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Annual report of the commissioners of school and university lands of the state of Wisconsin, for the fiscal year ending September 30, 1864. 1864

Wisconsin. Commissioners of School and University Lands
Madison, Wisconsin: William J. Park, State Printer, Harding's Block,
1864

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ANNUAL REPORT

OF

THE COMMISSIONERS

OF

School and University Lands

OF THE

STATE OF WISCONSIN,

FOR THE

Fiscal Year Ending September 30th, 1864.

MADISON, WIS.:

WILLIAM J. PARK, STATE PRINTER, HARDING'S BLOCK.

1864.

ANNUAL REPORT

THE COMMISSIONERS

School and University Lands

OF THE

STATE OF WISCONSIN

FOR THE

Fiscal Year Ending September 30th, 1884

MADISON, WIS.

WILLIAM A. BARR, STATE PRINTER, HARDING'S BLOCK

1884

ANNUAL REPORT

OF THE

Commissioners of School and University Lands,

FOR THE FISCAL YEAR ENDING SEPTEMBER 30TH, 1864.

STATE OF WISCONSIN,

OFFICE OF COMMISSIONERS OF SCHOOL AND UNIVERSITY LANDS,

Madison, October 1, 1864.

HON. JAMES T. LEWIS,

Governor:

SIR: Agreeably to the requirements of law, we have the honor herewith to make to you our official report for the year ending 30th September, 1864.

Statements of the receipts and disbursements on account of the several funds affected by our action, will be found in the reports of the Secretary of State and the State Treasurer, for the fiscal year just expired, and we beg leave respectfully to refer to them for all such information as is not heretofore contained.

The amounts of interest received during the fiscal year ending Sept. 30th, 1864, are as follows:

School Fund Income.....	\$161,518 40
University...do.....	11,522 40
Swamp Land Fund Income.....	15,771 48
Drainage.....do.....	4,998 80
Total.....	\$193,811 08

We annex hereto a tabular statement, marked Exhibit "A," showing separately the number of acres of School, Swamp, and University Land sold in each county during the past year; the amount for which they were sold; the amount paid on the principal; the amount paid on interest (at the time of purchase,) and the amount remaining unpaid, besides annual interest. In the case of some of the school lands heretofore purchased from the State, partly paid for, and forfeited, and sold by the State, an excess has been realized upon the public sale, which excess over the amount due the State at the time of sale, is designated as "surplus," in the table "A (1)."

The amount of acres sold, compared with the amount sold last year, as follows :

	1863.	1864.
School lands, acres,.....	44,799 68	50,686 53
Swamp lands..do.....	26,713 22	46,178 94
University lands, acres,.....	2,744 62	2,930 23
Total, acres,.....	74,257 52	99,795 70

The amounts of the sales of the Forfeited Mortgaged Lands, for the fiscal year ending September 30th, 1863, and for the fiscal year ending September 30th, 1864, are as follows :

	1863.	1864.
School Fund,.....	\$18,798 17	\$17,811 66
University Fund,.....	1,476 00	670 83
Drainage Fund,.....	2,020 99	1,645 51
Total,.....	\$22,295 16	\$19,628 10

These last figures are given according to the books of our office, but as the transactions, involving the execution of patents, the investigation of taxes, and the execution of new purchase money mortgages, often extend over days and weeks, it is probable that the amounts may not be divided between the two years exactly as they appear above.

No State lands have been leased during the year.

The few loans made to individuals during the last fiscal year, were all from the Drainage Fund. The amount loaned in each county is stated under the head of "new loans," in the table hereto annexed marked, Exhibit "B." These loans were made in 1863, and amount only to \$2,275. When lands formerly mortgaged to the State, and forfeited for non-payment of interest or taxes, are bid in by the State, and subsequently resold, patents are issued therefor to the purchaser, and new mortgages are taken for the purchase money unpaid. The transaction is entered upon our books as a payment of the whole price, and a reload of the amount unpaid, pursuant to section 113, chapter 28, Revised Statutes. Exhibit "B" shows also the amount of these purchase money mortgages received during the last year, upon forfeited mortgage lands. The total amount is \$11,753 00. These mortgages are all on five years' time, and the rate of interest is seven per cent.

The principal of the School, University and Swamp Land Funds received, and of the Drainage Fund, except \$2,275 above mentioned, has been invested, during the past year, in bonds and certificates of indebtedness of the State, as required by chapter 217, laws of 1864. The following statement shows the amount and nature of such investments, including those made previous to October 1, 1863.

and the amount of the same at the time of purchase, and the amount of the same at the time of sale, in the case of school lands, and the amount of the same at the time of purchase, and the amount of the same at the time of sale, in the case of swamp lands, and the amount of the same at the time of purchase, and the amount of the same at the time of sale, in the case of university lands, and the amount of the same at the time of purchase, and the amount of the same at the time of sale, in the case of drainage lands, and the amount of the same at the time of purchase, and the amount of the same at the time of sale, in the case of other lands.

Amount loaned to the State from the Trust Funds during the fiscal year ending Sept. 30, 1864:

From School Fund,.....	\$297, 000 00
Swamp Land Fund,.....	63, 000 00
Drainage Fund,.....	14, 000 00
University Fund,.....	11, 000 00
Total,.....	\$385, 000 00
Amount previously loaned from School Fund,.....	323, 000 00
Total invested,.....	\$708, 000 00

The above amount is invested as follows:

Certificates of indebtedness,.....	\$605, 000 00
State Bonds,.....	103, 000 00
Total,.....	\$708, 000 00

The receipts during the fiscal year ending Sept. 30, 1864, on contracts and mortgages previously executed, are as follows:

Payments on School Land Certificates,.....	\$139, 426 00
.....do..... School Fund Loans,.....	115, 657 95
.....do..... University Land Certificates,.....	29, 513 93
.....do..... University Fund Loans,.....	3, 000 00
.....do..... Swamp Land Certificates,.....	12, 605 50
.....do..... Drainage Fund Loans,.....	9, 610 00
Total,.....	\$309, 813 98

The total amounts of the several productive funds under our supervision, are as follows:

Dues on School Land Certificates,.....	\$861, 217 57
.....do..... University.....do.....	127, 563 25
.....do..... Swamp.....do.....	201, 230 36
.....do..... School fund loans to individuals,.....	571, 135 90
.....do..... University.....do.....	13, 607 00
.....do..... Drainage.....do.....	59, 109 00
.....do..... State bonds and certificates, as above,.....	708, 000 00
Total,.....	\$2, 546, 913 08

The productive funds have been increased during the year by sales of land, and by payments of principal on contracts, and on mortgages. They have been reduced by forfeitures to the state of lands previously mortgaged to the state, or held by purchasers on contract. These forfeitures accrue by reason of non-payment of interest or taxes—payment of principal being never demanded while interest and taxes are regularly paid. These forfeitures, although diminishing in numbers, are still of a grave magnitude, as will be seen by the following statement:

in by the state, upon the state, which shows in the

FORFEITURES DURING THE FISCAL YEAR ENDING SEPTEMBER 30, 1864.

	Acres.	Amount.
School Lands,.....	39, 714 55-100	\$58, 884 92
University Lands,.....	2, 953 04-100	8, 754 15
Swamp Lands,.....	31, 726 71-100	39, 899 00
School Fund loans,.....		16, 648 00
University Fund loans,.....		300 00
Drainage Fund loans,.....		4, 888 00

The amounts of principal paid on the old mortgages on lands in the city of Racine, are stated in the table annexed, marked Exhibit "C.," which shows also the names of the mortgagors, the lots mortgaged, and the dates of payment. These sums have been collected in foreclosure proceedings instituted by the Attorney General.

Until within a year, the accumulated principal of the several funds was loaned out to individuals upon note and mortgage at seven per cent. interest. In such a system there was an inherent vice. It was impossible for the commissioners, however great their care and fidelity, to be informed with certainty as to the value, or even the title of real estate offered as security for loans, most of which was remote from the residence or office of the commissioners. The transactions were numerous, no loan being over five hundred dollars. The value of land, especially in cities and villages, was in a great measure speculative, and the persons called to appraise the security were often willing to take very enlarged views of the value, in order to aid a friend in getting a loan. If, besides the effect of these unavoidable sources of error in the estimation of security, the commissioners happen also to be led away by political or personal sympathy, or to be actuated by selfish interests of any sort, it is easy to see that loans would often be made upon insufficient securities, and losses to the fund would occur. Illustrations of these facts are constantly in our view. The table hereto appended, marked Exhibit "D." shows, by counties, the amounts due to the state at the time of purchase of the lands which had been bid in by the state on the forfeiture of mortgages taken for loans, and which were still held by the state September 30, 1863. The total amount was \$199,241 74. The amount due at the time of forfeiture, on such lands held September 30, 1864, was, as appears by the table, Exhibit "E." \$201,623 64. Nearly as many had been sold during the year as had been added by new forfeitures. In June 1864, the amount was probably about \$203,000 00. Yet the appraisal of these lands made on oath by disinterested, and; it is believed, capable persons, which appears in Exhibit "F." annexed, shows the total value to be only \$95,992 64, or about forty-seven per cent. of the amount due on them when forfeited. Nor does this deficiency express all the real loss to the state. The interest on the investment, since the date of the forfeiture, is to be added. Most of the forfeitures were made between 1856 and 1861, and the interest would be from thirty to fifty per cent. of the principal. Again, the land when bid in by the state, upon forfeiture, becomes exempt from taxation, so that here is another source of serious loss to the state. Many of the forfeited mortgage lands prove to be nearly worthless. A few illustrations of the mode of making loans, practised a few years ago, and of the results will be found in the table attached, marked Exhibit "G." which shows in the

cases selected, the names of mortgagors, the dates of loan, the amount loaned, and in what county, and the present appraised value of the security held by the state. They are quite instructive, and calculated to refresh the memory of persons acquainted with the political history of the school fund. We are also informed by the appraisers that in some instances the names of the mortgagors and borrowers are altogether fictitious; in other instances the title is incumbered or wholly defective, and it is doubtful to us whether, on the whole, even the appraised value can be realized in every instance.

This appraisal has been made under chapter 261, laws of 1864. That act provides for the appointment of two appraisers in each county, to estimate on oath the cash value of the forfeited lands. These are to be offered at public sale at a price not lower than the appraised rates, and if not sold, then to be subject to entry at those rates, from which an annual reduction of ten per cent. may be afterwards made. Owing to the great delays in returning the appraisals, the lands have not yet been advertised for sale, but will probably be advertised before the first of January next. The appraisers have been requested to inform us also as to the personal responsibility of the borrowers, in order that suit might be brought where there is a fair prospect of collecting the amount in arrear. Not over one in twenty has been reported as responsible, and no actions have yet been commenced. All the borrowers have however been called upon, so far as practicable, and in some instances the deficiencies will undoubtedly be paid up. In some cases a compromise of the indebtedness may be advisable, and it should be submitted to the wisdom of the legislature to determine how and on what principles this should be effected. The amount paid for appraising the forfeited mortgage lands is \$1,767 53, which is considerably less than the amount allowed by the act directing the appraisal. The names of the appraisers in each county are as follows:

Adair	W. A. Lawrence and J. H. Gorman
Albany	J. H. Wing and A. C. Ketchum
Anderson	John H. Lewis and James A. Conner
Ashtabula	H. Fisher and J. C. Ketchum
Barren	E. O. Taylor and A. T. Fox
Bell	Geo. W. Parker and B. M. Seaman
Benton	James G. Gorman and J. C. Ketchum
Bethesda	H. E. Winger and J. H. Gorman
Bethesda	John H. Taylor and J. C. Ketchum
Bethesda	Geo. C. Gorman and James T. Galt
Bethesda	M. F. Baker and C. D. Conner
Bethesda	W. H. Gorman and K. W. Miller
Bethesda	James H. Hunt and A. B. Jackson—Lucius O'Connell and W. E. Hanson
Bethesda	C. F. Miller and T. B. Scott

LIST OF APPRAISERS OF FORFEITED MORTGAGED LANDS.

Adams,	O. B. Lapham and T. B. Marsden.
Brown,	Dr. U. H. Peak and M. P. Lindsley.
Buffalo,	John D. Lewis and Finklinberg.
Calumet,	Geo. A. Jenkins and Daniel Lee.
Chippewa,	Rodman Palmer and H. B. Whipple.
Clark,	Jas. O'Neill and B. F. French.
Columbia,	O. P. Williams, John T. Clark, I. O. Easton, Richard Lindsey, Jonathan Bowman and E. B. King.
Crawford,	Elmore Graham and John Hilligas—S. P. Kinney and John R. Hurlbert.
Dane,	E. M. Williamson and E. H. Huntington.
Dodge,	Aaron Picketts and W. H. Butterfield—W. E. Smith and Q. H. Barron—A. S. Sloan and D. S. Ordway—Marvin Hill and H. C. Crandall.
Dunn,	Carroll Lucas and Danl. Weston.
Eau Claire,	John E. Stillman and H. C. Putnam.
Fond du Lac,	E. H. Galloway and John Potter.
Green Lake,	I. M. Fish and Ira Sherman.
Iowa,	Alex. Wilson and John Bonner.
Jackson,	C. R. Johnson and F. O. Brainard.
Jefferson,	J. B. Crosby and O. F. Weed—Asher H. Nichols and Gustavus Werlick.
Juneau,	H. H. Hatch and L. E. Sexton.
Kewaunee,	Wm. S. Finley and Edward Decker.
Kenosha,	M. French and Z. G. Simmons.
La Crosse,	Milton Barlow and C. W. Marshall.
La Fayette,	A. B. P. Wood and N. Olmstead.
Manitowoc,	Henry Baetz and W. Lyon.
Marathon,	Chas. W. Nutter and D. L. Plamer.
Marquette,	C. S. Kelsey and H. H. Taylor.
Milwaukee,	David P. Hull and Ellis Worthington.
Monroe,	C. C. Miller and M. Rowley.
Oconto,	E. Wilson and R. A. Jones.
Outagamie,	M. M. Davis and Geo. H. Meyers.
Ozaukee,	Eugene S. Turner and G. Goetz.
Pepin,	Fayette Allen and I. H. Rounds.
Pierce,	A. H. Young and Lute A. Taylor.
Portage,	C. B. Jackson and Burt Brett.
Racine,	Albert G. Knight and Geo. S. Wright.
Richland,	E. M. Sexton and C. H. Smith.
Rock,	W. A. Lawrence and J. H. French.
St. Croix,	I. H. Wing and A. G. Peabody.
Sauk,	John R. Lewis and John A. Coughran.
Shawano,	H. Naber and A. G. Rockwell.
Sheboygan,	J. O. Thayer and A. Pott.
Trempealeau,	Geo. W. Parker and D. A. Segur.
Vernon,	Carson Graham and Jas. Lowrie.
Walworth,	H. S. Winsor and I. F. Brett.
Washington,	John Potter, Jr., and R. S. Kneeland.
Waukesha,	Geo. Canevross and James P. Cady.
Waupaca,	A. V. Balch and C. D. Combs.
Waushara,	G. H. Gile and N. W. Milliken.
Winnebago,	Jeremiah Hunt and A. B. Jackson—Lucius Olcott and W. E. Hanson.
Wood,	G. F. Witter and T. B. Scott.

The commissioners have, during the last year, and especially since the passage of chapter 233, laws of 1864, given much attention to the subject of guarding the state lands from trespasses. The state has heretofore suffered incalculable losses from depredations, chiefly upon the pine-bearing lands. These have often been remorselessly stripped, so as to become, at least for many years, wholly unsalable. We have striven to use the powers conferred upon us by the last named acts in such wise as to effect the utmost good possible with our limited means. The timber agents, (called in the act clerks,) have been appointed by us with a view to their qualifications for the peculiar service required of them. It is their duty, under the statutes and the rules made by us in pursuance of them, (a copy of which we annex hereto, marked Exhibit "H") to discover and report all trespasses on state lands, to seize all materials wrongfully cut on or taken from state lands, and upon order made by the commissioners, to sell such materials at public auction. The trespasser has a right under the law to enter the land, if in market, at any time before the sale of the materials, on paying the price with a penalty of fifty per cent. in addition. If he be the owner of a certificate of purchase of the land, he may obtain a patent by paying the remainder due the state on the land, with a penalty of twenty-five per cent. Under our statutes, one who purchases state lands, paying only in part, obtains only a certificate, and receives no patent (except in the case of forfeited mortgage lands) until he pays in full. The holder of such certificate, it should not be forgotten, *has no right to commit waste*. He may not cut timber, except for a few specified purposes, (R. S. ch. 28, sec. 52; laws 1860, ch. 95.) The materials cut by the holder of the certificate are therefore liable to seizure, but the penalty in his case is smaller. The act of 1864 directs that, on payment in full for the land with the penalty, the materials seized shall be released, and further proceedings against the trespasser abandoned. The clerks have, *in no case whatever*, any right to compromise a trespass, or to receive compensation therefor, or take money from the trespasser or any other person on account of land or materials, except in the single case of an auction sale of materials made by the clerk under an order of the commissioners. The clerks have no discretion to refrain from seizure of any materials cut on state lands, or to make discrimination between individuals, but are bound to follow the law rigorously at all times. We make these remarks, because great misapprehension has heretofore existed on this subject among those most interested. *Trudgers need nicht loquere et ad revivemont* Trespassers have supposed that they could purchase from the state agents indemnity for trespasses, not only past but future—an idea which has perhaps been sometimes encouraged by clerks for their own illicit profit. We desire trespassers to understand distinctly, that no settlements with the timber clerks have the least binding force, and that they throw away any money which they may pay to such clerks, except in purchasing materials at public sale. The commissioners also earnestly desire, and they firmly intend, that it shall be recognized as a settled fact, in those districts where the state lands lie, that trespassing is more costly than honest dealing; that it is cheaper to pay for timbered lands before cutting, than to cut unlawfully with the risk of paying price and penalty. It is the duty, and it is the interest of, all citizens of the state to co-ope-

rate in preserving the trust funds unimpaired. Our great educational endowment should never be a subject for private plunder. The advantages of free education are so palpable, so far-reaching, so inestimable, that no one, it should seem, can be indifferent to the importance of retaining them undiminished. We urgently solicit our citizens throughout the state to condemn by voice and conduct, the iniquitous practice of deprecating upon the state lands, and to adopt and diligently pursue all means to deter and punish offenders. The commissioners will, at all times, be thankful for any information that may lead to the detection of trespassing, or of negligence or misconduct in the clerks appointed to prevent it. We have entered upon a system, which we hope will leave fewer grounds for complaint, on both these heads than have heretofore existed, and it shall be no fault of ours, if it is not effective. The table annexed, marked Exhibit "I." shows that within the past year, nearly twelve thousand acres have been reported as trespassed on, and that seizures have been made of materials cut on over ten thousand acres. Some of these however, have been erroneously reported, and upon corrections being subsequently made, the seizures have been abandoned. Of the lands so reported, over four thousand acres have been subsequently fully paid for, and more will soon be patented.

The sum of \$1,496 08 has been realized from penalties paid, and sales of materials seized, while the amount paid for the protection of the State lands has been \$1,996 30. It is proper to call attention, however, to the fact that the amount of penalties paid, is by no means the measure of the utility of the system. We may fairly presume that but few of the lands reported as trespassed on, would ever have been purchased of the State, if the trespassers had been allowed to strip the lands and escape with the booty. The amount obtained by the State from the purchasers of those lands, may be mostly set down as a result of the work of the timber clerks. Nor is this all. The chief value of the system is in the inducement to purchase timbered lands now felt by many, who formerly obtained timber without the least idea of owning the land on which they cut it. It is now, we think, generally understood, that it is not safe to trust to stealing as the foundation for a large lumber business; consequently purchasing is more in fashion than in earlier times. The honest dealers also see that they cannot fairly compete with those who pay nothing for their timber, and they are, therefore, not only inclined to purchase themselves, but to compel their less scrupulous neighbors to do the same. These fruits cannot be exactly enumerated, but they are found in the large increase this year of purchases, and particularly of full payments. The sales have been this year one third larger than those of last year, while the lands fully paid for and patented the past year, are 103,238,67 acres, against 76,365,29 acres the previous year. We know that a substantial portion of this increase is owing to the watchfulness exercised over the public lands, and the enhanced risks of trespassing on them.

The State now holds, besides the "Forfeited Mortgaged Lands" before mentioned, two millions two hundred and ninety-three thousand eighty-two and seventy-six hundredths acres, school, university and swamp lands, particular statements of which are hereto appended, marked Exhibit "K."

Respectfully submitted,

LUCIUS FAIRCHILD,

Secretary of State.

SAMUEL D. HASTINGS,

State Treasurer.

WINFIELD SMITH,

Attorney General.

Ex. Office Com. of School and University Lands.

Balance Due State	Amount	Amount	Principal	Balance	Amount	(Number)
178 00		27 07		205 07	210	Adams
1 101 00		20 15		1 081 00	218	Ashtabula
1 388 27		49 81		1 338 46	1 104 37	Brown
321 00		24 00		1 292 29	1 000 12	Buckeye
				1 288 01	1 177 44	Burnsville
1 441 30		34 70		1 088 58	1 108 73	Calhoun
306 00		28 41		1 078 28	1 117 10	Chippewa
680 00		23 15		1 787 94	2 300 23	Clark
1 030 00		28 23		1 094 95	492 17	Clinton
732 00		7 23		388 25	702 50	Crawford
614 00		1 20		60 14	100	Franklin
323 21		10 28		282 80	210	Galena
244 00		323 20		242 80	117 01	Geauga
161 00		0 41		78 08	100	Deer
28 00		2 73		308 04	280	Douglas
402 00		11 40		173 31	620	Dunn
325 00		21 47		478 28	1 120	East Clinton
178 00		11 20		141 08	300	Franklin
322 00		15 09		402 23	401 73	Grant
402 00		2 02		61 27	180	Green
78 00		2 27		164 23	102 20	Griffin
1 328 04		68 12		377 21	120	Hancock
322 20		0 02		210 28	402 20	Harrison
180 00		0 21		21 20	170 24	Jefferson
27 00		1 00		00 24	20	Johnson
420 00		22 23		101 23	200	Knox
723 20		24 02		200 25	802 02	La Grange
802 20		00 14		200 48	200	Laurens
1 100 20		12 20		1 282 28	1 280	Licking
200 25		10 23		223 21	700	Lorain
20 00		1 02		213 20	200	Lucas
104 00		2 25		021 21	10 77	Madison
1 274 19		12 00		702 27	1 280	Marion
2 110 00		22 23		2 079 60	4 120	Meigs
4 270 12		122 22		2 298 11	2 280	Monroe
47 00		10		87 21	120	Morgan
1 427 23		18 20		1 101 22	1 214 02	Muskingum
724 00		20 00		412 20	380 10	Noble
309 00		18 40		128 08	440	North
25 00		24		60 21	47 27	Portage
1 402 00		47 26		2 287 23	2 219 21	Rainelle
1 088 00		24 00		400 23	127 02	Ritchland

EXHIBIT "A." (1).

Sale of School Lands for the fiscal year ending September 30, 1864.

Counties.	Acres.	Amount Sold for.	Amount Principal paid.	Amount Int'st paid.	Amount surplus.	Balance Due State.
Adams,.....	240	265 07	87 07	7 85	.....	178 00
Ashland,.....	618	1,657 60	556 60	29 15	.....	1,101 00
Brown,.....	1,164. 37	1,900 63	518 95	49 81	.....	1,386 68
Buffalo,.....	1,099. 18	1,695 89	664 89	24 09	.....	981 00
Burnett,.....	1,177. 14	1,256 01	1,256 01	.....	.....	.....
Calumet,.....	1,156. 72	1,985 58	538 32	34 70	.....	1,447 26
Chippewa,.....	1,717. 10	1,928 28	1,123 28	28 41	.....	805 00
Clark,.....	2,399. 82	2,876 94	1,787 94	25 15	.....	1,089 00
Columbia,.....	462. 17	1,087 95	294 95	33 83	.....	793 00
Crawford,.....	702. 50	902 85	288 85	7 93	.....	614 00
Dane,.....	160	403 67	50 16	1 50	.....	353 51
Dallas,.....	640	779 51	235 51	19 88	.....	544 00
Dodge,.....	117. 01	590 00	246 80	.....	348 20	.....
Door,.....	190	227 68	76 68	6 44	.....	151 00
Douglas,.....	280	264 04	208 04	3 72	.....	56 00
Dunn,.....	560	638 91	172 91	12 40	.....	466 00
Eau Claire,.....	1,120	1,240 23	476 28	21 47	1 95	762 00
Fond du Lac,.....	200	319 08	141 08	11 20	.....	178 00
Grant,.....	461. 79	688 33	402 33	15 69	.....	286 00
Green,.....	180	587 22	61 37	2 02	13 85	462 00
Green Lake,.....	192. 83	260 29	184 29	3 27	.....	76 00
Iowa,.....	720	1,764 75	377 81	63 13	.....	1,386 94
Jackson,.....	466. 56	566 48	210 68	9 08	.....	355 80
Jefferson,.....	176. 84	184 89	34 89	6 94	.....	150 00
Juneau,.....	80	90 24	63 24	1 60	.....	27 00
Kewaunee,.....	560	1,241 82	791 82	22 22	.....	450 00
La Crosse,.....	803. 62	1,110 87	266 32	24 02	61 35	783 20
La Fayette,.....	260	1,068 75	200 48	50 14	.....	868 32
Manitowoc,.....	1,280	1,969 77	838 48	12 29	81 09	1,100 20
Marathon,.....	760	860 18	359 31	19 32	.....	500 82
Marquette,.....	200	303 50	213 50	1 02	.....	90 00
Milwaukee,.....	19. 77	1,478 81	684 81	3 35	.....	794 00
Monroe,.....	1,360	1,976 45	702 27	12 99	.....	1,274 18
Oconto,.....	4,120	5,289 66	2,079 66	82 23	.....	3,210 00
Outagamie,.....	5,380	7,957 23	3,753 11	128 85	.....	4,204 12
Pepin,.....	120	134 81	87 81	15	.....	47 00
Pierce,.....	1,914. 02	2,558 67	1,101 35	18 30	.....	1,457 32
Polk,.....	980. 19	1,167 89	413 89	29 60	.....	754 00
Portage,.....	440	458 06	158 06	15 40	.....	300 00
Racine,.....	47. 87	115 34	60 34	24	.....	55 00
Richland,.....	2,319. 81	4,303 04	2,837 88	47 95	.....	1,465 66
Rock,.....	127. 52	1,494 33	406 33	24 60	.....	1,088 00

EXHIBIT "A."—continued.

Counties.	Acres.	Amount Sold for.	Amount Principal paid.	Amount Int'et paid.	Amount surplus.	Balance Due State.
St. Croix,.....	1,719.86	2,323 73	588 37	25 35	.....	1,735 36
Sauk,.....	748.90	1,384 65	469 70	38 99	.....	914 95
Shawano,.....	5,084.90	7,366 28	2,887 68	144 71	.....	4,478 60
Sheboygan,.....	280	719 37	123 37	23 58	.....	596 00
Trempealeau,.....	440	513 17	181 31	6 09	.....	331 86
Vernon,.....	2,089.84	2,687 80	1,056 02	25 19	.....	1,417 94
Walworth,.....	89.25	584 43	379 43	9 63	213 34	205 00
Waukesha,.....	120	84 01	84 01	.....	.....	.....
Waupaca,.....	1,300.86	2,329 95	919 43	45 11	.....	1,410 52
Waushara,.....	860	473 50	101 50	17 97	.....	372 00
Winnebago,.....	199.05	575 21	110 21	3 51	.....	465 00
Wood,.....	160	382 12	290 12	38	.....	92 00
	50,686.53	76,874 97	32,149 95	1,257 44	664 78	44,060 24

EXHIBIT "A."

Sale of Swamp Lands for the fiscal year ending September 30, 1864.

Counties.	Acres.	Amount sold for	Amount prin. paid.	Amount Int' paid	Balance Due State.
Adams,.....	822	748 29	269 29	18 48	479 00
Brown,.....	640	656 21	307 21	9 83	349 00
Buffalo,.....	1,261.98	1,401 33	478 61	32 89	922 73
Calumet,.....	480	749 13	276 13	14 84	473 00
Chippewa,.....	417.45	357 34	185 84	5 97	172 00
Clark,.....	1,400	1,283 08	1,009 08	6 98	274 00
Columbia,.....	441.60	750 20	281 20	14 51	469 00
Dane,.....	1,319.50	3,161 85	1,336 85	55 49	1,825 00
Dodge,.....	1,298.28	1,594 13	527 13	17 24	1,067 00
Door,.....	2,170.37	2,362 95	1,253 95	85 08	1,109 00
Dunn,.....	1,416.73	1,366 85	446 35	39 76	920 00
Eau Claire,.....	502.55	631 34	263 34	13 27	368 00
Fond du Lac,.....	366.16	667 16	452 16	8 22	224 00
Grant,.....	320	240 00	80 00	8 62	160 00
Green Lake,.....	795	962 43	402 43	20 52	560 00
Jackson,.....	502	469 24	163 24	7 39	301 00
Jefferson,.....	332.42	666 83	151 83	10 49	515 00
Juneau,.....	648.95	1,053 20	470 20	33 23	583 00
Kewaunee,.....	1,031.01	1,287 50	585 50	21 02	702 00
La Crosse,.....	556.47	651 68	299 68	14 69	352 00
Manitowoc,.....	825.98	1,114 74	547 74	19 92	567 00
Marathon,.....	280	259 28	117 28	3 42	142 00
Marquette,.....	470.19	566 85	300 85	9 66	266 00
Monroe,.....	1,212.66	1,769 45	881 45	22 70	888 00
Oconto,.....	6,855.66	6,875 27	4,431 77	63 88	2,443 50
Outagamie,.....	1,913.01	2,560 65	1,354 65	33 18	1,206 00
Pepin,.....	120	130 72	52 72	3 94	78 00
Polk,.....	360	346 78	131 78	9 03	215 00
Portage,.....	3,839.57	3,664 81	1,344 81	86 12	2,320 00
Richland,.....	120	149 90	47 90	2 57	102 00
Sauk,.....	240	447 47	220 47	4 55	227 00
Shawano,.....	1,807.85	2,313 95	1,074 95	40 41	1,239 00
Sheboygan,.....	853.81	290 45	108 45	5 51	182 00
Trempealeau,.....	742.71	591 92	242 92	8 94	349 00
Vernon,.....	250.18	251 99	94 99	3 77	157 00
Walworth,.....	240	202 30	137 30	8 83	65 00
Washington,.....	400	416 07	183 07	8 45	233 00
Waukesha,.....	120	90 00	90 00		
Waupaca,.....	3,028.93	4,270 96	1,978 96	66 50	2,292 00
Waushara,.....	678.67	848 65	278 65	23 35	570 00
Winnebago,.....	1,711.16	1,923 11	857 11	40 09	1,066 00
Wood,.....	3,840	4,427 17	1,795 17	66 42	2,632 00
	46,178.94	54,581 23	25,522 01	911 85	29,059 23

EXHIBIT "A (3)."

Sale of University Lands for the fiscal year ending Sept. 30, 1864.

Counties.	Acres.	Amount sold for.	Amount pri'n paid.	Amount interest paid.	Balance due State.
Calumet,	80	\$324 40	\$30 40	\$10 57	\$294 00
Chippewa,	280	667 31	190 31	15 95	477 00
Columbia,	39. 51	150 10	45 10	1 92	105 00
Crawford,	80	186 95	45 95	43	141 00
Dane,	40	210 17	20 17	80	190 00
Eau Claire,	480	1, 129 80	413 80	28 59	716 00
Fond du Lac,	40	115 99	34 99	2 56	81 00
Jefferson,	88. 20	257 30	147 30	49	110 00
Manitowoc,	40	90 76	26 76	3 57	64 00
Outagamie,	40	89 53	25 53	14	64 00
Ozaukee,	40	112 91	112 91		
Pepin,	760	2, 382 01	856 01	60 83	1, 526 00
Pierce,	760	1, 848 33	602 33	40 48	1, 246 00
Richland,	87. 52	236 04	64 04	3 53	172 00
Winnebago,	80	401 29	48 29	1 22	353 00
	2, 930. 23	\$8, 202 89	\$2, 663 89	\$171 08	\$5, 539 00

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EXHIBIT "B."

Mortgages received for the fiscal year ending Sept. 30, 1864, on sale of Forfeited Mortgage Lands, and on Loans.

Counties.	SCHOOL.	UNIVERSITY.	DRAINAGE.		Total.
				New Loans	
Adams,	\$382 00				\$382 00
Buffalo,				\$200 00	200 00
Calumet,	500 00				500 00
Chippewa,	500 00				500 00
Columbia,	150 00			125 00	275 00
Dane,	450 00			350 00	800 00
Dodge,		\$200 00			200 00
Fond du Lac,	410 00				410 00
Iowa,	900 00				900 00
Jackson,				1,100 00	1,100 00
Jefferson,	900 00	300 00			1,200 00
Juneau,	300 00				300 00
Kewaunee,	133 00				133 00
Kenosha,	300 00				300 00
Manitowoc,	800 00				800 00
Milwaukee,	1,179 00				1,179 00
Monroe,			\$400 00		400 00
Portage,	1,100 00				1,100 00
Racine,	500 00				500 00
Richland,				300 00	300 00
Rock,	500 00				500 00
St. Croix,			500 00		500 00
Sauk,				200 00	200 00
Sheboygan,	450 00				450 00
Waupaca,			100 00		100 00
Winnebago,	333 00				333 00
Wood,	166 00				166 00
Vernon,	300 00				300 00
	\$10,258 00	\$500 00	\$1,000 00	\$2,275 00	\$14,023 00

Walworth,	200	200 00	137 50		
Washington,	400	400 00	128 00		
Waushara,	120	120 00	39 00		
Waupaca,	3,022 33	3,022 33	1,978 00		
Waubesa,	873 67	873 67	226 00		
Winnebago,	1,711 16	1,711 16	657 11		
Wood,	3,640	3,640 00	1,736 17		
	45,173 94	45,173 94	26,522 91	511 85	45,685 79

EXHIBIT "C."

Principal paid on Racine Mortgages for the fiscal year ending September 30, 1864.

Names.	Lot.	Block.	Am't prin p'd	Date of Paym't.
Wm. W. Vaughn, et al,.....	7	6	\$140 00	July 15, 1864
Wm. T. Richmond,.....	2	11	296 00	July 27, 1864
Ezra Baker,.....	n hf of 4	17	63 00	Jan. 13, 1864
Sam'l Chapman,.....	s hf of 4	17	104 00	Aug. 15, 1864
Joseph Raymond,.....	10 & 11	21	53 50	Apr. 4, 1864
Albert E. Terry,.....	8, 9 & 12	21	100 00	Apr. 26, 1864
Rich'd Bredwell,.....	n hfof 7&8	30	68 80	Feb. 24, 1864
Rich'd Jones,.....	s hf of 8	30		Jan. 4, 1864
.....do.....	n qr of 9	30	54 00	Jan. 4, 1864
Phillip Allen,.....	9,10,11&12	43	68 00	M'ch 16, 1864
John Millington,.....		44	216 00	Apr. 30, 1864
R. M. Norton,.....		w hf 56	95 34	M'ch 12, 1864
David S. Barton,.....		67&pt68	308 00	June 15, 1864
Total,			\$1,566 64	

EXHIBIT "D."

Dues on Forfeited Mortgaged Lands, Sept. 30, 1863.

Counties.	School.	University.	Drainage.	Total.
Adams,.....	\$6,312 68		\$211 25	\$6,523 88
Brown,.....	1,216 50			1,216 50
Buffalo,.....	509 00			509 00
Calumet,.....	615 60		902 00	1,517 60
Chippewa,.....	1,146 00			1,146 00
Clark,.....	1,745 00		422 50	2,167 50
Columbia,.....	13,979 01	1,565 74	231 77	15,826 52
Crawford,.....	2,809 24			2,809 24
Dane,.....	6,286 48	379 68		6,616 16
Dodge,.....	12,547 74	938 26	359 28	13,845 28
Dunn,.....	607 00			607 00
Eau Claire,.....	5,784 47	506 00	1,078 50	7,318 97
Fond du Lac,.....	1,663 90			1,663 90
Grant,.....	332 90			332 90
Green Lake,.....	348 00			348 00
Iowa,.....	7,775 82	229 08		8,004 90
Jackson,.....	1,701 11		588 89	2,270 00
Jefferson,.....	3,105 66		551 95	3,657 61
Juneau,.....	4,328 89		708 15	5,037 04
Kenosha,.....	463 00			463 00
Kewaunee,.....	564 16	462 00		1,026 16
La Crosse,.....	1,714 90	332 01	1,463 10	3,510 01
L Fayette,.....	959 64			959 64
Manitowoc,.....	9,899 67		3,421 69	13,321 36
Marathon,.....	3,119 26		453 45	3,572 71
Marquette,.....	12,115 01		162 03	12,277 04
Milwaukee,.....	8,845 08		1,202 00	9,547 08
Monroe,.....	2,643 50	561 85	1,232 85	4,438 20
Oconto,.....			659 84	659 84
Outagamie,.....	565 10		552 70	1,117 80
Ozaukee,.....	844 00			844 00
Pierce,.....	837 00			837 00
Pepin,.....	454 00	572 00		1,026 00
Portage,.....	9,568 97	339 74	1,086 04	10,944 75
Racine,.....	3,667 39		478 30	4,145 69
Richland,.....	743 49		396 75	1,140 24
Rock,.....	4,845 79			4,845 79
St. Croix,.....	2,206 84		1,689 33	3,896 17
Sauk,.....	4,905 66		562 00	5,467 66
Shawano,.....		462 00		462 00
Sheboygan,.....	2,224 33		881 07	3,106 30
Trempealeau,.....		565 18	454 97	1,020 15
Vernon,.....	1,438 06		602 50	2,040 56
Walworth,.....	1,025 67			1,025 67
Washington,.....	2,888 77	600 65	599 69	4,089 11
Waukesha,.....	771 18			771 18
Waupaca,.....	1,977 23		774 84	2,752 07
Waushara,.....	9,800 82		1,184 71	10,985 53
Winnebago,.....	2,468 17	339 28		2,807 45
Wood,.....	3,981 16		754 42	4,735 58
	\$167,752 80	\$7,851 47	\$23,637 47	\$199,241 74

EXHIBIT "E."

Dues on Forfeited Mortgaged Lands, Sept. 30, 1864.

Counties.	School.	University.	Drainage.	Total.
Adams,.....	\$5,539 63		\$211 25	\$5,750 88
Brown,.....	1,381 60			1,381 60
Buffalo,.....	1,069 00			1,069 00
Calumet,.....	840 57		902 00	1,742 57
Chippewa,.....	574 00		560 00	1,134 00
Clark,.....	1,745 00		422 50	2,167 50
Columbia,.....	13,979 01	1,565 74	231 77	15,776 52
Crawford,.....	2,809 24			2,809 24
Dane,.....	5,729 12	379 68	278 27	6,387 07
Dodge,.....	11,985 68	598 44	359 28	12,943 40
Dunn,.....	607 00			607 00
Hau Claire,.....	5,734 47	506 00	1,078 50	7,318 97
Fond du Lac,.....	1,163 95			1,163 95
Green Lake,.....	348 00			348 00
Iowa,.....	6,662 20	229 08		6,891 28
Jackson,.....	2,146 13		1,013 37	3,159 50
Jefferson,.....	2,542 56		551 95	3,094 51
Juneau,.....	4,441 90		1,261 16	5,703 06
Kenosha,.....	463 00			463 00
Kewaunee,.....	1,218 59	462 00		1,680 59
La Crosse,.....	1,714 90	332 01	1,463 10	3,510 01
La Fayette,.....	959 64			959 64
Manitowoc,.....	9,364 24		3,421 69	12,785 93
Marathon,.....	3,119 26		453 45	3,572 71
Marquette,.....	12,853 37		152 03	13,005 40
Milwaukee,.....	7,684 80		1,202 00	8,886 80
Monroe,.....	2,888 79	561 85	791 49	4,242 13
Oconto,.....	335 14		659 84	994 98
Outagamie,.....	565 10		552 70	1,117 80
Ozaukee,.....	344 00			344 00
Pierce,.....	837 00			837 00
Pepin,.....	454 00	572 00		1,026 00
Portage,.....	10,600 98	339 74	1,617 33	12,558 05
Racine,.....	4,054 71		478 30	4,533 01
Richland,.....	743 49		208 30	951 79
Rock,.....	4,294 23			4,294 23
St. Croix,.....	2,454 73		1,689 33	4,144 06
Sauk,.....	5,348 48		562 00	5,910 48
Shawano,.....	279 10	462 00		741 10
Sheboygan,.....	2,224 33		599 02	2,823 35
Trempealeau,.....	230 00	565 18	454 97	1,250 15
Vernon,.....	1,105 50		326 51	1,432 01
Walworth,.....	572 00			572 00
Washington,.....	2,602 51	600 65	599 69	3,802 85
Waukesha,.....	771 18			771 18
Waupaca,.....	2,421 56		774 84	3,196 40
Waushara,.....	10,636 52		2,126 51	12,813 03
Winnebago,.....	2,468 17	339 28	367 38	3,174 83
Wood,.....	3,981 16		754 42	4,735 58
	\$167,434 54	\$7,513 65	\$26,675 45	\$201,623 64

EXHIBIT "F"

Appraised value of Forfeited Mortgage Lands held by the State in June, 1864.

Adams,	\$2,271 15
Brown,	1,129 00
Buffalo,	272 23
Calumet,	1,040 00
Chippewa,	1,630 00
Clark,	430 00
Columbia,	4,870 00
Crawford,	1,744 00
Dane,	3,178 75
Dodge,	3,303 00
Dunn,	100 00
Eau Claire,	3,062 50
Fond du Lac,	1,420 00
Green Lake,	350 00
Iowa,	6,886 56
Jackson,	1,700 00
Jefferson,	1,875 00
Juneau,	1,486 00
Kewaunee,	616 00
Kenosha,	290 00
La Crosse,	1,240 00
La Fayette,	890 00
Manitowoc,	7,090 00
Marathon,	2,233 00
Marquette,	3,252 90
Milwaukee,	7,450 00
Monroe,	1,425 00
Oconto,	200 00
Outagamie,	780 00
Ozaukee,	415 00
Pepin,	12 50
Pierce,	720 00
Portage,	7,355 00
Racine,	1,820 00
Richland,	585 00
Rock,	1,050 00
St Croix,	2,515 00
Sauk,	2,395 00
Shawano,	205 00
Sheboygan,	1,840 00
Trempealeau,	326 00
Vernon,	2,620 00
Walworth,	600 00
Washington,	1,084 00
Waukesha,	1,550 00
Waupaca,	895 00
Wausara,	3,995 00
Winnebago,	2,410 00
Wood,	2,385 00

\$95,992 64

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EXHIBIT "G."

Appraisals of some of the Forfeited Mortgage Lands:

Names of Mortgagors.	County.	Fund.	Date of Loan.	Am't.	A'prais'd value of Security.
Walter B. Gage,.....	Adams,.....	School,.....	1856	\$300	24 85
Henry Beebe,.....	do.....	do.....	1857	200	30
Nancy B. Kingsbury,.....	Juneau,.....	do.....	1857	200	20
G. H. Dykeman,.....	do.....	do.....	1857	200	20
W. J. Gibson,.....	Clark,.....	do.....	1857	500	00
L. H. Waterbury,.....	Dane,.....	do.....	1859	250	25
F. Asbury Ford,.....	Monroe,.....	do.....	1857	300	35
L. C. Morse & Wm. Letson,.....	do.....	Drainage,.....	1858	200	30
Galen Hood,.....	Marathon,.....	School,.....	1857	500	00
Luther F. Hartwell,.....	do.....	do.....	1858	400	00
Ja's H. Campbell,.....	La Crosse,.....	do.....	1858	500	7
Lydia Mosey,.....	do.....	Drainage,.....	1858	500	6 1/2
S. H. Casrey,.....	do.....	do.....	1858	500	4
D. Cooper Ayers,.....	Kewaunee,.....	School,.....	1859	193	20
B. J. Van Valkenburg,.....	do.....	University,.....	1857	400	40
Jacob H. Brands,.....	Portage,.....	School,.....	1857	400	20
Jacob H. Brands & Jane Brands,.....	do.....	do.....	1857	400	20
David A. Agnew,.....	do.....	do.....	1857	200	15
Cha's & Eliz. Wilson,.....	Iowa,.....	do.....	1854	132	16. 56
L. T. Crain,.....	Pepin,.....	do.....	1857	400	2. 50
Chauncoy Carpenter,.....	do.....	University,.....	1856	500	10
W. Hooker Sheldon,.....	Dodge,.....	School,.....	1857	500	8
Wm. Decker,.....	do.....	do.....	1857	500	00
M. M. Pomeroy,.....	do.....	do.....	1857	500	00
S. M. Gilman,.....	do.....	do.....	1857	500	00
Jacob Goodrow, Jr.,.....	do.....	do.....	1857	500	30
Geo. J. Gregory,.....	do.....	do.....	1857	500	20
Alex. Clark,.....	Waushara,.....	do.....	1859	400	20
Wm. L. McKenzie,.....	Marquette,.....	do.....	1854	500	20. 50
Mary J. & Cha's E. Havens,.....	do.....	do.....	1857	500	12
do.....do.....	do.....	do.....	1857	500	9
Wm. Maynard,.....	do.....	do.....	1857	5 0	6
E. C. Hull,.....	do.....	do.....	1857	500	9
W. E. Bailey,.....	do.....	do.....	1857	500	9
O. F. Hurton,.....	do.....	do.....	1857	500	22. 50
Ebenezer Ayres,.....	Columbia,.....	do.....	1856	500	00
Caroline & Martin T. Draper,.....	do.....	do.....	1856	300	00
Tho's Christopher,.....	do.....	do.....	1859	300	00
Wm. R. Smith,.....	do.....	do.....	1857	500	40

EXHIBIT "H"

LAWS FOR PROTECTION OF STATE LANDS.

Chapter 277 of the General Laws of 1860, as amended by Chapter 233 of the General Laws of 1864.

An Act relating to School, University, Swamp and Overflowed Lands, belonging to the State, and to repeal section nine of chapter twenty-nine of the Revised Statutes.

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

ACT OF 1864.

SECTION 1. The commissioners of school and university lands are hereby authorized and empowered to appoint such number of clerks, not exceeding eight, as they may determine to be necessary, for the purpose of protecting the school, university, swamp and overflowed lands belonging to the state, or any lands in which the state may have an interest, legal or equitable, from any injury from any person or persons trespassing thereon, by digging or removing any mineral therefrom, or by cutting or removing, or in any manner injuring any lumber, timber, trees, wood or bark, being standing or growing on such premises.

ACT OF 1864.

SECTION 2. It is hereby made the duty of the commissioners of school and university lands, and they are hereby authorized and empowered to prescribe, by written rules and regulations, the duties and the compensation of such clerks: *provided*, that no such clerk shall receive more compensation for his services than shall be paid to a clerk employed in the school bureau, at Madison, and only for the time he shall be actually employed: *and provided, further*, that the whole compensation to such clerks shall not exceed, in the aggregate, the sum of four thousand dollars per annum.

ACT OF 1860.

SECTION 3. Said commissioners shall not have power to authorize any such clerk or clerks to settle or compromise with any person or persons trespassing or injuring any premises described in the first section of this act.

ACT OF 1864.

SECTION 4. The said commissioners shall have power to authorize and empower any such clerk to seize, or cause to be seized, any timber, lumber, logs, shingles, shinglebolts, staves, shocks, headings, wood or bark cut upon or removed, or taken from any of the land described in section one of this act without process, and to sell the same at public auction to the highest bidder: *provided*, that no such sale shall be made until the clerk making such seizure shall report the same to the said commissioners, nor until the time and place of such sale shall have been advertised in a newspaper, printed in the county where such sale is to be had, if any there be, at least once in each week for three successive weeks; and if there is no newspaper printed in said county, then by written or printed notice of such time and place, posted up in the most public place in said county, at least twenty days before such sale. And the said commissioners may cause a bid to be made on behalf of the state at such sale, to an amount not less than one half the actual value of the property offered for sale. No part of the money realized at any such sale, shall be applied on the certificates issued by the said commissioners, then outstanding, if any. Property purchased on behalf of the state at such sales, shall be sold by the said commissioners for such price and at such time or times as they may deem for the best interest of the state.

ACT OF 1864.

SECTION 5. Any person or persons found trespassing upon any such lands belonging to the state, shall have the right to purchase said premises of the state, by paying the amount in lawful money of the United States, at the minimum price at which such land shall be appraised, if the same is subject to private entry at the office of the said commissioners, and also by paying in addition thereto, the sum of fifty percentum of the amount paid for the land. If the person or persons owning the certificate or certificates of purchase for such land, shall be found trespassing thereon, he or they shall have the right to obtain a patent for such land, by paying the amount due to the state on such certificate or certificates, with all legal charges thereon, and the sum of twenty-five per centum on the amount paid for such land. In either case, the commissioners are hereby required to release to the person or persons so paying for the land any lumber, timber, logs, shingles, shinglebolts, or any other articles seized under the provisions of this act, and they are hereby required to discontinue any and all suits commenced to recover any damages for such cutting, taking or carrying away, without cost to the state: *provided*, that the state treasurer shall in no case receive pay for such land from any other person or persons than those holding the certificate or certificates, or from their authorized agents, in cases where the land has been previously sold by the state: *and provided, further*, that in all cases when the sale of property is made under the provisions of this act, or the one to which this is amendatory, the person or persons owning the certificate or certificates, and not being the trespasser, shall have the right to bid at such sale the amount due to the state for such land, and the expenses of seizure and sale, the amount of which shall be stated at the sale

by the person authorized to sell; and when such bid is made, it shall be the duty of the person making such sale to strike off the property to such bidder or bidders: *provided*, that if there shall be at the sale any dispute between bidders as to the ownership of the certificate or certificates of sale issued by the state, the person conducting and making such sale shall sell the property so seized to the highest bidder, he first bidding as provided in this act; in which case the amount so received, or the proceeds of the sale when received, shall be paid into the state treasury and remain there until the commissioners shall determine the ownership of said certificate or certificates; and for that purpose, they are hereby authorized to adopt such rules and take such evidence as in their judgment shall be necessary to determine the fact. When such fact is determined, it shall be the duty of the state treasurer, and he is hereby directed to pay over to the rightful person or persons on their order, the avails of such sale, after deducting the price of the land, the penalty and expenses herein provided for.

ACT OF 1864.

SECTION 6. The compensation and expenses of such clerks shall be audited by the secretary of state, upon the certificate of the commissioners, and shall be paid out of the state treasury, out of the income of the several funds for which the service has been rendered. The amount to be paid out of each fund shall be determined by the secretary of state. An amount sufficient is hereby appropriated out of the state treasury to pay all such accounts so audited as aforesaid: *provided* that the whole amount to be audited, during any one year, for services rendered and disbursements made pursuant to the provisions of this act, shall not exceed the sum of six thousand dollars.

ACT OF 1860.

SECTION 7. Section nine, of chapter twenty-nine, of the revised statutes, entitled "of swamp and overflowed lands" is hereby repealed.

ACT OF 1864.

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

Published April 1, 1864.

RULES AND REGULATIONS.

Rules and regulations of the commissioners of school and university lands touching the duties and compensation of clerks to protect state lands, under chapter 277 of the general laws of 1860, and chapter 233 of the general laws of 1864.

I.

The compensation of clerks will be at the rate of two dollars and forty-five cents per day for the time *actually employed*, besides *necessary* expenses of travel, seizure, guarding property, and sale, except in the case of clerks with whom an agreement may be made upon different terms. Bills for services and disbursements must show the dates and precise character of services and disbursements, with an affidavit that they were just and necessary.

II.

The clerks will make seizures of the materials mentioned in the law unlawfully cut or removed from state lands, and will immediately report such seizures to the commissioners, specifying in such report the materials seized, the quantity and description of each, as near as may be, the locality of the seizure, the land from which such materials have been cut or removed, describing by forty acre tracts, when practicable, the names of the reputed owners of such land, if any, the names of the trespassers, so far as known, the actual cash value of the materials seized, considering the location, season of the year, and other circumstances, fixing a rate at which the state could sell if it should become the owner of the materials.

III.

The clerks will in no case compromise with the owner or trespasser, refrain from seizing, nor agree to refrain, nor release a seizure legally made without an express order of the commissioners. The law provides the only modes by which the materials can be released, and it will be closely followed. No partiality, unfairness, favor or injustice will be manifested, but an equal and faithful execution of the law will be required of every agent.

IV.

The clerks will receive an order to sell the materials reported by them, unless an order for their release is made by the commissioners. Where there is an urgent necessity for an early sale, the clerks may give notice according to the terms of the law, without waiting for such order of sale, but they must not make the sale until they have received the order.

V.

Materials cut or removed from the state lands, before the latter have been fully paid for, are subject to seizure as belonging to the state, even although the lands may be paid for before the seizure. When the seizure is properly made, clerks will not release without an order of the commissioners, notwithstanding the lands may be paid for and patented after the cutting or removal of the materials, whether before or after seizure. The materials cut or removed continue to belong to the state, unless released on account of payment of the penalty.

VI.

Clerks cannot appoint deputies. They may, when necessary, employ persons to seize or to guard materials, but the acts are their own, and must be performed in their names and on their own responsibility. Notices of sale will be in the name of the seizing clerk, and may be in the following form:

PUBLIC SALE.

By authority of the commissioners of school and university lands, the undersigned, a clerk appointed by them for the purpose of protecting lands belonging to the state, has seized, according to law, and will sell at public auction on the.....day of.....at.....the following described personal property cut on or removed from state lands, to wit: (Describe the property as accurately as may be, stating its locality and amount.)
.....Clerk.

The notice is to be published correctly three full weeks before the day of sale. The clerk publishing the notice will make the sale in person. The sale should be in presence of the materials to be sold, unless very inconvenient. If this be impracticable, the notice must specify with particularity the property and its locality, so that persons wishing to bid, may ascertain before the sale exactly what is to be sold.

VII.

When necessary, the sale may be adjourned, in which case notice must be given at the time of adjournment, and also by publication, if possible.

No sale will be complete, and no delivery of the property struck off will be made to the purchaser, until the amount is actually paid to the clerk, who will forthwith report the facts of the sale, and remit the proceeds to the state treasurer. When property shall be bid in for the state, the clerk will hold the same for the state, and take the steps, if any, necessary for its protection; he will also seek opportunities to sell it again, at private sale, as soon as may be, and report them to the commissioners. He is not authorized to make such a sale without a special order from them.

VIII.

In cases where the lands may have been entered, but not fully paid for, and a trespass is committed thereon *without the agency of the owner of the certificate*, the latter has a right to bid at the sale under section 5, chapter 233, laws of 1864, the amount due on the land, and the expenses of seizure and sale, upon paying which he will be entitled to have the property delivered to him, upon the order of the commissioners, without the payment of a penalty. The expenses will be computed and stated at the sale by the clerk, in such case, and will include his own compensation and all other expenses in seizing, guarding and selling such property, so that there shall be no cost to the state. The clerk will in such and all other cases of sale, make full report of his doings, the amount paid, and by whom, the amount of such expenses, and all other material facts. If there be any dispute between bidders as to ownership, the sale will be made to the highest bidder as if no claim of ownership had been made. If only one claimant appear (who should be required to produce the certificate of sale,) and yet the clerk be not entirely satisfied as to his ownership, or for other reasons is in doubt what course he should pursue, he may adjourn the sale long enough to lay the case before the commissioners, sending them the originals or exact copies of all papers of the claimant, certificate, assignments and other documents, showing title, and will wait for their instructions. Questions of ownership are often very difficult to determine. Persons desiring occasional modifications in any of these regulations or wishing to make arrangements not within the authority of the clerks, will be referred to the commissioners.

LUCIUS FAIRCHILD, *Secretary of State,*
SAMUEL D. HASTINGS, *State Treasurer,*
WINFIELD SMITH, *Attorney General,*
Commissioners of School and University Lands.

Madison, May 4, 1864.

11 364 23		16 11 23		559 13		100		500		31 300		30		No (acres)	
418 07		477 07		100		100		100		100		100		No (acres)	
100		100		100		100		100		100		100		No (acres)	
80		80		80		80		80		80		80		No (acres)	
811 50		811 50		811 50		811 50		811 50		811 50		811 50		No (acres)	
1 200		1 100		1 100		1 100		1 100		1 100		1 100		No (acres)	
2 111 35		2 111 35		2 111 35		2 111 35		2 111 35		2 111 35		2 111 35		No (acres)	
5 260		5 260		5 260		5 260		5 260		5 260		5 260		No (acres)	
50		50		50		50		50		50		50		No (acres)	
40		40		40		40		40		40		40		No (acres)	
Mchased on		Mchased on		Mchased on		Mchased on		Mchased on		Mchased on		Mchased on		No (acres)	
No acres		No acres		No acres		No acres		No acres		No acres		No acres		No (acres)	
<p style="text-align: right;">EXHIBIT</p> <p style="text-align: center;">PRINTED BY THE STATE OF CALIFORNIA AT SACRAMENTO</p>															

EXHIBIT "I."

Abstract of Reports of Clerks in relation to Trespasses on state Lands, from September 30, 1863, to September 30, 1864

No. acres Trespassed on.	No. acres seized upon.	No. cords Wood.	No. feet lumber.	No of cedar Posts.	No. of Shingles.	Reported by
40	40	20	.....	.....	.....	J. F. Bryant, La Crosse.
80	80	50	.....	.....	.....	Stephen Rowcliffe, Osceola Mills.
2,560	2,320	.....	And 60 pine logs	.....	.....	E. S. Hammond, Oshkosh.
6,177.22	5,777.22	175	6,105,000	40,000	.....	Dan'l Malbon, La Crosse.
1,820	1,160	.....	11,200,000	4000 R. R. T.	25000bbl hp's	S. C. Boardman, Neilsville.
120	80	.....	2,082,000	.....	.....	C. B. Jackson, Stevens Point.
877.50	217.50	.....	200,000	.....	.....	R. A. Jones, Oconto.
80	80	.....	.....	.....	14,500	W. Murphy, Manitowoc.
480	480	41 1-2	.....	.....	.....	E. Page, Bergen.
120	40	.....	.....	200	.....	E. Ammidon.
448.01	448.01	.....	.....	180,000	.....	R. Palmer, Chippewa Falls.
11,797.78	10,717.78	286 1-2	19,717,200	40,000	14,500	{ 4,000 } { 25,000 } { 60 } { R. R. Ties } { bbl hoops. } { Pine Logs. }

EXHIBIT "K (1)."

Forfeited State Lands held by the State September 30, 1864.

Names of Counties.	16TH	500,000	UNIV'TY	SEL'CTED	SWAMP.
	SECTION.				
	No. acres	No. acres	No. acres	No. acres	No. acres
Adams,.....	6,440				25,860
Ashland,.....	6,480				
Brown,.....	1,720	1,480			4,320
Buffalo,.....	5,160	1,760			6,080
Burnette,.....	2,160				
Calumet,.....	880	5,000	80		7,680
Chippewa,.....	40,920		3,920		7,160
Clark,.....	17,560	920	40		3,120
Columbia,.....	1,360		240		4,511
Crawford,.....	2,760	720	240		240
Dane,.....					4,120
Dallas,.....	15,080				560
Dodge,.....	40				8,920
Door,.....	7,040				36,720
Douglas,.....	14,880				
Dunn,.....	9,800	240			1,840
Eau Claire,.....	7,360		4,400		1,360
Fond du Lac,.....	40				1,920
Grant,.....	520	200	40		60
Green,.....	40				
Green Lake,.....	400				5,520
Iowa,.....	880	240	80		
Jackson,.....	11,160	2,520			29,680
Jefferson,.....		360			4,240
Juneau,.....	6,120				28,520
Kewaunee,.....	1,600				22,480
La Crosse,.....	1,320	440			2,480
La Fayette,.....	820	280			
La Pointe,.....	4,280				
Manitowoc,.....	2,080	3,040	120		12,520
Marathon,.....	29,560		920		9,200
Marquette,.....	2,960				13,180
Monroe,.....	8,320	1,080			17,920
Oconto,.....	26,720	1,360			185,840
Outagamie,.....	2,160	13,520	40		36,840
Ozaukee,.....					480
Pepin,.....	2,160		1,777		1,600
Pierce,.....	2,680	12,760	10,000		860
Polk,.....	13,640				1,920
Portage,.....	9,320		400		38,480
Racine,.....	400				
Richland,.....	3,440	1,840	160		440
Rock,.....	60				
St Croix,.....	4,760	8,840	240		80
Sauk,.....	2,360	280			1,320
Shawano,.....	6,500	42,160		24,280	43,280

EXHIBIT "K (1)."

Forfeited state lands—concluded.

Names of Counties.	16TH SECTION.	500,000	UNIV 'TY	SEL'CTED	SWAMP.
	No. acres	No. acres	No. acres	No. acres	No. acres
Sheboygan,.....	200				1,480
Trempealeau,.....	7,200	2,280	160		1,400
Vernon.....	3,600	2,640			2,640
Washington,.....					1,480
Waukesha,.....					200
Waupaca,.....	4,480	5,200		8,400	32,800
Waushara,.....	4,920				15,800
Winnebago,.....	80		80		6,000
Wood,.....	9,960				54,600
Total amount acres,.....	313,880	109,160	22,987	27,680	637,351

EXHIBIT "K." (2)

Unsold Lands held by the State, September 30th, 1864.

Counties.	16TH SECTION. UNIVER'S SWAMP.		
	No. Acres	No. Acres	No. Acres
Adams.....			32,720
Ashtland.....	24,720		
Brown.....			4,040
Buffalo.....			1,440
Burnett.....	15,520		13,080
Calumet.....			280
Clark.....	3,200		11,320
Chippewa.....	19,160		56,200
Columbia.....			20
Crawford.....			760
Dallas.....	1,160		1,040
Dodge.....			23,160
Door.....		4,040	32,840
Douglas.....	1,880		
Dunn.....			4,560
Jackson.....			48,960
Juneau.....			72,760
Kewaunee.....			1,040
La Crosse.....	188.25		2,040
La Pointe.....	11,520		
Manitowoc.....			860
Marathon.....		1,320	18,800
Menroe.....	296.68		10,360
Oconto.....	16,960		7,160
Outagamie.....	108.75	225.28	10,240
Ozaukee.....			520
Polk.....			14,480
Portage.....		400	44,320
Racine.....			560
Shawano.....	12,800		1,720
Sheboygan.....			4,640
Trempealeau.....			1,960
Vernon.....			1,200
Waukesha.....			520
Waushara.....			40
Winnebago.....			3,040
Wood.....			75,280
Total amount of acres.....	107,513.68	5,985.28	501,540

EXHIBIT "K." (3)

Lands never offered held by the State, September 30th, 1864.

Counties.	16TH SECTION.		SWAMP.
	No. Acres.	No. Acres.	No. Acres.
Adams,.....			1,120
Ashland,.....			140,984.72
Brown,.....			40
Buffalo,.....			370.89
Burnett,.....			48,810.78
Calumet,.....	40		240
Chippewa,.....			128,720
Clark,.....			26,080
Columbia,.....			200
Dallas,.....			5,320
Dane,.....			80
Dodge,.....			500
Door,.....			160
Douglas,.....			95,466.41
Eau Claire,.....			2,040
Grant,.....			86
Juneau,.....			34,040
La Crosse,.....			120
La Pointe,.....			10,033.55
Marathon,.....			42,400
Marquette,.....			40
Monroe,.....			40
Oconto,.....			1,280
Outagamie,.....			40
Ozaukee,.....			520
Polk,.....			13,800
Sauk,.....			40
Shawano,.....			14,320
Waupaca,.....			190
Waushara,.....			80
Wood,.....			324
	40		566,995.60
Total amount of acres,.....			

EXHIBIT "K." (4)

RECAPITULATION.

	16th SECTION.	500,000 Acre Tract.	UNIVERSITY.	SELECTED.	S W A M P.	TOTAL No. ACRES.
	No. Acres.	No. Acres.	No. Acres.	No. Acres.	No. Acres.	
State Lands Forfeited,.....	813, 880	109, 160. 00	22, 987. 00	27, 680. 00	637, 851	1, 111, 009
State Lands Unsold,.....	107, 513. 68	.....	5, 985. 28	.....	501, 540	615, 038. 96
State Lands never offered,.....	40	.....	.....	.....	566, 995. 80	567, 085. 80
Total number acres,.....	421, 433. 68	109, 160. 00	28, 922. 28	27, 680. 00	1, 705, 836. 80	2, 293, 082. 76

