

by said corporation, any law on the subject of usury in this state or any other state where such transaction may be made to the contrary notwithstanding; and the powers of said corporation, for the purposes aforesaid, and for all purposes necessary to carrying out the objects of said company, namely: the construction of a rail road from Racine in the county of Racine, by the way of the village of Jamesville, in the county of Rock, through the counties of Rock, Green, Lafayette, and Grant, to the Mississippi River, and the contracts and official acts of said company, are hereby declared binding, in law and equity, upon said corporation, and all other parties to said contracts.

Sec. 19. This act shall be in force from and after its passage; and it shall be lawful for said company to purchase lands adjoining or adjacent to said rail road, for the purpose of procuring earth, gravel, stone, or other materials for the construction and repair of said road or buildings and fixtures connected therewith, and whenever such lands shall no longer be needed for the purposes aforesaid, the said company are hereby authorized to sell and convey the same.

Sec. 20. In case there shall be incumbrances upon the land taken as hereinbefore provided, it shall be sufficient for the said company to deposit the amount of damages assessed as hereinbefore provided, with the clerk of the circuit court of the county where the land lies, to be paid over by the said clerk to the owner of said land or his lawfully authorized agent, upon the removal of the said incumbrances.

J. McM. SHAFTER,

*Speaker of the Assembly.*

E. B. DEAN, JR.,

*President pro tem. of the Senate.*

Approved, April 17, 1852.

LEONARD J. FARWELL.

[Published July 6, 1852.]

An Act to amend sections eighty-two and eighty-three of chapter eighty-four of the Revised Statutes. Chap 393

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

SECTION 1. That section eighty-two of chapter eighty-four of the revised statutes is hereby amended so as to read as follows: All sales of mortgaged premises under the decree of the court, shall be made by the sheriff or such other person as shall be named in the decree of sale as a commissioner for that purpose, in the county where the

Sales by whom made.

premises, or some part of them are situated, unless otherwise directed in the decree of sale.

**By whom deed executed.** SEC. 2. That section eighty-three of chapter eighty-four of the revised statutes is hereby amended so as to read as follows: Deeds shall thereupon be executed by such sheriff or other person as shall have been named in the decree of sale as a commissioner for that purpose, which shall vest in the purchaser the same estate and no other or greater than would have vested in the mortgagee, if the equity of redemption had been foreclosed, and such deeds shall be as valid as if the same were executed by the mortgagor and mortgagee, and shall be an entire bar against each of them, and against all parties to the suit in which the decree for such sale was made, and against their heirs respectively, and all claiming under such heirs, and against all persons claiming under either of the parties to the suit by any conveyance or instrument subsequent to the commencement of such suit.

**Sales legalized.** SEC. 3. All sales heretofore made by any person appointed by the court for that purpose, other than the sheriff of the proper county, and the deeds executed thereon by virtue of the provisions of said sections eighty-two and eighty-three, are hereby declared to be as valid to all intents and purposes as if the said sales had been made and the deeds executed by the sheriff of the proper county.

**Compensation.** SEC. 4. The following fees shall be allowed to the officer or person making such sale, in full for all services required to be performed in executing such decree, viz: for making sale, when the amount of the decree does not exceed five hundred dollars, the sum of five dollars; when the amount of the decree exceeds five hundred dollars and less than one thousand dollars, the sum of eight dollars; and when the amount of the decree exceeds one thousand dollars, the sum of ten dollars; for drawing, executing, and acknowledging the deed, the sum of three dollars; for making the report of sale in each case, three dollars; for drawing advertisement of sale, one dollar; for travel performed in making such sale, to be computed from the court house, five cents per mile, going and returning.

J. McM. SHAFTER,

*Speaker of the Assembly.*

E. B. DEAN, JR.,

*President pro tem. of the Senate.*

Approved, April 17, 1852,

LEONARD J. FARWELL.

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