RULES AND REGULATIONS

RELATIVE TO THE

DUTIES AND COMPENSATION OF THE AGENTS APPOINTED TO
PROTECT STATE LANDS, AS PRESCRIBED BY THE GOVERNOR,
MARCH 28, 1878.

I.

Agents will be appointed for indefinite terms, and will be em-
ployed for such time and at such compensation as may be, from
time to time, determined. Accounts for salary and actual neces-
sary expenses in the discharge of duty, when duly certified to,
will be audited and paid monthly or quarterly, as agents may de-
sire.

II.

The paramount duty of every agent of the state appointed for
the purposes of protecting the lands belonging to the state from
injury, is to prevent trespassing.

III.

If despite reasonable care trespasses are committed, agents will
be expected to detect and report the same, and they and each of
them are hereby authorized, empowered and directed to seize, or
cause to be seiz'd, any timber or other material, mentioned in
the law, unlawfully cut or removed from state lands. Immediate
report will be made to the commissioners of school and university
lands, specifying in detail the materials seized, the quantity and
description of each as near as may be, the locality of the seizure,
the lands from which such materials were cut or removed, describ-
ing by forty acre tracts, when practicable, the name of the reputed
owner of such lands, 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. Notice of the forwarding of such report will, in all cases, be sent to the governor.

IV.

Agents 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 from the governor. 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 tolerated, but an equal and faithful execution of the law will be required of every agent.

V.

Agents will, in all proper cases, receive an order to sell the materials reported by them, unless an order for their release is made. Where there is an urgent necessity for an early sale, the agent may give notice according to the terms of the law, without waiting for such order of sale, but must not make the sale until the order is received.

VI.

Notices of sale will be in the name of the seizing agent, and may be in the following form:

PUBLIC SALE.

By authority of the Governor of Wisconsin, the undersigned, an agent appointed 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.)

———, Agent
The notice must be published correctly three full weeks, once in each week, in a newspaper printed in the county where such sale is to be had, if any there be; and if there is no newspaper printed in said county, then written or printed copies of the notice must be posted up in the five most public places in said county at least twenty days before such sale. The agent giving 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 the adjournment, and also by publication or posting in the same manner as the original notice was given.

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 agent, 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 agent 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 sale without a special order from them.

VIII.

Materials cut or removed from state lands, before the latter has been fully paid for, are subject to seizure as belonging to the state, even though the lands may be paid for before the seizure. When the seizure is properly made, agents will not release without an order to that effect, 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 for the penalty.
IX.

Agents 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 responsibility.

X.

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 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 agent 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 agent 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 agent 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, certificates, assignments and other documents, showing title, and will wait for their instructions.

XI.

Agents will, in every case, report to the district attorney of the proper county all necessary facts to enable such attorney to prosecute trespassers, as provided in chapter 377, laws of 1865, and if
any district attorney shall refuse or neglect, diligently and faithfully, to prosecute any case, the agent will report that fact to the governor.

WILLIAM E. SMITH,
Governor.

EXECUTIVE OFFICE,
Madison, Wis., March 28, 1878.