp and overflowed lands, sold or otherwise disposed of by the United States, since the passage of the aforesaid granting act of congress, is hereby for the purposes contemplated, herein declared to be swamp and overflowed lands.

Per centage
paid to county
&c.

SEC. 8. Twenty-five per cent of the residue of purchase money mentioned in the next preceding section shall be paid into the county treasury of the county in which the sales may have been made, and the county treasurer, upon the receipt of such money, shall give his receipt therefor, to the attorney general, secretary of state and state treasurer, and a distinct and accurate list of all the lands sold

in each township, in said county, shall be made in duplicate, by the officers making such sale as aforesaid, one of which shall be filed in the office of the clerk of the county board of supervisors of such county, and the other shall be filed in the office of the secretary of state; and in case there is an organized town in such county, containing any of such lands sold as last aforesaid, which require and are susceptible of being drained, then in that and every such case, such county treasurer shall pay to the treasurer of such town its proportionate share thereof, the same being the twenty-five per cent residue of money realized from the sale of lands therein. And such town shall proceed to the reclamation of such lands, by draining the same, with all convenient speed.

All such money not paid to the town treasurer, as last aforesaid, within two years after the receipt thereof, by the county treasurer, shall be, by such county treasurer, paid into the state treasury, and the same shall form a constituent part of the school fund, and shall be managed as provided by law in relation to said fund.

SEC. 9. All laws for the protection of school or university lands are hereby extended and made applicable to the swamp and overflowed lands in this act mentioned or contemplated. School land laws made applicable.

SEC. 10. All laws inconsistent with or repugnant to the provisions of this act are hereby repealed. Repealed.

SEC. 11. The swamp and overflowed lands of this state shall be sold in limited quantities for actual settlement, or for the use of an adjoining farm, to each purchaser, not more than three hundred and twenty acres each. Sale of lands.

SEC. 12. This act, immediately after its passage, shall be printed by the state printer, and when so published, shall take effect and be in full force.

Approved October 11, 1856.