

CHAPTER 336.

[Published March 24, 1875.]

AN ACT to amend chapter one hundred and four (104) of the private and local laws of 1872, entitled "an act to amend chapter one hundred and five (105) of the general laws of 1868, entitled 'an act to accept the grant of land made to the state of Wisconsin, by Congress to aid in the construction of the Sturgeon Bay and Lake Michigan ship canal and harbor, in the county of Door, to connect the waters of Green Bay with Lake Michigan, and to provide for the construction of the same,'—approved March 5, 1868,"—approved March 23, 1872.

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

Amended.

SECTION 1. Section two (2) of chapter one hundred and four (104) of the private and local laws of 1872, is hereby amended so as to read as follows: Section

Power of president to protect lands.

2. The president of said Sturgeon Bay and Lake Michigan ship canal and harbor company is hereby authorized and empowered to act as, and is constituted a timber clerk, for the purpose of protecting the lands granted by congress to the state of Wisconsin to aid in the construction of the Sturgeon Bay and Lake Michigan ship canal and harbor from any injury from any person or persons trespassing thereon, by cutting or removing, or in any manner injuring any timber, trees or wood standing or growing on said lands, and said clerk is hereby fully authorized and empowered, without instructions or further authority from the commissioners of school and university lands, either in person or by agents, or assistants duly authorized by him, to seize or cause to be seized any and all logs, timber or other material of whatever kind or description, which may be cut, fallen, stolen or removed from said lands, without process, and to sell the same at public or private sale in his discretion for such price or prices as he the said timber clerk shall deem most advantageous and for the best interest of said company in the construction of said canal, and to receive the considerations paid or agreed to be paid therefor; *provided*, that no such public sale shall be made until the time and place thereof shall have been advertised in a newspaper printed in the county where such sale is to be had, if any such newspaper there be, at least once in each week for three successive weeks; and if there is no

May seize logs, timber, etc., and sell same.

Proviso—Notice of sale to be given.

newspaper printed in said county, then by written or printed notice of such time and place, posted up in three public places in said county, at least twenty days before such sale. Said timber clerk shall have full power, and it is hereby made his duty, to prosecute in the name of the state of Wisconsin any person or persons who shall cut, steal or carry away any timber or logs, or other material growing or being upon said lands, or who shall commit any trespass upon or injury to the same, before any court or magistrate having jurisdiction of the action, and shall recover from such person or persons triple damages for the wrongs and injury done. Said clerk is also duly authorized to settle with trespassers for all trespasses heretofore or hereafter committed on said lands, and when any such trespasser shall have made and carried out a compromise for any such trespass with the said clerk, and shall exhibit his receipt or other sufficient evidence of such compromise, the logs or timber thus already paid for, shall not be again seized. *And provided further*, that such president shall give a bond in the penal sum of ten thousand dollars, with surety to the satisfaction of the said commissioners of school and university lands for the performance of the duties hereinafter prescribed; *And provided further*, that the said president shall keep or cause to be kept a strict account of all moneys so received by him, whether derived from compromise and settlement with trespassers as aforesaid or collected as damages by action at law as aforesaid, or from sale of timber burned, fallen or cut and removed from said lands and sold by him, and shall quarterly, on the last days of March, June, September and December in each year, (until the construction of said ship-canal shall be completed,) present to said commissioners a full and accurate account of all such seizures, sales, and receipts made or received in said preceding quarter, and shall at the same time pay over to the state treasurer the amounts so received by him for the said quarter, less the actual costs and expenses attending the sale and collection of the same. *And provided further*, that the cost and expenses aforesaid shall not be paid until vouchers and bills for the same shall have been filed with the secretary of state and audited and allowed by him. The proceeds so received by the state treasurer from time to time shall be paid over to the treasurer of said company in the manner hereinbefore provided in regard

May prosecute persons trespassing on lands.

Clerk may settle with trespassers.

President to give bonds and keep strict account of moneys received.

Shall make quarterly report.

Vouchers and bills for expenses to be filed with and audited by Secretary of State.

to other moneys received into the state treasury belonging to said company.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 337.

[Published March 23, 1875.]

AN ACT to amend section 9, chapter 143, revised statutes, entitled "of waste."

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

Amended.

Actions for waste may be maintained by holder of tax or sheriff's certificate of sale.

SECTION 1. Section nine (9), of chapter one hundred and forty-three (143), of the revised statutes, is hereby amended to read as follows: "Section nine (9). Whenever any lands or tenements shall be sold for taxes, or shall be sold by virtue of a power of sale in a mortgage, the person to whom a certificate of tax sale may be issued, or to whom a certificate of sale may be executed by the sheriff, pursuant to a mortgage sale, may maintain an action for waste against any person for any waste committed by such person on the premises after such sale.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 338.

[Published March 22, 1875]

AN ACT to amend section four, of chapter three hundred and ten of the general laws of 1874, entitled "an act to lay out a state road from New Richmond, in St. Croix county, to the village of Ashland."

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

Amended.

SECTION 1. Section four, of chapter three hundred