

## CHAPTER 329.

[Published April 15, 1862.]

AN ACT to provide for the disposal and expenditure of the drainage fund moneys in Brown county.

(See supplement to local laws.)

## CHAPTER 330.

[Published April 25, 1862.]

AN ACT to relieve the holders of railroad farm mortgages, made in aid of railroad companies.

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

Fund for relief of holders of mortgages given to railroads.

Commissioners—how chosen.

To file oath and bond.

SECTION 1. There is hereby created a fund for the relief of the holders of notes or bonds secured by mortgage upon real estate in this state, which notes or bonds were originally given to any railroad company in this state, or to any person or persons in trust for the use of any such railroad company, in exchange or in security for capital stock of said company, whether such capital stock shall really have been issued therefor or not; which fund shall be called the "railroad bond and mortgage sinking fund," and shall be under the control of three commissioners, to be appointed within ten days after the passage of this act, by the governor, and shall constitute and be known as the "board of railroad sinking fund commissioners," one of whom shall be designated by the governor as president of said board, and who shall hold their offices during the pleasure of the governor, and who shall, before entering upon the duties of their offices, each make, subscribe and file with the secretary of state, the oath of office prescribed by the constitution of this state, and execute a bond with at least two sureties, to be approved by the governor, in a penalty of five thousand dollars, conditioned for the faithful discharge of his duties as such commissioner, and file the same with the secretary of state. A

majority of the commissioners shall constitute a quorum to transact business: *provided, however,* that the state treasurer shall have the actual custody and disbursement of said fund, and he and his sureties shall be responsible upon his official bond for the safe keeping and proper disbursement of the same.

State treasurer to have custody of fund.

SECTION 2. Each railroad corporation created by or organized under any legislative enactment of this state, which has heretofore taken payment for any portion or all of its capital stock, or any person [who,] for the use or in trust for any such railroad company, shall have taken payment for any portion or all of its capital stock, in notes or bonds secured by mortgage upon real estate in this state, and which shall have been by such corporation sold, hypothecated or otherwise disposed of, for the purpose of realizing funds with which to pay the debts of such corporation, incurred in and about the construction or equipment of the road which such corporation was authorized to construct, and each railroad corporation which has or which shall hereafter become the owner of the railroad so as aforesaid authorized to be constructed, and which is now exercising or which shall hereafter exercise the powers, privileges and franchises of a railroad corporation, by operating such railroad assenting to this act, within the limits of this state, shall annually pay to the state treasurer, for the use of said fund, twelve per cent. of the amount of such notes or bonds and mortgages, when such amount shall be reduced and classified as hereinafter provided; and shall continue to make such annual payments on the first day of June, in each year after the present year, until such amount, with interest at the rate of six per cent. per annum, is fully paid, and shall, moreover, comply with, conform [to] and abide by all the other provisions of this act. The aforesaid payments into the state treasury shall be in trust for the present holders of the aforementioned notes or bonds and mortgages, their heirs, executors, administrators and assigns, respectively and *pro rata*, as hereinafter provided; and it is hereby made the duty of said commissioners to ascertain the amount, number and kind of such notes or bonds and mortgages so taken and sold, or hypothecated or otherwise disposed of, as aforesaid, by any

Railroads to pay annually 12 per cent. of mortgages received, for use of said fund.

When payments to be made.

Fund to be held in trust for holders of mortgages, and commissioners to ascertain amount of such mortgages.

Authority to  
commissioners.

such railroad company; and for that purpose the said commissioners shall have the right to examine the records in the office of any register of deeds in this state, the books, papers and records of any and all railroad companies in this state, and to cause to come before them persons to be examined under oath, to administer oaths to witnesses, and to take the testimony of any and all persons.

Mortgages to be  
classified.

**SECTION 3.** Said commissioners shall, when the full amount of such notes or bonds and mortgages, so taken and sold as mentioned in the preceding section of this act, is fully ascertained, classify and reduce the same in the same manner and to correspond with the classification and reduction of the principal due upon instruments that become liens upon such sinking fund, as prescribed in this act; and shall immediately serve upon the president of such corporation, or upon the person or persons who have the management and control of such corporation so authorized to construct such railroad, or of the corporation which has or shall hereafter become the owner of the railroad so authorized to be constructed, a duplicate certificate of the amount of such notes or bonds and mortgages so taken and sold as aforesaid, by such railroad company, as thus ascertained, classified and reduced, and shall file the other of said duplicate certificates with the state treasurer.

Certificate of  
classification to  
be served on  
president of com-  
pany.

Liens upon the  
fund.

**SECTION 4.** The holders of the following described instruments may establish liens upon that part of such fund as herein set forth, for the amounts and in the manner prescribed in section six of this act: All notes or bonds secured by mortgage upon real estate in this state, originally given to any railroad company in this state, prior to the first day of January, 1860, in payment or in security for capital stock of such company, whether such capital stock shall really have been issued or not, and transferred by or for such railroad company, either absolutely or as collateral security for the indebtedness of such company.

How fund to be  
applied.

**SECTION 5.** The amount paid by any railroad corporation into such sinking fund, in pursuance of this act, shall be applied to the payment and cancellation of such of the instruments mentioned in section four of this

act, as were taken by such railroad corporation, or by the railroad corporation who constructed and equipped the railroad of which such railroad corporation so paying into such fund is in possession, and of a fair proportion for such railroad company in the expenses of the commission: *provided, however*, that whenever all of such instruments given to any one railroad company in this state, shall have been paid in the manner provided in this act, by such railroad company or its legal successors, then the obligation of such railroad company or its legal successors to pay into said sinking fund the amount herein required, shall forever cease, and the surplus, if any, then remaining in the hands of the state treasurer, of the moneys paid to said fund by such railroad company, shall be returned to the financial office of the same, or to the person entitled thereto.

When obligation of each company to cease.

SECTION 6. Liens to be established by this act upon such railroad bond and mortgage sinking fund, shall not be for a greater amount than the *bona fide* holders thereof shall have actually paid therefor, to be ascertained by said commissioners, by such evidence as to them shall seem proper: *provided, however*, that such lien shall not be for a greater amount than designated in the following classification:

Amount of liens.

Classification of liens.

#### CLASS FIRST.

Upon all instruments described in section four of this act, as instruments entitling the holder thereof to liens upon said fund, given to, in trust for the use or in aid of the Milwaukee and Mississippi railroad company, and the Kenosha and Rockford railroad company, bearing interest at the rate of ten per cent. per annum, the lien upon such fund shall be for ninety per cent. of the principal of said instrument, with interest at the rate of six per cent. per annum upon such ninety per cent. of said principal, from the time the same shall become a lien upon such fund, as provided in this act, except as hereinafter provided.

90 per cent. liens.

#### CLASS SECOND.

Upon all instruments so as aforesaid described in section four of this act, given in trust for the use or in aid

70 per cent. liens.

of the Milwaukee and Mississippi railroad company, bearing interest at the rate of eight per cent. per annum, and all such instruments given to, in trust for the use or in aid of the La Crosse and Milwaukee railroad company, prior to the issue of one million dollars of the capital stock of said company, in trust to Garret Vliet; and upon all such instruments given to, in trust for the use or in aid of the Milwaukee and Horicon railroad company, and the Ripon and Wolf river railroad company, secured by mortgage upon real estate in Green Lake county and south of that county, and in Fond du Lac and Winnebago counties, the lien upon such fund shall be for seventy per cent. of the principal of said instruments, with interest at the rate of six per cent. per annum on such seventy per cent. of said principal, from the time the same shall become a lien upon such fund, as provided in this act, except as hereinafter provided.

#### CLASS THIRD.

50 per cent. liens. Upon all such instruments so as aforesaid described in section four of this act, secured by mortgage upon real estate, and not included in either of the above classes, the lien upon such fund shall be for fifty per cent. of the principal of said instruments, with six per cent. per annum upon such fifty per cent. of said principal, from the time the same shall become a lien upon such fund, as provided in this act, except as hereinafter provided.

Holder of mortgage to be entitled to *pro rata* share of fund—to be fixed by commissioners.

SECTION 7. Every holder and owner of a note or bond and mortgage of the kind and description mentioned in section four of this act, and of a railroad bond to which, if any, as collateral security, such note or bond and mortgage had been transferred, shall, upon complying with the provisions of this act, become entitled to receive out of the money paid into said railroad bond and mortgage sinking fund, by the railroad company or its proper representatives, or by the person or persons controlling or managing its property, to which, or to agents or trustees of which railroad company such note or bond and mortgage were originally made, executed and delivered, annually, a *pro rata* share,

to be fixed by the board of commissioners, until the amount of said note or bond and mortgage, fixed as prescribed in section six of this act, with the interest thereon, prescribed by this act, be fully paid: *provided*, First payment to apply on interest that the first payments so made shall be applied to the arrearages of interest, but no compound interest shall be allowed.

SECTION 8. The board of commissioners shall immediately after their organization, and after any one railroad company shall have accepted this act, cause this act to be published once a week for three successive weeks, in one newspaper published in the city of Madison, in one newspaper published in the city of Milwaukee, and in one newspaper published in the city of New York, and in such other papers as the governor may, in his discretion, direct; and no holder and owner of a note or bond and mortgage, of the kind and character mentioned in section four of this act, who shall fail or neglect to comply with the requirements and provisions of this act, within six months after the acceptance of this act by the railroad company, or any person or persons for the same, to which or in aid of which any note or bond was originally given, or by its legal successor, shall be entitled to the benefits thereof; Publication of act, after its acceptance by any company. and any such acceptance by any railroad company shall be published in the same manner and in the same newspapers as this act. Benefits of act must be applied for within six months.

SECTION 9. Every holder and owner of a note or bond and mortgage, as aforementioned, may at any time after the day of the first publication of this act, and at any time within six months after the publication of the acceptance of this act by any such railroad company for whose benefit such note or bond and mortgage was given, deliver and surrender to the said board of commissioners, at their office in the city of Madison, such note or bond and mortgage, together with the railroad bond, if any, as collateral security to which the same were transferred to him. Such holder or holders shall also deliver to said board, a satisfaction piece of the mortgage executed and acknowledged in due form of law, in such manner as to effectually cancel and discharge such mortgage of record, and shall make such Acceptance of company to be published. Delivery to commissioners of mortgages, and satisfaction of same.

proof as such board shall require, of the time when and the person from whom he purchased such note or bond and mortgage, the amount paid for the same, together with the class of said instrument, and if he did not purchase the same, then he shall prove to the satisfaction of said board how he obtained possession thereof; and if it shall appear from such statement and proof, that such note or bond and mortgage was obtained by the holder thereof in exchange for any other thing than money, the board of commissioners shall require the holder to make further proof, in such manner as the board may direct, of the actual cash value, in money, of the thing so exchanged, at the time such exchange was made.

Cash value to be established.

Certificates.

SECTION 10. The holder, upon complying with the provisions of the last preceding section, shall be entitled to receive, and the board of commissioners are hereby required to issue and deliver to such holder, as evidence of his interest in said railroad bond and mortgage sinking fund, a certificate, engraved in a good style of engraving, to guard against counterfeiting, signed by the president of the board and by the state treasurer, in substance as follows :

No.....                      .....Series.                      First issue.

STATE OF WISCONSIN.

The board of commissioners of the railroad bond and mortgage sinking fund, do hereby certify, that ..... or bearer, is entitled to receive out of any money paid into the said fund by the ..... railroad company, or any person or persons for the same, the sum of ..... dollars for principal, with interest at the rate of ..... per centum per annum, from the date hereof. Payments to be made at the state treasury, in the city of Madison, during the month of November, in each and every year, until the sum specified in this certificate is fully paid, in accordance with an act entitled " an act to relieve the holders of railroad farm mortgages, made in aid of railroad companies," approved ..... 1862.

Done at the city of Madison, this ..... day of ..... , 1862. .... ,

President of the board of commissioners of the railroad bond and mortgage sinking fund.

..... , State treasurer.

SECTION 11. All certificates issued by said board of commissioners, within three months after the publication of the acceptance of this act by any railroad company, upon bonds and mortgages originally given to such company, or given to the company of which such company, so accepting, is the successor in possession, shall be denominated "first series," and shall bear interest at the rate of six per centum per annum; all certificates issued after three and within four months after the publication of such acceptance, shall be denominated "second series," and shall bear interest at the rate of five per centum per annum; all certificates issued after four and within five months after such publication, shall be denominated "third series," and shall bear interest at the rate of four per centum per annum; and all certificates issued after five and within six months after such publication, shall be denominated "fourth series," and shall bear interest at the rate of three per centum per annum: *provided*, that all certificates issued shall be dated on the day the person entitled thereto shall have completed his proofs as required by this act, and each certificate shall be deemed issued on the day of its date; and any holder of a note or bond and mortgage, surrendering the same with the railroad bond, if any there be, as provided in this act, after five and within six months after the publication of such acceptance, who may not complete his proof within the six months, shall be entitled to a certificate of the fourth series, as hereinbefore provided.

Classification of certificates.

When certificates to be dated.

SECTION 12. On the first Monday of October, in each and every year during the continuance of said sinking fund, the state treasurer shall transmit, in writing, to the said board of commissioners, a statement of the moneys belonging to said fund, received by him during the year then next preceding, specifying the several amounts paid in by the several railroad companies or their proper representatives; also, of the sums paid by him, if any, and on account of what railroad company, or if the money paid by him be on expense account, for what and on whose order it was so paid; also, of the amount then in the treasury to the credit of said fund, specifying the proportion of the several railroad companies contributing to said fund.

Annual report by state treasurer to commissioners.

Annual report  
by secretary of  
state.

And on the same day in each year as last aforesaid, the secretary of state shall transmit to the said board of commissioners, certified copies of all receipts received and filed in his office, as required by this act, during the then last preceding six months, and also a correct and certified list of all accounts audited and allowed by him for expenses of the commission.

Apportionment  
by commission-  
ers.

SECTION 13. The said board of commissioners, upon receiving the reports of the state treasurer and of the secretary of state, as provided for in the preceding section, shall at once proceed to apportion the amount to be paid on each outstanding certificate as the next annual installment, so that, on each certificate there shall be paid its *pro rata* per centage of the amount in the treasury contributed by the railroad company named in the certificate, and that the entire amount contributed by the several railroad companies, or any person for the same, shall thus be apportioned annually among the holders of outstanding certificates, deducting only the necessary expenses of the commission, which shall be paid out of the moneys contributed by said companies, in proportion to the amounts paid in by them respectively.

Report of appor-  
tionment to be  
filed with state  
treasurer.

SECTION 14. The said board of commissioners shall, on or before the third Monday of the month in which such apportionment is made, file a clear and distinct written report of the same, with the state treasurer, who shall, in proper books to be provided for that purpose at the expense of said fund, keep separate accounts with each railroad company contributing to said fund.

Commissioners  
to annually draw  
orders on state  
treasurer for  
payments upon  
certificates.

SECTION 15. During the month of November, in each year during the continuance of said fund, payments shall be made upon any outstanding certificates issued as hereinbefore provided, in the following manner: The payee or bearer of any such certificate, upon surrendering the same to the said board of commissioners, at their office, shall be entitled to receive, and the said board shall then and there deliver to such payee or bearer, their order on the state treasurer for the sum then to be paid on such certificate by the last apportionment then made, specifying in such order the num-

ber of the certificate surrendered, the number of the series and issue, and the railroad company named in such certificate, and how much of the amount of the order so drawn is for interest, and how much on principal; and for the sum left unpaid, after deducting the amount paid by such order on the treasurer, the said board shall issue to such payee or bearer, a new certificate, of like form and of the same series with the one surrendered, numbering it with the same number, and dating it as on the day on which the last apportionment was made; but instead of the word "first" in the words "first issue," there shall be written or stamped the word "second," "third," or any other numeral, as the fact may require. The said board shall preserve the certificate surrendered to them, and mark the same "canceled."

SECTION 16. The state treasurer, upon presentation of the order drawn upon him by the said board of commissioners, shall pay and hold the same as his voucher: *provided, however,* that money once apportioned, but not called for, shall not thereafter be considered a part of said fund in a subsequent apportionment, nor shall any expenses be paid out of the same, nor interest allowed thereon. Payment of orders, &c.

SECTION 17. If the person who executed any note or bond and mortgage to any railroad company for the use or in aid of any railroad company in this state, which note or bond and mortgage has been surrendered to said board of commissioners, and a certificate issued thereon, as provided in this act, and such person or his legal representatives or assigns, shall, within three years after the publication of this act, transfer and deliver to said board of commissioners any capital stock of any railroad company received by him for such note or bond and mortgage, or the price in money which he received for such capital stock, or proof that no capital stock was ever received for such note or bond and mortgage, or that the certificate thereof has been lost, such person or his legal representatives or assigns shall be entitled to receive such note or bond canceled by said board, and the satisfaction piece of the mortgage, provided for in section nine in this act: *provided,* that the person so Cancellation of mortgages on surrender of stock received therefor.

receiving the same shall pay to the state treasurer the sum of two dollars for the use of the expense account of said fund, which payment shall be a condition precedent to receiving said note or bond canceled, and the satisfaction piece of the mortgage; and no action shall ever be instituted upon any note or bond and mortgage so assigned to such commissioners: *provided*, the holder of such stock shall so deliver the same up, if he has any, or so prove the loss of the same.

Return of bonds and stock to commissioners issuing the same.

SECTION 18. All bonds issued by railroad companies in this state, and as collateral security to which any note or bond and mortgage had been transferred by such railroad company, and the holder and owner of such railroad bond shall have surrendered the same, together with the said collaterals thereto, to said board of commissioners, as required by this act, and shall have received a certificate therefor, shall be returned by the said board of commissioners to the railroad company having issued the same; and all capital stock and the certificates therefor, or the proof that no capital stock was issued, or of the loss of such certificate, or the value in money of the stock surrendered and delivered to said board, as required by the last preceding section, shall also be returned to the railroad company having issued the same: *provided, always*, that such railroad company has filed its assent to this act, as herein provided.

No company bound by provisions of this act, unless assenting thereto.

SECTION 19. The provisions of this act shall be assented to and accepted by the railroad corporations required by this act to contribute to said sinking fund, in writing, filed with the secretary of state, before any such corporation shall be required to pay into the state treasury the amounts as hereinbefore provided; and when any such railroad corporation shall have so filed its assent to and acceptance of the provisions of this act, this act shall become a part and parcel of the charter or act of incorporation of such railroad company, and the same penalties and forfeitures shall attach to such railroad corporation, for a violation, on their part, of any of the provisions of this act, as for a violation of any portion of the charter or act of incorporation of such railroad company.

Effect of such assent.

SECTION 20. In case any of the railroad corporations mentioned in section two of this act, or their railroad property and other franchises or corporate rights, shall be at any time in charge and under the control of a receiver or receivers, or any other person appointed by any court of this state or of the United States, by order, judgment or decree of any of such courts, in trust for the creditors of such company, or for any purpose whatever, such court is hereby especially authorized and empowered, by order or decree of said court, duly entered of record, to authorize and require such receiver or receivers, or other person or persons thus in charge of and controlling and operating such railroad and other property or corporate rights of such company, to exercise all the powers and authority, in accepting this act, which such railroad corporation would have possessed if it had remained in full possession of all the rights, powers and authority conferred by its charter and any acts amendatory thereof; and the acceptance of this act in pursuance of such order or decree of such court, by such receiver or receivers or other persons as aforesaid, shall be effectual to bind all persons now or hereafter to become in any way interested in such railroad company, its property, rights or privileges.

Acceptance by companies under charge of receivers.

SECTION 21. After the entire amount of outstanding certificates, together with the interest due and accrued thereon, shall have been fully provided for by the several succeeding annual apportionments, the said board of commissioners shall be dissolved, and their duties cease; whereupon they shall transfer all the books, vouchers and other papers in their possession to the secretary of state, who shall safely deposit and keep them in his office; and if then there shall still remain any money in the treasury belonging to said fund previously apportioned and not called for, such money shall be transferred to the general fund of the state treasury, to the credit of the certificate or certificates, specifying the same by its or their number, series and issue, which certificate or certificates shall be paid at the treasury upon presentment.

Dissolution of board of commissioners, &c.

Disposition of surplus money belonging to fund.

SECTION 22. The members of said board of commis-

Compensation of commissioners.

sioners shall be allowed a reasonable compensation for their services, not to exceed the sum of three dollars each per day for each day actually employed. They shall also be allowed a reasonable amount for office rent and furniture, stationery, printing, fuel and clerk hire. All the expenses of said commission shall be paid out of said sinking fund, and all accounts for expenses shall, before being paid, be submitted to and audited by the secretary of state, in the same manner and under the same regulations as are now or may from time to time be prescribed by law, for the auditing of accounts against the state.

**Duty of state officers.**

**SECTION 23.** Each officer of the state named in this act, and his successors in office, shall discharge any and all duties imposed upon him by any of the provisions of this act.

**Extension of benefits of this act to persons out of U. S. or west of Rocky mountains.**

**SECTION 24.** All holders of railroad bonds, and of notes or bonds and mortgages collateral thereto, of the kind and description mentioned in section four of this act, who at the time of the passage of this act are residing beyond the limits of the United States of America, may avail themselves of the benefits of this act, by complying with the provisions thereof within one year after the publication of the acceptance of this act by the railroad company to which such mortgage was originally given, and shall then be entitled to a certificate of the first series; and all persons, holders of such bonds and mortgages, residing in the states or territories of the United States, west of the Rocky mountains, shall be entitled to the same privilege as to time.

**Compounded mortgages.**

**SECTION 25.** Every person who originally made, executed and delivered any note or bond and mortgage of the kind mentioned in section four of this act, and who shall have paid or compounded for the same, such person or his legal representatives shall be entitled to all the benefits of this act; and in case judgment shall have been or shall hereafter be rendered against any person upon any such instrument described in section four of this act, the judgment debtor or his legal representatives shall have the same right to the benefit of this act as the holder of said mortgage would have had, had

**Judgment debtors and creditors.**

such judgment not been rendered; and such judgment creditor or his legal representatives or assigns, shall not have the right to the benefit of this act. Such judgment debtor or his legal representatives, to be entitled to the benefits of this act, shall file a certified copy of such judgment with the commissioners, and thereupon he shall receive the same certificate as though he was the owner of the note or bond and mortgage upon which such judgment was rendered. In case any person holding a note and mortgage entitling him to a lien upon said fund, shall refuse to file the same with said commissioners within the time prescribed by this act, he shall not thereafter have the right to file the said instrument with said commissioners, so as to become a lien upon such sinking fund, but the original mortgagor or his legal representatives, upon proof to said commissioners of the amount of said note and mortgage, its class and other proof required by such commissioners of the holder of a note and mortgage, before the same became a lien upon said fund, shall be entitled to the same benefits of such sinking fund, and receive the same certificate, and have and receive the same share of such fund as such holder of said instruments would have had, had the same been filed as required by this act.

Copy of judgment to be filed.

If holder refuse to file mortgage, original mortgagor may file proofs, &c.

SECTION 26. If any statement, report, schedule, application or oath, to which an affidavit is required by said commissioners, or by the provisions of this act, shall contain a willful falsehood, the person making the same shall be deemed guilty of perjury, and upon conviction thereof shall be punished as for willful and corrupt perjury.

False statements

SECTION 27. The said board of commissioners shall keep an office in the city of Madison, in this state, suitable for the transaction of their business, which office shall be kept open each day of the week, Sundays excepted, from nine o'clock in the forenoon until four o'clock in the afternoon, from the first day of April until the first day of October, 1862; and after the last mentioned day, said office shall be kept open as the said board may deem necessary, to properly and without delay transact all the business appertaining to the duties of the board. A majority of said board may transact

Where board to keep their office.

To keep records,  
make report, &c.

all the business and perform all the duties herein enjoined upon or required of said board. They shall keep a full and correct record of all acts and things done by them as such board of commissioners. They shall also in each and every year during the continuance of said board, and within ten days next preceding the first day of the regular annual session of the legislature of the state, make to the governor of the state a full and complete report of the condition and management during the last preceding year, of the railroad bond and mortgage sinking fund, and all things appertaining thereto; and it is hereby made the duty of the governor of the state to communicate the report so made to him, to the legislature, at their first meeting.

Duty of govern-  
or.

SECTION 28. This act, immediately after its passage, shall be printed by the contractor of public printing, and when so printed shall take effect and be in force, and shall be taken and construed as a public act.

Approved April 8, 1862.

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## CHAPTER 331.

[Published April 25, 1862.]

AN ACT to ascertain and settle the liabilities of the state of Wisconsin to the Milwaukee and Rock river canal company.

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

Board of commis-  
sioners to ascer-  
tain liability of  
state.

SECTION 1. The governor, secretary of state and state treasurer are hereby appointed a board of commissioners to determine and ascertain the liabilities incurred by the territorial and state government [governments] of Wisconsin, under the act entitled "an act to grant a quantity of land to the territory of Wisconsin,