

No. 406, A.]

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CHAPTER 320.

AN ACT relating to public lands and providing for the protection from trespass on the public lands, repealing sections 238, 239, and 241, of the revised statutes of 1878, and chapter 444 of the laws of 1885.

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

SECTION 1. Sections 238, 239 and 240, of the revised statutes of 1878, and chapter 444, of the general laws of Wisconsin for the year 1885, relating to the appointment of state agents for the protection of public lands, are hereby repealed.

Repeals chapter 238, 239 and 240, R. S. 1878, and chapter 444, laws of 1885.

SECTION 2. The commissioners of public lands shall have power to seize or cause to be seized, without process any lumber, timber, bark, minerals or other materials or property cut upon, dug, removed or taken from any of the public lands belonging to the state of Wisconsin, and sell the same at public auction to the highest bidder, under rules and regulations to be prescribed by them. On such sale said commissioners may cause a bid to be made on behalf of the state, for not less than half the actual value of the property to be sold, and the property so purchased at any such sale shall be sold by them for such price as they may deem best for the interests of the state; and no part of the money realized at such sales shall be applied on any outstanding certificate of sale.

Commissioners may seize and sell timber, etc., cut from public lands.

SECTION 3. No patent shall issue for any lands, which have been trespassed upon, to the knowledge of the commissioners of public lands, except upon compliance with the conditions of section 241, of the revised statutes of 1878, and such commissioners may seize and hold any timber or other material taken from such land until such payment shall be made, even though patented previous to the seizure but after such trespass, nor shall any trespasser or his assigns be entitled to the possession of any timber or other materials

Patents, when not to issue.

taken from any of the public lands, until all penalties and charges provided by law are paid. Nothing in this chapter contained, nor the payment of any penalty therein provided, shall affect the liability of any person, whether prosecuted before or after the issuance of such patent, to punishment for any such trespass.

Duties of district attorneys, sheriff, etc., as to trespasses.

SECTION 4. All sheriffs and town officers are especially charged to immediately communicate to the district attorney, any and all information received by them respecting the commission of any trespass or waste upon the public lands, and to enter complaint against the offender before some justice of the peace. Every district attorney, immediately upon receiving information of any such trespass upon lands in his county, shall prosecute the proper criminal action against such offender, and advise said commissioners thereof; and he shall, when required, prosecute a civil action for damages for any such trespass, or to recover the possession of any materials taken from any such land. The said commissioners may order to be paid to said district attorney, out of fines collected from the persons guilty of such offenses, a sum not exceeding ten per centum, and to the witnesses or other persons furnishing information of such offense, a sum not exceeding twenty-five per centum, of such fines collected.

Evidence on trial of action.

SECTION 5. In any civil or criminal action growing out of a trespass upon any public lands the certificate of the secretary of state, under the great seal, 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 said commissioners to seize timber or either materials specified in this chapter, shall be presumptive evidence of the facts stated therein; and all descriptive lists of swamp lands, filed in pursuance of law in the office of the register of deeds, and a certificate of a register of deeds, that any particular tract of land within his county is described within the descriptive list of swamp lands filed in his office, shall be presumptive evidence of title in the state to any tract of land described in any such list or certificate.

SECTION 6. The commissioners of public lands shall, from time to time, as shall be found necessary, employ competent, practical woodsmen, or men of sufficient skill for that purpose, to examine the public lands and protect them from trespass, or to aid in collecting damages for trespasses committed. The persons so employed shall receive for their services a sum not exceeding five dollars per day, to be fixed by such commissioners and their actual expenses as such expenses shall be fixed by such commissioners; in addition to such sum the commissioners of public lands may, in their discretion, either by previous arrangement with the persons so employed, or subsequently, award to any such persons, in addition to the per diem, a sum not exceeding twenty per centum of the amount collected from trespassers on the public lands, by means of his services and the information furnished by him. The commissioners of public lands shall certify the accounts of persons so employed by them, which shall be paid out of the state treasury; provided, that no more than four thousand dollars shall be paid out for this purpose during any one year; nor shall the commissioners of public lands create any indebtedness, in the protection of public lands from trespass, or in collecting claims for trespass thereon, in an amount exceeding said sum of four thousand dollars.

Commissioners shall employ woodsmen to examine and protect lands from trespass.

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

Approved April 20, 1891.