

AN ACT authorizing the County of Milwaukee to raise a Tax for Roads.

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

Tax not to exceed \$3,000.

How expended. Proviso.

SEC. 1. That the Board of Supervisors of the county of Milwaukee be, and they hereby are authorized and empowered to levy and collect a tax not exceeding three thousand dollars annually on the taxable property in said county, to be assessed, levied and collected in the same manner as county taxes in said county, to be expended in the construction of Roads and Bridges in said county, in the discretion and by or under the direction of said Board: *Provided*, That the tax payers of each town shall vote for or against said tax at their annual town meeting, and no town shall be assessed to pay any part of said tax, or have any voice in the county Board of Supervisors in proportioning said money, unless the said town shall vote to be taxed.

APPROVED, February 22, 1845.

AN ACT to authorize a further sale of the canal lands, and for other purposes.

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

When lands to be bro't into market.

How advertised.

SECTION 1. So much of the canal lands granted to the Territory of Wisconsin to aid in the construction of the Milwaukee and Rock River Canal, as remain unsold at the passage of this act, shall be brought into market and offered for sale on the second Tuesday of April, one thousand eight hundred and forty-six, in the town of Milwaukee, at such place as the Register and Receiver shall designate, unless such sale shall be hereafter prohibited by an act of Congress, and it is hereby made their duty to advertise the same for four months prior to said day of sale in two weekly newspapers printed in the county of Milwaukee.

How Register and Receiver elected.

SEC. 2. There shall be elected annually by the joint ballot of both houses of the Legislative Assembly, a Register and Receiver,

who shall keep their offices at Milwaukee, in the county of Milwaukee, and shall continue in office for one year, and until their successors shall be duly elected and qualified, who shall give bonds ^{To give bonds.} to the Governor, for the benefit of the Territory, the Register in the sum of ten thousand dollars, and the Receiver in the sum of fifty thousand dollars, with two or more sureties to be approved by the judge of the third judicial district, for the faithful discharge of all the trusts and duties imposed on them by law, which bond shall be duly executed and filed with the Treasurer of the Territory before they enter upon the duties of their respective offices: *Provided*, that the Governor shall be and he is hereby authorized to ^{Provide.} require additional securities from the Receiver, whenever, in his opinion, the public interest may require the same.

SEC. 3. Such lands shall be sold in all cases to the highest bidder, at not less than one dollar and twenty-five cents per acre, ^{Land how to be sold.} to be paid in the legal currency of the United States, on the day of sale, and on such payment being made, the Register and Receiver shall execute and deliver to such purchaser a certificate specifying the tract or parcel of land and the amount paid for the same. But in case the whole of the purchase money on any land sold shall not be paid before the commencement of sales on the next succeeding day, the said land shall again be offered for ^{When re-sold.} sale as if no previous sale had been made.

SEC. 4. If any purchaser of any lands sold under this act shall not be the owner of the improvements on the same, the said purchaser shall pay to the owner of such improvements before he ^{Purchaser to pay for improvements.} shall be entitled to possession of such land and within three months from the date of sale, the full value of such improvements to be ascertained in cases of disagreement by the appraisal of three disinterested persons, to be appointed by the Judge of the judicial district, wherein the said lands may be, unless the parties may agree upon such appraisers, and any tract of land having thereon valuable improvements at the passage of this act shall not be sold in a less quantity than a quarter section or fractional quarter section, unless the person owning such improvements shall otherwise in writing direct, said writing to be filed with the Register and

Receiver twenty days previous to the day of sale, as prescribed in first section of this act; and in case two or more persons shall have valuable improvements on the same tract, the person having the first permanent improvement and possession shall be entitled to direct in what legal subdivision the said tract (on which such improvements shall have been made) shall be sold, not exceeding a quarter section, or fractional quarter section, as the case may be, any thing in the fourth section of this act to the contrary notwithstanding.

Sale how continued.

SEC. 5. Such public sales shall be continued from day to day, until all the lands specified in the first section of this act shall have been offered for sale, and all such lands as shall remain unsold at the close of the public sale shall be subject to entry upon the same terms and conditions as now govern the entry of the public lands of the United States: *Provided*, that no such lands shall be sold at less than one dollar and twenty-five cents per acre, and no payment shall be received except in gold or silver coin, and it is hereby made the duty of the said Register and Receiver, on application of any person wishing to purchase any of said lands, to permit said lands to be sold or entered in tracts of forty acres, and less when there is fractions of less quantity, agreeable to the public surveys.

Proviso.

SEC. 6. It shall be lawful, if Congress by act shall approve this act, as hereinafter provided, for the purchaser or owner of any portion of canal lands heretofore sold under acts of the Legislative

Purchasers of land heretofore sold, may avail themselves of the provisions of this act.

Assembly, or for their lawful heirs or assigns to avail him, her, or themselves of the provisions of this act by paying to the Receiver on or before the first Monday of July next, ten per cent. of the balance due on such lands without including any interest, and estimating the original purchase at one dollar and twenty-five cents per acre, and the remainder, between the first Monday and the second Tuesday of April, one thousand eight hundred and forty-six, and such payments, if made as aforesaid in the legal currency of the United States, shall be in full satisfaction for the purchase money of said lands; and on receiving the same the Receiver shall cancel or release and discharge of record, any bond and mortgage

executed by the original purchaser, so far as the same may affect any portion of land upon which such improvements shall be made: *Provided*, that no payment shall be received from any such purchaser or owner until satisfactory evidence shall be furnished to the Receiver, that all taxes heretofore imposed on such lands shall have been paid, and that in case of the forfeiture of such lands for non-payment of taxes, that the same have been redeemed, and the time allowed by law on the redemption of any such lands sold for the non-payment of taxes is hereby extended to the first Monday of July next, on or before which time, it shall be lawful for any person owning such lands to redeem the same by the payment of the tax, interest and costs due thereon pursuant to law. Proviso.

SEC. 7. The receiver is hereby authorized and required to pay out of any moneys derived from the instalments of ten per cent., to be paid on or before the first Monday of July, next, the following sums: to Increase A. Lapham, three hundred and thirty-five dollars and fifty cents, Isaac T. Brown, one hundred and thirty-five dollars, Thomas L. Ogden, three hundred dollars, F. C. Pomeroy, five dollars, Jonathan E. Arnold, one hundred and five dollars, Edward V. Whiton, fifty dollars, Josiah A. Noonan, fifteen dollars and sixty-five cents, Joshua Hathaway, three hundred and fifty dollars and ten cents, Allen W. Hatch, one hundred dollars, George H. Walker, one hundred and ten dollars, Clinton Walworth, one hundred dollars, Harrison Reed, for publishing Governor's proclamation of sale of canal lands, forty-eight dollars. The holder of canal bond "No. thirty-one," the sum of one thousand dollars with the interest thereon up to the day of such payment, and on paying the same the Receiver shall take up said bond and cause the receipt of the holder for such payment, to be indorsed on the back of said bond. Who Receiver authorized to pay.

SEC. 8. The Register and Receiver shall make a return to the Governor on the first day of June, one thousand eight hundred and forty-six, and quarterly thereafter, of all lands sold, describing the same, and stating the names of the purchasers respectively, the amount paid by each, and the amount of money paid or deposited by them pursuant to law, and also the amount on hand; which returns shall be verified by the oath of such Register and Register and receiver are to make return to the Governor.

Receiver, whereupon it shall be the duty of the Governor to make and execute, under the seal of the Territory, patents to the purchasers of the respective tracts, and to transmit the same to the Register, whose duty it shall be to deliver the same to the person entitled thereto, on the surrender of the original certificate of sale.

Register and Receiver to report.

SEC. 9. The Register and Receiver shall prepare and transmit to the Legislative Assembly of the Territory, on or before the second Monday of January, in each year, a report verified in the manner aforesaid, containing a summary of the facts herein required to be embraced in their respective returns to the Governor, with all such other matter as may be essential for the information of the legislature.

Receiver is to make deposit

SEC. 10. All moneys which shall be paid into the hands of the Receiver, under the provisions of this act, except the sums hereby appropriated, shall be deposited by such Receiver in the Bank of America, in the city of New York, to the credit of the Territory of Wisconsin, and to be drawn out only in such manner as the Legislative Assembly shall hereinafter direct. The first deposit shall be made within twenty days after the close of the sale, and subsequently to be made as often as the quantity on hand shall amount to the sum of ten thousand dollars. For the necessary expenses of making such deposits, the Receiver shall be entitled to receive such compensation as shall be allowed by the Legislative Assembly.

How drawn.

Receiver is to take duplicate certificates.

SEC. 11. In making such deposits the Receiver shall take duplicate certificates thereof, certifying that the same was made, and to be drawn out only as herein provided; one of which certificates shall be forthwith deposited with the Governor of the Territory.

Fees of Register and Receiver.

SEC. 12. The Register and Receiver shall each be entitled to charge and receive out of the funds in the hands of the Receiver, one per cent. on all moneys received as hereintofore provided, and also fifty cents each for every certificate given to any purchaser, to be paid by such purchaser; which sums shall be in full for any services required under this act, except as before provided.

SEC. 13. Whenever an election of a new Register and Re-

ceiver shall take place as herein provided, and after having been duly qualified according to law they shall be hereby authorized respectively upon the exhibition of their qualification as aforesaid, to their predecessor in office, to demand and receive all papers, records, books, moneys, and other property belonging or appertaining to such office, and if such predecessor after being thus requested, shall refuse or neglect to deliver over the same for three days, he or they, as the case may be, shall be liable to pay a fine of fifty dollars for every day so neglecting, to be recovered by an action of debt, in the name of the person lawfully claiming or demanding the same, by any court of competent jurisdiction.

New Register and Receiver to demand papers, &c.

SEC. 14. If any officer created by this act, shall so refuse to pay over any money or deliver over any books, papers, property or records, to any person lawfully claiming or demanding the same, or if any such officer shall in any manner divert any part or portion of any moneys contemplated by this act from the objects specified herein, he or they, as the case may be, shall be deemed guilty of an embezzlement and shall be liable to punishment and fine as provided for in an act entitled "An act to provide for punishing the crime of embezzlement by public officers," approved April 1st, 1843.

Refusal to pay over, to be deemed embezzlement.

SEC. 15. All fines and forfeitures recovered under the provisions of this act shall be paid into the Territorial Treasury.

Fines, how paid.

SEC. 16. This act shall take effect and be in force from its passage.

SEC. 17. If Congress shall approve this act, then the foregoing provision shall be in full force and the land shall be sold at the minimum price of one dollar and twenty-five cents per acre. But if Congress does not disapprove or shall fail to approve of this act, then the said lands shall be sold at the minimum price of two dollars and fifty cents per acre; one half of such bid to be paid in cash on the day of sale. And the purchaser or purchasers shall execute a mortgage upon the land so purchased, to the Territory of Wisconsin, for the use of the future State of Wisconsin, in a sum of money equal to the sum which shall be equal to the difference between the amount of money thus paid upon such land,

If Congress fails to approve, lands to be sold at \$2.50 per acre.

Purchaser to execute Mortgage. and the amount the same would be if the same had been sold at two dollars and fifty cents per acre, if the money so paid shall not equal such amount, conditioned to pay the same in case the United States shall require the future State of Wisconsin to pay more than the sum of one dollar and twenty-five cents per acre: otherwise such mortgage to be void.

APPROVED, February 24th, 1845.

AN ACT to abolish the office of Supreme Court Commissioners.

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

Office abolished. SECTION 1. The office of Supreme Court Commissioner is hereby abolished.

Powers and duties vested in Judges of Probate.

SEC. 2. All the powers and duties heretofore required to be performed by Supreme Court Commissioners, except the allowance of writs of injunctions, by any law of this Territory, shall hereafter be vested in, and performed by, the Judges of Probate in the respective counties; and the Judges of Probate shall be entitled to the same fees and compensation for their services in performing such duties as was heretofore allowed by law to Supreme Court Commissioners.

SEC. 3. This act shall take effect on the fifteenth day of March next.

APPROVED, February 22nd, 1845.

AN ACT to submit the Organization of the County of St. Croix for Judicial Purposes, to the Electors of said County.

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

Organize for Judicial purposes.

SECTION 1. That from and after the first day of November next, the County of St. Croix shall be organized for judicial purposes, and shall enjoy all the privileges of other counties of this Territory. It shall form a part of the first Judicial district, and the courts therein shall be held by the judge of said district.