

SEC. 2. The commissioners of the school and university lands, shall have power to grant to any railroad company, any land belonging to the people of this State, which may be required for the purposes of their road, on such terms as may be agreed upon by them; and if any land belonging to the State, is required by any company, for the purposes of a railroad, the said commissioners may grant such land to such company, upon such terms and for such compensation as may be agreed upon.

Approved, June 6, 1853.

Chap. 97.

An act to amend section 137 of chapter 10 of the Revised Statutes.

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

SECTION 1. Section one hundred and thirty seven, of chapter ten of the Revised Statutes, is hereby so amended as to read as follows:

Every sheriff, clerk of the circuit court, register of deeds, county treasurer and clerk of the board of supervisors, shall keep his office at the seat of justice of his county, and in the office provided by the county, if any such has been provided; and if there be none established, then at such place as shall be fixed by special provision of law; or if there be no such provision, then at such place as the county board of supervisors shall direct; and shall keep the same open during the usual business hours each day, Sundays excepted; and all books and papers, required to be kept in their office, shall be open for the examination of any person, and any person when so examining the same, may take notes from such books, records or papers or take minutes therefrom; and if any of said officers shall neglect or refuse to comply with the provisions of this section, he shall forfeit, for each day he shall so neglect or refuse to comply with the same, the sum of five dollars.

SEC. 2. This act shall take effect and be in full force, from and after publication.

Approved, June 30, 1853.

Chap. 98.

An act to incorporate an association, for the completion of the improvement of the Fox and Wisconsin rivers.

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

SECTION 1. Mason C. Darling, Otto Tank, Morgan L.

Martin, Edgar Conklin, Benjamin F. Moore, Joseph G. Lawton, Uriah H. Peak, Theodore Conkey and their associates, formed under the name and style of the "Fox and Wisconsin Improvement Company," by articles of association, dated the first day of June, in the year eighteen hundred and fifty three, and such other persons as may become purchasers of the capital stock of said association, are hereby incorporated upon the conditions and terms, contained in said articles, a copy of which shall be filed in the office of the secretary of state; and the said association shall have all the powers incident to a corporation under the laws of this State.

Persons composing association.

SEC. 2. The works of improvement contemplated by the act entitled "an act to provide for the improvement of the Fox and Wisconsin rivers, and connecting the same by a canal," approved August 8, 1848, and by several acts supplemental thereto and amendatory thereof; and known as the "Fox and Wisconsin rivers improvement," together with all and singular the rights of way, dams, locks, canals, water power, and other appurtenances of said works, also all the right possessed by the State, of demanding and receiving tolls and rents for the same, so far as the State possesses or is authorized to grant the same, and all privileges of constructing said works, and repairing the same, and all other rights and privileges belonging to the improvement, to the same extent and in the same manner that the State now hold or may exercise such rights by virtue of the acts above referred to, in this section, are hereby granted and surrendered by the State of Wisconsin, to the said "Fox and Wisconsin improvement company:" *Provided*, That the said improvement

Rights and privileges.

shall in all future time, be free for the transportation of the troops of the United States, and their munitions of war, without the payment of any tolls whatever: *And Provided*, That no provision of this act shall be so construed as to allow, permit or authorize the charge or collection of any tolls or transit duties, for the passage of any vessel, goods, merchandize or property of any kind, along or over the main channel of said rivers: *And also Provided*, The said company shall charge no higher rate of tolls than was established by the board of public works for the year eighteen hundred and fifty one and two, which rates of toll shall be uniform at each lock, and to all persons and boats passing along or through the same: *And further provided*, That each of the members of

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said company, within thirty days from the passage of this act, shall file with the secretary of state, a bond or bonds in the sum of twenty five thousand dollars, payable to the State of Wisconsin, and shall justify on oath before a judge of the circuit court, that they are worth in unincumbered estate or property the amount of the penalty therein, and conditioned that the said company shall vigorously prosecute the said improvement to completion, and complete the same within three years from the passage of this act, on the line located by the board of public works and as contemplated in the report of the board of public works, and estimated by the chief engineer on the first day of January, 1853, in a substantial and durable manner and so as to enable boats with a draft of two feet and breadth of thirty feet, during ordinary stages of low water, to pass with facility from Green Bay into the Wisconsin river; shall pay the contractors on said improvement, the estimates which shall from time to time become due upon their contract; shall pay said contractors any damages awarded or that may hereafter be awarded them by decree or judgment of any court of this State or of the United States; and shall pay all outstanding evidences of indebtedness on the part of the State as trustee or otherwise issued on account of the said improvement, as the same shall become due, or if now due, within ninety days after demand made upon said company, and further conditioned to save harmless, the state of Wisconsin, from any and all liabilities in anywise arising or growing out of the said improvement, or any contract, agreement, law or laws in relation thereto: *And provided further,* That no part of the improvement, rights, property or lands mentioned in this act, shall pass into the possession of such company; nor shall such company acquire any title thereto, or exercise any right or control over the same, until such company shall first procure from White, Resley and Arndt, Morgan L. Martin, Wm. A. Barstow, William McNaughton and company, and Curtis Reed, the several contractors on the Fox and Wisconsin rivers improvement, releases of all claims and demands which such contractors, or either of them may have, or claim to have, against the State, either for work performed under their respective contracts, or for damages by reason of any nonfulfillment of such contract or contracts, by the State, to be executed in due form of law, and file the same in the office of the secretary of state. Nothing in

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this act shall be so construed as to give the company hereby created, the right to collect or receive any other or more revenue from the use of said improvement, than this State would be entitled to collect or receive if the State should complete said improvement, by the expenditure of the grant of land or in any other way.

SEC. 3. As soon as the bond or bonds, and releases referred to in the second section of this act, be filed with the secretary of state, the said company are hereby authorized to take possession of said improvement, appurtenances, property and assets hereby surrendered and granted unto them, and to proceed to complete the same; and it shall be the duty of the officers and agents, having charge of said improvement, to deliver to said association, all the property, surveys, maps, plats, profiles and estimates, belonging to said improvement; an acknowledgment of the receipts of which, shall be signed by the officers of said company and filed in the office of the secretary of state.

All property
to be delivered
to association.

SEC. 4. The lands granted by Congress in aid of said improvement, and remaining unsold, shall be, and are hereby granted to the Fox and Wisconsin improvement company, upon the following terms and conditions, to wit: Whenever the said company shall deposite with the state treasurer, any amount of the outstanding evidences of indebtedness against said improvement funds, or shall transfer and deliver to him any amount of the stock of the United States, or of any state, at its value in the New York market, the said company may select so much of said lands as shall be equal in amount at one dollar and twenty five cents per acre, to the indebtedness so surrendered, or the value of the stock so transferred; and a descriptive list of the lands so selected, being filed in the office of the secretary of state, the lands shall thereupon be and become the property of said company, without any other or further act to be done or performed on the part of the State. And whenever all the evidences of indebtedness shall be paid and surrendered by the company, all the remaining lands, embraced in the grant made by Congress, and not previously conveyed to them, and the stocks that may have been transferred as aforesaid, shall be and become absolutely the property of said company; and all the lands so conveyed, shall be exempt from taxation of every description, by and under any law of this State, until after the same shall have been sold

Lands granted

Lands exempt
from taxation.

and conveyed, or contracted to be sold, or leased, or improved by said company: *Provided*, Said exemption do not continue longer than ten years. And the lands selected by and conveyed to the company as aforesaid, shall be in such quantities and under such conditions, as specified in the proviso to the second section of the act of Congress, entitled "an act to grant a certain quantity of land to aid in the improvement of the Fox and Wisconsin rivers, and to connect the same by a canal, in the Territory of Wisconsin," approved August 8th, 1848: *Provided*,

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That any person who may have acquired the right of pre-emption under the laws of the State, or the United States, to any portion of said lands, or has settled thereon in his own right, prior to the passage of this act, shall be entitled to purchase the same of said company, at the minimum price of one dollar and twenty five cents per acre, at any time within three months after said lands shall be selected by the company, and notice of said selection published in a newspaper, printed at the seat of government of the State; and in all cases of contested claims to such right of pre-emption, the judge of the county court is hereby authorized and empowered, either in term time or vacation, to take proofs and hear, try and determine such right, in the same manner as the register of the state land office is now authorized to do by law; and subject to an appeal to the circuit court, as now provided by law for appeals from said register. And it shall be the duty of the Governor, to take every necessary means to obtain, at as early a day as possible, the lands heretofore selected, and such as may hereafter be located by the company for the balance of the grant in aid of said improvement.

How damages to be paid.

SEC. 5. In all proceeding against the State for damages, or other claims on account of said improvement, the award or decree of which, by the terms of this act, would have to be paid by the Fox and Wisconsin improvement company hereby incorporated; the said company shall be made a party to said suit, and shall have all the rights and privileges of a defendant therein: *Provided, expressly*, That nothing contained in this act shall be construed as an admission of any indebtedness or liability on the part of or against this State, growing out of or connected with any contract heretofore made for the construction or repair of any of the works of improvement on the Fox and Wisconsin rivers.

Proviso.

SEC. 6. This act shall be a public act, and shall be

liberally construed in all courts of jurisdiction, and the State solemnly pledges its faith to confer by future legislation, all such powers as may be found necessary to enable the said corporation to carry into full effect, the fair and obvious intent and meaning of this act.

SEC. 7. This act shall take effect from and after the full organization of said association, and the giving and filing of the bonds herein before mentioned, and thereafter all acts and parts of acts, contravening the provisions of this act, shall cease to be in force: *And provided*, That after this act takes effect as above, the board of public works shall continue to exercise the duties required by law, for the period of thirty days, so far only as to audit and allow all claims and demands for work done and services performed, by direction and employment of said board; and the claims so allowed shall constitute a portion of the debts and liabilities, to be paid and discharged by the said company, according to the provisions of this act, and the obligations of their said bonds. And the said company shall pay to each of the members of said board, the compensation now allowed by law, for the time they may be engaged in auditing and allowing said claims. After the expiration of said thirty days, the duties of said board shall cease, and no compensation whatever, shall be allowed for any services claimed to have been rendered thereafter. And after the property, surveys, plats, maps, profiles and estimates, belonging to said improvement, are delivered to said company, and a receipt therefor is given and filed, as provided in the third section of this act, the duties of the register and receiver of the state land office, shall cease in like manner.

SEC. 8. The State may become the owner and proprietor of the works of improvement, constructed under this act, and of the whole works of improvement, at any time after twenty years, upon paying to said association or their assigns, the actual costs expended by said association in the construction of said improvement, over and above the avails of the grant of land made by Congress, and applied or received by said company, to aid in said improvement; the said lands to be estimated at the rate of one dollar and twenty five cents per acre.

SEC. 9. That the grant made in this act to said company, is expressly intended to aid them in the construction and completion of the said Fox and Wisconsin rivers

improvement; therefore, until the said improvement is completed as contemplated in this act, no part of said grant shall be diverted to any other object.

Approved, July 6, 1853.

Chap. 99. An act to amend an act entitled "an act to divide St. Croix county, and create the county of Pierce and Polk."

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

SECTION 1. That section five, (5) of an act entitled an act to divide Saint Croix county, and create the counties of Pierce and Polk, approved March 14th, A. D. 1853, is hereby so amended as to read as follows: That the seat of justice of the said county of St. Croix, shall be and remain at its present location in the village of Hudson, and the seat of justice in the county of Pierce, shall be located at the village of Prescott; and the seat of justice for the county of Polk, shall be located at the village of St. Croix Falls: *Provided*, That said counties of Pierce and Polk, may at the next general election, to be held in November, A. D. 1853, alter location by a majority of all the legal voters of said counties, at such election.

Approved, July 6, 1853.

Chap. 100 An act to divide the county of Jackson, and create the counties of Buffalo and Clarke.

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

Boundaries. SECTION 1. All that portion of the county of Jackson lying west of the range line, between ranges seven and eight, (7 and 8) west of the fourth principal meridian, be and the same hereby is organized into a separate county, to be called and known by the name of "Buffalo;" and all that portion of the said county of Jackson lying north of the township line between township twenty two and twenty three, (22 and 23) and east of the range line between ranges three and four, (3 and 4) west of the said fourth principal meridian, be and the same hereby is organized into a separate county, to be called and known by the name of "Clarke."

Organization. SEC. 2. On the first Monday in September next, the electors of the said counties of "Buffalo" and "Clarke,"