

CHAPTER 58.

[Published April 12, 1866.]

AN ACT relating to evidence in certain cases.

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

Patents *prima facie* evidence of title.

SECTION 1. All patents heretofore issued, or which may hereafter be issued, by the commissioners of the school and university lands, for any school or university lands, or forfeited mortgage lands, shall be *prima facie* evidence in all courts and places that the grantees therein had lawful title in fee simple to the premises therein described, at the date thereof; and such patents shall be *prima facie* evidence of all facts therein recited.

Records of patents equally conclusive evidence.

SECTION 2. The record of any such patent now recorded, or which may hereafter be recorded, in the office of the register of deeds of the county within which the premises therein described, or a portion thereof, are located, or a copy thereof duly certified, shall in all cases be evidence equally and in the same manner as the original.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 6, 1866.

CHAPTER 59.

[Published April 20, 1866.]

AN ACT to provide for completing the state capitol, and heating the same.

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

Proposals for rotunda, dome, and heating apparatus.

SECTION 1. The governor, state treasurer, secretary of state, attorney general and bank comptroller are hereby constituted a board of building commissioners, and are authorized to let by contract to the lowest responsible bidder, the building, erection and completion of the rotunda and dome of the state capitol, and the

erection and completion of suitable heating apparatus for warming the whole of the building. The contract for completing the building and dome, shall require the entire completion of the same on or before the first day of December, 1867, the whole to be in conformity, as near as practicable, with the plan commenced. The contract for the heating apparatus shall require the full completion of the same on or before the first day of December, 1866.

SECTION 2. Before advertising for proposals, the commissioners and the superintending architect may make such alterations in the plans and specifications for the building, not materially changing the original plan, as to them may seem advisable, and before letting the contract for the heating apparatus, they shall make such inquiries and investigations as to enable them to select the most suitable, safe and economical heating apparatus now in use.

Plans may be altered.

SECTION 3. In advertising for proposals, in making the contracts, and in making payments for work under the same, the commissioners shall follow the provisions of an act entitled "an act to authorize the enlargement of the state capitol, and providing and appropriating means for the same," approved February 28, 1857, so far as the same shall be applicable; and in addition to the requirements of said act, they shall require the contractors to give reasonable security for the prompt and faithful prosecution and completion of the work under such contract within the time specified, and shall reserve the right and have the power, if the contractor shall neglect or abandon the work, or fail to prosecute the same with such diligence and dispatch as will reasonably secure the completion of the work in the time specified in the contract, to declare such contract abandoned and forfeited, and shall relet the same to such other responsible person or persons as will secure the completion of the work by the time specified in this act; and no liabilities shall exist on the part of the state for any service rendered under or upon any contract so abandoned: *provided*, that in case it shall become necessary to relet the work, the commissioners shall relet to the lowest bidder, in the same manner as is provided for in section 1 of this act; *and provided*, *further*, that in the contract for the heating apparatus, the commissioners shall reserve at least thirty per cent.

Act applicable.

Contract may be declared forfeited, &c.

Reservations in contract for heating apparatus.

of the amount agreed to be paid, until the same is fully tested, and they are satisfied that the work is well done, and that it will comfortably warm the entire building.

Appropriations.

SECTION 4. For the payment of the work as the same progresses under the contract, there is hereby appropriated out of the state treasury a sum sufficient to defray the cost of completing the building, and the furnishing and putting in of the heating apparatus: *provided*, that the entire cost of fully completing the building and dome shall not exceed eighty-five thousand dollars, and the cost of the heating apparatus shall not exceed twenty-five thousand dollars; *and provided, further*, that not more than fifty-five thousand dollars shall be paid during the year 1866, the remainder, not to exceed fifty-five thousand dollars, to be paid in 1867, in the manner provided by this act.

Limit.

What amount payable in 1866.

Architect—his salary, &c.

SECTION 5. The building commissioners are hereby authorized to employ an architect to superintend the work, whose compensation shall be as follows: One per centum for details to larger scales, and one per centum for superintendence, which shall be in full payment for all services performed by said architect; and the commissioners may, if in their judgment the public good requires it, discharge such architect, and employ another in his stead, in which case the compensation of said architect for services rendered, shall be adjusted upon the same terms as are heretofore provided for the compensation of the architect, having regard to the amount of services rendered.

Monthly estimates.

SECTION 6. Once in each month the superintending architect shall estimate and report to the commissioners the amount of work performed and material furnished under the contract for the completion of the building, and if they approve the same, the governor shall certify eighty-five per centum thereof to the secretary of state, who shall draw his warrant on the treasurer for the same. Upon the completion and acceptance of the work under such contract, the remaining fifteen per centum shall be certified and paid in like manner.

Payment of expense of fire apparatus.

SECTION 7. The amount contracted to be paid for the heating apparatus, shall be paid, as nearly as practicable, in like manner as provided in the preceding section, except as to the per centum reserved in section three of this act.

SECTION 8. The architect employed under this act, is prohibited from receiving, directly or indirectly, any commission, bonus, reward or compensation from the contractor or contractors who may construct the work contemplated by this act, or of any part thereof, or from any one in the employ of or furnishing materials to such contractor or contractors. Architect to receive no bonus.

SECTION 9. In case of a violation of the foregoing section, the architect shall be discharged, and shall forfeit all claim and right to compensation for services rendered up to the time of such discharge. Forfeiture.

SECTION 10. The commissioners shall accept no bid for heating apparatus which in their opinion will not fully accomplish the object sought to be obtained by this act, and they may require such security as they may deem advisable for the faithful performance of the contract. Security for performance of heating apparatus.

SECTION 11. This act shall not be construed as to permit the commissioners to let the contracts herein authorized, for a larger sum than one hundred and ten thousand dollars, payable as provided by this act. Construction.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1866.

CHAPTER 60.

[Published April 13, 1866.]

AN ACT to provide for registering the names of persons who have heretofore declared or may hereafter declare their intentions to become citizens of the United States of America.

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

SECTION 1. The clerks of the circuit courts in the several counties of this state, are hereby authorized and required to make out an alphabetical register, from the files of their several offices, in a suitable book to be provided for that purpose, of the names of all persons who have heretofore declared their intentions to become citizens of the United States of America, together with Clerks of courts to make out alphabetical lists.