

CHAPTER 82.

[Published March 19, 1861.]

AN ACT to change the time for holding the annual Charter Election in the village of Sheboygan Falls.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

First Tuesday in April.

SECTION 1. The time for holding the annual charter election in the village of Sheboygan Falls, is hereby changed, so that such election shall hereafter be held on the first Tuesday in April of each year, instead of the second Tuesday, as provided in section 3 of chapter 280 of the private and local laws of 1854.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1861.

CHAPTER 83.

[Published March 22, 1861.]

AN ACT to regulate the traffic in logs, timber and lumber on the Wisconsin, Black, Chippewa and St. Croix Rivers.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Districts.

SECTION 1. For the purpose of surveying and regulating the survey of or measurement of logs, timber and lumber, the Wisconsin river and its tributaries are hereby constituted and created a district, to be known and called district number one: the Black river and its tributaries to be known and called district number two; the Chippewa river and its tributaries to be known and called district number three, and the St. Croix river and its tributaries to be known and called district number four.

Appointment of surveyors general.

SECTION 2. There shall be appointed once in two years, by the governor of the state of Wisconsin, a surveyor general for each of the said districts, who, at the time of his appointment, shall be a citizen of and reside in the district to which he is appointed, and who

shall enter upon the discharge of the duties of his office on the first Monday of April next succeeding his appointment, and shall hold his office for two years, or until his successor is appointed and qualified.

SECTION 3. The surveyor general of district number one shall keep his office at Centralia, in the county of Wood; of district number two, at the city of La Crosse; or at North La Crosse, in the county of La Crosse; of district number three, at Chippewa Falls, in the county of Chippewa, or at Eau Claire, in the county of Eau Claire; of district number four, at the city of Hudson, in the county of St. Croix.

Where offices to be kept.

SECTION 4. Each surveyor general shall, before entering upon the discharge of the duties of his office, take and subscribe an oath, before some person authorized to administer oaths, that he will faithfully discharge the duties of his office to the best of his knowledge, judgment and ability, and shall execute to the treasurer of the county in which his said office shall be kept, a bond, with three or more sufficient sureties, to be approved by the said treasurer and the county judge of his county, in the penal sum of five thousand dollars, conditioned for the faithful performance of his duties as surveyor general, and for the delivery to his successor in office, all bills, papers, books, journals and other effects appertaining to his said office, and such bond, so executed and approved, shall be filed and kept in the office of the said county treasurer; and any person feeling himself aggrieved, may commence an action thereon before any court having jurisdiction, and a recovery thereon by one person shall not render the bond void, but the same may be prosecuted from time to time, until the whole penalty shall be recovered.

Oaths and bonds

SECTION 5. Each surveyor general may appoint such number of deputies as may be necessary to transact the business of his district, for whose conduct and fidelity in discharge of their duties as such, he shall be responsible for upon his bond.

Deputies.

SECTION 6. It shall be the duty of each surveyor general, in person or by deputy, at the request of any owner of logs, timber or lumber, after a scalcement or measurment, to make out a bill, stating therein the number of logs, the number of feet, board measure, contained in such logs and lumber, and the number of feet, cubic, running or board measure, contained in

Duties of surveyors and deputies.

said timber, and at whose request the same were scaled or measured, and to whom scaled or measured, a copy of which bill he shall enter upon the books of his office to be provided by him and kept for that purpose, with the marks as they occurred upon the logs. A correct bill of the same shall be given to the owner or owners of the logs, timber or lumber, with a certificate thereto attached that it is a true and correct bill, which bill, so certified to, shall be received in all courts of this state as *prima facie* evidence of the truth and correctness thereof. The surveyor general or his deputies shall not be allowed to survey or measure logs, timber or lumber owned by him or them, in either of the districts aforesaid.

Prize logs.

SECTION 7. All prize logs shall be divided between the owners in each district, in proportion to the amount they may have on the river or its tributaries; and "prize logs" are hereby defined to mean such logs as bear no mark, and all logs bearing marks not recorded or claimed within one year after any "general drive."

Measurement of logs.

SECTION 8. Each surveyor general, and his deputies, shall, in surveying or measuring logs, make such allowance for hollow, rotten or crooked logs as would make them equal to good, sound, straight, merchantable logs, and all logs that are straight and sound are to be measured at their full size, inside of the bark at the small end, and all logs over twenty-four feet long, and not exceeding thirty-six feet, shall be scaled or measured as two logs, allowing such rise from the first to the second log as the same may require, or as may seem proper in the opinion of the surveyor general or his deputy.

Standard measure.

SECTION 9. The "scribe rule" shall be the standard rule for scaling or surveying logs in the said districts, but other rules may be used at [the] request of the owner or owners of logs, but in all such cases the bill of the surveyor general shall state by what rule the logs were surveyed or scaled.

Fees.

SECTION 10. Each surveyor general shall be entitled to receive, and may sue for and collect, the sum of four (4) cents per thousand feet for surveying or scaling and making out survey bills for all logs that he is called upon to scale; and the sum of twelve (12) cents per thousand feet running measure, for measuring

square time; and the sum of fifteen (15) cents per thousand feet for sawed lumber, including bills.

SECTION 11. Any owner or owners of logs in the said several districts, may use on his or their logs any mark not before used by any other person or persons in the district in which they do business, and such mark shall be left with the surveyor general or his deputy, and shall be by him or them recorded in a book to be provided by and kept in the office of the said surveyor general, between the first day of November and the first day of March, in each year; and the books of the surveyor general shall at all times be open for the inspection of all persons interested; and if any person or persons shall use such mark on any logs in his district after such mark shall have been recorded in the manner aforesaid, before having had recorded his or their marks in the same manner, or shall mark any prize log within the district, such offender or offenders shall forfeit and pay ten dollars for every such offence, to be recovered in any court having jurisdiction to try the same in the district, to the use of the person prosecuting therefor; and the surveyor general shall be entitled to fifty cents for each mark so recorded.

Owners' marks
to be recorded.

Books to be open
to inspection.

SECTION 12. It shall be the duty of each surveyor general to record all mortgages, liens and bills of sale, or other written instruments in any way affecting the ownership of any mark of logs in his district, in a book kept for that purpose: *provided*, that said instrument shall specify the marks placed upon said logs, and when they were cut, and shall be recorded in the office of the surveyor general, in which the said marks are recorded, and no conveyance, lien, mortgage or transfer shall be valid until the same is so recorded, or until the same shall be filed with one of said deputies, who shall immediately forward such instrument to the surveyor general of the proper district; and the surveyor general shall be entitled to and receive the same fees allowed by law to register of deeds, for recording like instruments.

Record of mortgages, &c.—what
to contain.

SECTION 13. It shall be the duty of each surveyor general to report to the legislature, in each year, within ten days after the meeting thereof, the amount of logs, timber and lumber by him surveyed or scaled in his district, for the year previous to the date of his report.

Annual report.

Repeal.

SECTION 14. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 15. This act shall take effect on and after its passage and publication.

Approved March 19, 1861.

CHAPTER 84.

[Published March 21, 1861.]

AN ACT to amend "An act for the preservation of Game."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Snipe may be shot.

SECTION 1. Chapter one hundred and ninety-four of the general laws of 1860, entitled "An act for the preservation of game," is hereby amended by striking out the word "snipe" wherever it occurs in said act.

Approved March 19, 1861.

CHAPTER 85.

[Published March 22, 1861.]

AN ACT in relation to the city of Madison.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Moneys to be paid by the city treasurer on the certificates of the mayor and clerk.

SECTION 1. No scrip, certificate, treasury order, nor other evidence of debt, shall hereafter be issued or authorized by the common council of the city of Madison, nor by any officer of said city; but whenever the common council shall lawfully appropriate money to any party to be paid out of the city treasury, the mayor and city clerk shall certify the fact directly to the city treasurer, in the order which appropriations are made, specifying in said certificate also the purpose for which such appropriation was made, and said treasurer shall pay the amount so appropriated and certified in the