

CHAPTER 377.

[Published April 27, 1865.]

AN ACT to provide more effectually for the protection of state lands.

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

SECTION 1. Any person who shall dig mineral upon or remove mineral from any lands belonging to the state, or in which the state may have any right, title or interest, legal or equitable, or who shall cut timber, lumber, trees, wood or bark upon any such lands, or who shall remove from any such land any of such timber or other material, or any buildings, fences, fixtures or other property standing upon or appurtenant to such land, or shall destroy or injure the same except when authorized by law, shall be guilty of a misdemeanor, and upon conviction of such offense, shall be punished by imprisonment in the county jail of the proper county not more than six months, and by fine not exceeding one thousand dollars.

Penalty for digging minerals, cutting timber, &c. on state lands.

SECTION 2. Any justice of the peace shall have concurrent jurisdiction in his own county with the circuit court, of any offense mentioned in the preceding section, where the value of the trees, wood, timber, mineral, earth, property or other material shall be alleged not to exceed the sum of one hundred dollars, and in such case the punishment shall be by fine, not exceeding one hundred dollars nor less than ten dollars.

Jurisdiction of justices.

SECTION 3. The first section of this act shall be held to include lands mortgaged to the state and lands sold by the state, but not fully paid for, and also lands granted to the state by the act of congress entitled "an act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits," approved September 28th, 1850, whether or not such lands shall have been selected by the state or conveyed to the state.

Applicable to lands mortgaged to state.

SECTION 4. It shall be the duty of the district attorney of each county, to give special attention to the diligent prosecution of the offenses specified in this act, especially upon complaint made to him by the commissioners of school and university lands, or

Duty of district attorneys to prosecute.

May be paid for such services.

any clerk or agent appointed by them. It shall be competent for the commissioners of school and university lands to order to be paid to the district attorney, for extra services required of him under this act, out of the fines collected from persons guilty of the offenses herein mentioned, a sum not exceeding ten per cent. thereof, and to witnesses or other persons furnishing information of such offenses, out of such fines, an amount not exceeding twenty-five per cent.

Clerks.

SECTION 5. Section one of chapter 233 of the general laws of 1864, is hereby amended, by striking out thereof, the words "not exceeding eight."

Penalty for resisting clerks in the discharge of their duties.

SECTION 6. Any person who shall knowingly resist, hinder or obstruct, or procure or counsel any one to resist, hinder or obstruct any clerk, appointed by the commissioners of school and university lands, in the discharge of the duties as clerk, under chapter 277 of the general laws of 1860, or chap. 233 of the general laws of 1864, or who shall willfully remove, disturb or interfere with or cause to be removed, disturbed or interfered with any timber or other materials seized by such clerks under the provisions of the said acts, after notice of such seizure, before such materials shall be released pursuant to order of the said commissioners, shall be guilty of a misdemeanor, and shall, upon conviction of such offense, be punished by imprisonment in the county jail of the proper county, not more than one year, and by fine not less than one hundred dollars nor more than one thousand dollars.

Certificate of secretary of state made evidence.

SECTION 7. Upon any hearing or trial in any suit, indictment or other legal proceeding, the certificate of the secretary of state, under the seal of the state, that any specified piece or tract of land belongs to the state, or is mortgaged to the state, or that the state has any interest, legal or equitable, in such piece or tract of land, or that authority has been given by the commissioners of school and university lands to any clerk appointed by them, naming him, to seize timber or other materials specified in this act, shall be *prima facie* evidence of the fact or facts stated in such certificate.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved April 8, 1865.