

## CHAPTER 233.

[Published April 1, 1864.]

AN ACT to amend chapter 277 of the general laws of 1860, entitled "an act relating to school, university, swamp and overflowed lands belonging to the state, and to repeal section 9 of chapter 39 of the revised statutes."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter 277 of the general laws of 1860, entitled "an act relating to school, university, swamp and overflowed lands belonging to the state, and to repeal section nine of chapter twenty-nine of the revised statutes," is hereby amended, so as to read as follows: "Section 1. The commissioners of school and university lands are hereby authorized and empowered to appoint such number of clerks, not exceeding eight, as they may determine to be necessary for the purpose of protecting the school, university, swamp and overflowed lands belonging to the state, or any lands in which the state may have an interest, legal or equitable, from any injury from any person or persons trespassing thereon, by digging or removing any mineral therefrom, or by cutting or removing, or in any manner injuring any lumber, timber, trees, wood or bark being, standing or growing on such premises."

School land commissioners authorized to appoint clerks to protect lands.

SECTION 2. Section two of said chapter is hereby amended, so as to read as follows: "Section 2. It is hereby made the duty of the commissioners of school and university lands, and they are hereby authorized and empowered, to prescribe, by written rules and regulations, the duties and the compensation of such clerks: *provided*, that no such clerk shall receive more compensation for his services than shall be paid to a clerk employed in the school bureau, at Madison, and only for the time he shall be actually employed; *and provided, further*, that the whole compensation to such clerks shall not exceed, in the aggregate, the sum of four thousand dollars per annum."

Commissioners to regulate duties and compensation of clerks.

Limit to compensation.

Total compensation not to exceed \$4,000.

SECTION 3. Section four of said chapter is hereby amended, so as to read as follows: "Section 4. The said commissioners shall have power to authorize and empower any such clerk to seize, or cause to be seized,

May seize lumber, &c. and sell without process.

Shall report seizure to commissioners, and advertise before sale.

Property may be bid in by state, &c.

Auditing of accounts of clerks, &c.

Appropriation.

Whole expense not to exceed \$2,000.

Trespassers may purchase lands.

any timber, lumber, logs, shingles, shingle bolts, staves, shocks, headings, wood or bark cut upon or removed or taken from any of the land described in section one of this act, without process, and to sell the same at public auction to the highest bidder: *provided*, that no such sale shall be made until the clerk making such seizure shall report the same to the said commissioners, nor until the time and place of such sale shall have been advertised in a newspaper printed in the county where such sale is to be had, if any there be, at least once in each week for three successive weeks; and if there is no newspaper printed in said county, then by written or printed notice of such time and place, posted up in the most public place in said county, at least twenty days before such sale. And the said commissioners may cause a bid to be made on behalf of the state at such sale, to an amount not less than one-half the actual value of the property offered for sale. No part of the money realized at any such sale, shall be applied on the certificates issued by the said commissioners, then outstanding, if any. Property purchased on behalf of the state at such sales, shall be sold by the said commissioners for such price and at such time or times as they may deem for the best interest of (of) the state."

SECTION 4. Section six of said chapter is hereby amended, so as to read as follows: "Section 6. The compensation and expenses of such clerks shall be audited by the secretary of state, upon the certificate of the commissioners, and shall be paid out of the state treasury, out of the income of the several funds for which the service has been rendered. The amount to be paid out of each fund shall be determined by the secretary of state. An amount sufficient is hereby appropriated out of the state treasury to pay all such accounts so audited as aforesaid: *provided*, that the whole amount to be audited, during any one year, for services rendered and disbursements made pursuant to the provisions of this act, shall not exceed the sum of six thousand dollars."

SECTION 5. Section five of said chapter is hereby amended, so as to read as follows: "Section 5. Any person or persons found trespassing upon the such lands belonging to this state, shall have the right to purchase said premises of the state, by paying the amount in

lawful money of the United States, at the minimum price at which such land shall be appraised, if the same is subject to private entry at the office of the said commissioners, and also by paying in addition thereto, the sum of fifty per centum of the amount paid for the land. If the person or persons owning the certificate or certificates of purchase for such land, shall be found trespassing thereon, he or they shall have the right to obtain a patent for such land, by paying the amount due to the state on such certificate or certificates, with all legal charges thereon, and the sum of twenty-five per centum on the amount paid for such land. In either case, the commissioners are hereby required to release to the person or persons so paying for the land any lumber, timber, logs, shingles, shingle bolts or any other articles seized under the provisions of this act, and they are hereby required to discontinue any and all suits commenced to recover any damages for such cutting, taking or carrying away, without cost to the state: *provided*, that the state treasurer shall in no case receive pay for such land from any other person or persons than those holding the certificate or certificates, or from their authorized agents, in cases when the land has been previously sold by the state; *and provided*, *further*, that in all cases when the sale of property is made under the provisions of this act, or the one to which this is amendatory, the person or persons owning the certificate or certificates, and not being the trespasser, shall have the right to bid at such sale the amount due to the state for such land, and the expenses of seizure and sale, the amount of which shall be stated at the sale by the person authorized to sell; and when such bid is made, it shall be the duty of the person making such sale to strike off the property to such bidder or bidders: *provided*, that if there shall be at the sale any dispute between bidders as to the ownership of the certificate or certificates of sale issued by the state, the person conducting and making such sale shall sell the property so seized to the highest bidder, he first bidding as provided in this act; in which case the amount so received, or the proceeds of the sale when received, shall be paid into the state treasury and remain there until the commissioners shall determine the ownership of said certificate or certificates; and for that purpose, they are hereby authorized to adopt such

Holders of certificates, when trespassers, may patent their lands.

Release of lumber, &c.

Payment or land only receivable from certificate holder.

Holder of certificate, if not the trespasser, may bid at sale the amount due the state.

When property may be sold to highest bidder.

Duty of state  
treasurer.

rules and take such evidence as in their judgment shall be necessary to determine the fact. When such fact is determined, it shall be the duty of the state treasurer, and he is hereby directed, to pay over to the rightful person or persons on their order, the avails of such sale, after deducting the price of the land, the penalty and expenses herein provided for."

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

## CHAPTER 234.

[Published April 6, 1864.]

AN ACT to authorize the "Green Bay bank" to reduce its capital stock, and change its name to "La Crosse bank."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Capital stock  
may be reduced.

SECTION 1. The Green Bay bank at La Crosse, is hereby authorized to reduce its capital stock to a sum not less than twenty-five thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin, approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required by this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of their capital up to and including the day on which said certificate is filed with the bank comptroller.

Proviso.

Certificate to be  
filed.

SECTION 2. The president and cashier of the said bank named in section one of this act, shall, after the passage of this act, file in the office of the register of deeds in the county where said bank is located, a certificate, under oath, stating the sum to which the capital