

CHAPTER 92.

[Published March 19, 1870.]

AN ACT to provide for the protection from trespasses of the lands granted by congress to the state of Wisconsin to aid in the construction of the Sturgeon Bay Ship Canal.

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

Shall instruct
timber clerks.

SECTION 1. It is hereby made the duty of the commissioners of school and university lands to instruct the timber clerks appointed by them to protect the school and university lands of the state from trespasses, also to preserve and protect the timber growing or being upon any of the lands heretofore granted by congress to the state of Wisconsin to aid in the construction of the Sturgeon Bay Ship Canal.

Timber clerks
shall take possession of logs.

SECTION 2. Such timber clerks shall take into possession on behalf and in the name of the state of Wisconsin, any and all logs and timber which may be cut on or carried away from said lands without lawful authority, by any person or persons, wherever the same may be, and sell and convert the same into money, which shall be immediately paid into the state treasury, less the necessary costs and expenses incurred in the recovery and sale of such property: *provided*, that such sale of timber or logs so seized shall be made at public auction to the highest bidder for cash. The time and place of any such sale shall be published for three successive weeks prior thereto, in a newspaper published in the county where such sale is to be held, if there is a newspaper published in such county, and ten days' notice thereof shall be posted in one or more conspicuous places at or near the place of sale, and in one or more conspicuous places at the county seat of the county in which such seizure is made: *provided*, that for the timber or logs already cut at the passage of this act, such timber clerks may at their discretion, commute or compromise for the same, at a rate not less than two dollars and fifty cents per thousand feet.

Shall prosecute
trespassers upon
state lands.

SECTION 3. Such timber clerks shall have full power, and it is hereby made their duty, to prosecute in

the name of state of Wisconsin, any person or persons who shall cut or carry away any timber or logs growing or being upon said lands, or who shall commit any trespass upon 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; and said clerks are further authorized and empowered to prosecute such person or persons as provided in section fifty-three of chapter one hundred and sixty-five of the revised statutes.

SECTION 4. Each of said clerks shall make a full and complete verified report on the last days of March, June, September and December in each year, of all actions commenced and moneys collected, paid out or expended in carrying out the provisions of this chapter, and shall receive such compensation for the additional services imposed by this act as may be fixed by the commissioners of school and university lands, and their necessary expenses: *provided*, that the costs and expenses aforesaid shall not be paid until vouchers and bills for the same shall have been filed with the secretary of state, and approved and allowed by him. And all the compensation and expenses herein mentioned shall first be audited and approved by the secretary of state, and shall be paid by the state treasurer, and a sum sufficient to pay the same, to be audited as aforesaid, is hereby annually appropriated out of any money in the state treasury received from collections made by said clerks in pursuance of this act.

Clerks shall make report.

SECTION 5. Whenever said clerks shall become possessed of any money, being the proceeds of the sale of any logs or timber cut on or being upon said lands, and shall fail to pay the same over as provided in this act, or shall convert the same to his own use or to the use of any other person, he shall be deemed guilty of the crime of embezzlement, and punished accordingly.

Penalty for retaining money.

SECTION 6. The state treasurer shall keep a separate account of the moneys received under this act, and shall keep the same, after paying therefrom the expenses provided for in the foregoing sections, subject to the future order and direction of the legislature.

State treasurer to keep separate account.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.