

county treasury for any such tax certificate shall be refunded to the purchaser, or to any person on his behalf.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 277.

[Published April 18, 1864.]

AN ACT authorizing the St. Croix and Lake Superior railroad company to protect their lands and the timber thereon.

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

SECTION 1. The St. Croix and Lake Superior railroad company is hereby authorized and empowered to preserve and protect the timber growing or being upon any of the land heretofore granted by congress to the state of Wisconsin, to aid in the construction of railroads, approved June 8d, 1856, and which are situated within fifteen miles of the located line of such company's railroad ; and for that purpose may exercise all the powers which the agents of the state might do, and may prosecute in the name of the state of Wisconsin, any person or persons who shall cut or carry away any timber or logs growing on or being upon said lands, or who shall commit any trespass or injury to the same, before any court or magistrate having jurisdiction of the action, and shall recover from such person or persons triple damages for the wrongs and injury done, or such damage as the state might or ought to recover if prosecuting for such triple damages in its own behalf.

May prosecute in the name of the state, for cutting or carrying away timber, &c.

SECTION 2. The said company is hereby further authorized to prosecute in the name of the state of Wisconsin, any person or persons who may cut or carry away any timber or logs from off any of said lands, according to the provisions of section fifty-three of chapter one hundred and sixty-five of the revised statutes.

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SECTION 3. Said company shall have the power to seize and take into its possession, by its authorized agent

May take and sell timber, &c. cut on lands.

or agents, any of the timber or logs which may be cut or carried away from said premises without lawful authority, by any person or persons, wherever the same may be, and shall sell and convert the same into money, which shall be immediately paid over into the state treasury, less the necessary costs and expenses incurred in (in) the recovery and sale of such property; but any sale of any timber or logs so seized, shall be made at public auction, to the highest bidder for cash; and the time and place of any such sale shall be published at least three weeks prior thereto in a newspaper published at the city of Hudson, and notice thereof shall be posted in three or more conspicuous places at or near the place of sale.

Embezzlement.

SECTION 4. Any officer or agent of the said company who shall become possessed of any money being the proceeds of the sale of any timber or logs cut upon said lands, who shall fail to pay the same over as provided in section three of this act, or who shall willfully convert the same to his own use, or the use of any other person, shall be deemed guilty of the crime of embezzlement, and punished accordingly.

State not liable for costs.

SECTION 5. Nothing in this act shall be construed as in any manner making the state liable for any of the costs or expenses attending the prosecution of any action hereby authorized to be instituted, or any judgment thereon, or in making the state liable for any cost or expense attending the protection and supervision of said lands; but all such expenses and costs and judgments shall be borne and paid by said company, or the persons who may be legally liable to pay the same.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.