

CHAPTER 374.

[Published April 30, 1860.]

AN ACT to authorize the Governor of the State of Wisconsin to seize certain land on Green Island, for the use of the State.

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

SECTION 1. The Governor of the State of Wisconsin is hereby authorized and empowered to seize and take possession of, for the use of said State, any land not exceeding two acres, situate on the south-west corner of Green Island, in Green Bay, in this State, for the purpose of ceding jurisdiction thereof to the United States for the erection and maintenance of a light-house thereon. Land authorized to be seized.

SEC. 2. The Governor shall appoint three commissioners, whose duty it shall be to enter upon, and take possession of, any land not exceeding two acres, situate on the south-west corner of Green Island, in Green Bay, Wisconsin, in the name of, and for the use of, said State, for the purpose of ceding the jurisdiction thereof to the United States, for the erection and maintenance of a light-house thereon, and to cause the same to be surveyed, and a plat thereof to be made and filed in the office of the Secretary of State. Commissioners to be appointed to enter upon and take possession of land.

SEC. 3. It shall be the duty of said commissioners to appraise the value of said land, and for that purpose they shall give notice to the claimant or owners of said land, or of any interest therein, of the time and place, when and where, said claimant or owners may appear before said commissioners to have their claims and interest adjusted, and the compensation to be paid by the State, for such land, fixed and determined. Land to be appraised and notice given to owner or claimant.

SEC. 4. The notice required to be given to said claimants or owners shall be given personally to such claimants as can be found within this State, at least 20 days before the meeting of said commissioners, informing them of the time and place of meeting of said commissioners, and the object thereof. And in case any of said claimants or owners cannot be found, after using due diligence for that purpose, the said commissioners shall cause such notice to be published, for four successive weeks, in one paper published at Madison, and one paper published at the city of Green Bay, Brown county, in this State. Notice—how given.

Power commissioners.

SEC. 4. [Sec. 5.] The said commissioners, or a majority of them, shall have full power to do all acts necessary to be done, for the purpose of carrying out the objects of this act, to hear, examine and determine of and concerning the rights, interest and title of all and any of the claimants of said lands, and also to assess the value thereof and fix the compensation to be paid by the State therefor, as fully and as effectually as if all the powers, necessary for the purposes aforesaid, were herein specifically enumerated in this act, and the decision of such commissioners shall be final and conclusive in the premises, unless the same is appealed from within twenty days after the filing thereof in the office of the clerk of the circuit court of Brown county, as hereinafter provided.

Commissioners to file decision.

SEC. 5. [Sec. 6.] It shall be the duty of the commissioners, appointed under the provisions of this act, within ten days after their decision is made, to file the same in the office of the clerk of the circuit court of Brown county, together with the testimony taken in the case.

Owners entitled to appeal from decision.

SEC. 6. [Sec. 7.] The owner or owners, or claimants of said land, or of any interest therein, shall be entitled to appeal from the decision of such commissioners, to the circuit court of Brown county, within twenty days from the filing of the same, as aforesaid, and such appeal shall be heard and determined, in like manner, as appeals from justices of the peace in civil actions: *Provided*, that the appellant or appellants shall make, and file in said court, at the time of such appeal, an oath or affirmation, that injustice has been done them, by such decision; and *Provided*, they execute and file with the clerk of the circuit court, aforesaid, an undertaking, with sufficient sureties, to be approved by the circuit or county judge, for the payment of all costs and disbursements, incurred by the State, arising from such appeal, which undertaking shall be in the name of the State of Wisconsin.

Proviso.

Surety for payment of costs.

Appellants to pay costs in certain cases.

SEC. 7. [Sec. 8.] If, upon the trial of such appeal, the appellant or appellants shall fail to recover a judgment for a sum greater than the amount awarded to them by the decision of the commissioners, aforesaid, not including interest, the said appellant or appellants shall pay all costs and disbursements arising on such appeal, and which shall be deducted from the sum awarded by the decision of the commissioners; and in case such sum is not sufficient to pay the costs and disbursements aforesaid, the Attorney General of this State is hereby au-

thorized to bring suit, in the name of the State of Wisconsin, on the appeal, undertaking, for such amount of the costs and disbursements, aforesaid, as remain unpaid, after deducting therefrom the amount awarded to such appellant or appellants by the commissioners aforesaid.

SEC. 8. [Sec. 9.] The sum awarded by the decision of the said commissioners, finally awarded and adjudged, on appeal, to be paid by this State to the owners and claimants of the land, aforesaid, shall be paid from the treasury of this State, to such owners or claimants, in proportion to their rights and interests in such land, subject, however, in case of appeal, to the provisions of section 6, of this act.

Money to be paid from state treasury

SEC. 9. [Sec. 10.] Upon the filing of the decision of the commissioners, in the office of the clerk of the circuit court of Brown county, and the filing of the certificate of the said clerk, with the seal of the court thereto, in the office of the Secretary of State, stating the amount awarded by such commissioners, and describing the lands hereby authorized to be seized for the use of the State, the title to such land shall immediately thereupon become vested absolutely in this State, free and clear of all incumbrances, and adverse titles, or claims of any kind or nature, whatsoever.

When title shall become vested in state

SEC. 10. [Sec. 11.] The commissioners appointed under the provisions of this act, shall each receive three dollars per day, for each day actually engaged in the services required of them; and witnesses required to attend before them shall receive the same per diem and mileage as is now allowed by law for witnesses attending the circuit court of this State.

Compensation of commissioners and witnesses.

SEC. 11. [Sec. 12.] There is hereby appropriated out of any money in the treasury of this State, not otherwise appropriated, a sum of money sufficient to pay the necessary expenses of carrying out the provisions of this act, and the payment of the sum finally adjudged as compensation for the land aforesaid, and the Secretary of State is hereby authorized to audit the account of said expenses and final judgment, and to certify the same to the State Treasurer, in favor of the person or persons entitled to any portion of such expenses on final judgment, and on presentment of any such certificate, the State Treasurer shall pay the same.

Appropriation

Sec'y of state to audit.

SEC. 12. [Sec. 13.] This act shall take effect and be in force from and after its passage.

Approved April 2, 1860.