

## CHAPTER 260.

[Published April 4, 1880.]

AN ACT regulating the rights of Miners and Persons digging for lead ore.

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

Rules and regulations when no contract.

SECTION 1. That where there is no contract between the parties, or terms established by the landlord, to the contrary, the following rules and regulations shall be applied to mining contracts, and leases for the digging of lead ore.

License or lease not revocable except in certain cases.

SEC. 2. No license or lease, verbal or written, made to a miner, shall be revocable by the maker thereof, after a valuable discovery or prospect has been struck, unless the miner shall forfeit his right by negligence, such as establishes a forfeiture according to mining usages.

Discovery.

SEC. 3. The discovery of a crevice or range, containing lead ore, shall entitle the discoverer to the mineral pertaining thereto, subject to the rent due his landlord, before, as well as after the mineral is separated from the freehold ; but such miner shall not be entitled to recover any mineral, or the value thereof, from a person digging on his range in good faith, and known to be mining thereon, until he shall have given notice of his claim, and he shall be entitled to the mineral dug after such notice.

Shall not recover unless notice given.

Proceedings in case of conflicting claims

SEC. 4. In case of conflicting claims to a crevice or range, bearing lead ore, the court before which an action to enforce such claim is pending may continue the cause for the purpose of allowing the parties to prove up their diggings ; in such case the court shall appoint a receiver, into whose hands the mineral raised by either party, pending the dispute, shall be delivered. The diggings shall be worked under the direction of the receiver (who shall discharge the rent,) subject to the order of the court or judge, in such manner as will best tend to ascertain the respective rights of the parties ; but no such continuance shall be allowed, unless it shall appear to the court, by sufficient evidence, that such delay is necessary to promote the ends of justice ; and the circuit judges on proper notice and proofs, may grant time to prove up a claim, and appoint a receiver in vacation as well as term time.

SEC. 5. Any miner who shall conceal or dispose of any mineral or digging, for the purpose of defrauding his lessor of his rent, or who shall neglect to pay any rent on mineral raised by him, for three days after notice thereof, and claim of such rent, shall forfeit all right to his diggings or range; and his landlord, after such concealment, or after three days have expired from the time of demanding rent, may proceed against him, to recover possession of the diggings, before a justice of the peace, as in case of a tenant holding over after the termination of his lease, according to chapter one hundred and fifty-one, of the Revised Statutes; and in case a miner shall neglect to work his diggings according to the usages of miners, without reasonable excuse, he shall likewise forfeit his diggings, and his landlord may proceed against him, in like manner, to recover possession of the same.

When miner shall forfeit.

Landlord may proceed against miner.

Neglect to work shall forfeit.

SEC. 6. Usages and customs among miners may be proved, in explanation of mining contracts, to the same extent as usage may be proved in other branches of business.

SEC. 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1860.

CHAPTER 261.

[Published March 4, 1860.]

AN ACT to equalize the state tax for Brown county.

Whereas, at the meeting of the State Board of Equalization, consisting of the members of the State Senate, the county of Brown was not represented; And whereas, it appears that said Board in equalizing the real property of the county of Brown, did injustice to said county,

Preamble.

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

SECTION 1. The aggregate valuation of the real property of the county of Brown, is hereby reduced from the sum fixed by the State Board of Equalization, to the sum of one million, seven hundred fifty-eight thousand, seven hundred dollars; and in estimating the proportion of State tax for the year 1860, for the county of Brown,

Valuation of Brown Co. reduced.