

Record of marks. ber shall have been demanded by the owner or his agent, the same shall be forfeited to the owners of the booms. The said Charles Warner, his associates, successors or assigns shall cause to be entered in a book, kept for that purpose, the different marks on the logs or timber thus boomed and secured, the number of logs bearing any mark, and the amount of lumber cut from said logs bearing such mark or marks, and shall at all times keep such books open for the inspection of all persons.

Prohibition. SECTION 4. If any raft of lumber, logs or timber shall, by neglect or accident, be carried into said boom, it shall not be lawful for the owner or any person for him, to open said boom, at any time, for the passage of rafts or logs, without first giving notice to said Charles Warner or his agent: *provided*, said Charles Warner or his agent may be found at or near the booms or mill premises.

Penalty for willful injury, &c.

SECTION 5. Any person or persons who shall willfully break, damage or destroy said boom or booms, shall be responsible to the proprietors thereof in an action at law, for the amount of damage done, in addition to the penalties already provided by law, to be recovered before any court or competent jurisdiction.

SECTION 6. This act shall take effect from and after its passage.

Approved March 18, 1864.

CHAPTER 164.

[Published March 28, 1864.]

AN ACT to legalize the acts of the trustees of the Oconomowoc cemetery association of Oconomowoc, in Waukesha county, in purchasing and platting their new grounds, called "La Belle cemetery," and to vacate the Oconomowoc cemetery.

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

Acts legalized.

SECTION 1. All the acts and doings of the board of trustees of the Oconomowoc cemetery association, a corporation duly organized under and in pursuance of

chapter forty-eight of the revised statutes of 1849, in purchasing, laying out, platting and improving their new grounds for burial purposes, designated on the recorded plat thereof as "La Belle cemetery," are hereby declared to be as legal and binding upon all persons and for all purposes, as if said new grounds had been a part of the original cemetery of said association. Said new grounds shall be known and styled "La Belle cemetery," and the said corporation is empowered to hold and take charge of the same, to purchase additions thereto, lay out and plat the same for burial purposes, and to do all and singular all other acts and things in and about the same, according to chapter sixty-seven of the revised statutes, entitled "of cemetery associations," and all acts amendatory thereof, except so far as they are modified by this act.

Name and powers of new association.

SECTION 2. As the board of trustees of said association have determined, by resolution, to vacate their old grounds, the Oconomowoc cemetery, and to remove therefrom all the dead bodies buried therein, because the same by its present use for burial purposes will soon become a nuisance, it may and shall be lawful for said board of trustees to forbid any more burials in said Oconomowoc cemetery, and to refuse to sell any more lots therein for burial purposes, and to continue to vacate the same by removing the dead therefrom; and after removing the dead either by the owners or the trustees, to declare the same or any part thereof vacated for burial purposes, and to make sale and convey the same to the purchaser or purchasers thereof, in the manner hereinafter directed.

Vacation, &c. of old cemetery.

SECTION 3. The trustees of said association may, by their president and secretary, advertise the said grounds (called the Oconomowoc cemetery) for sale, in one or more newspapers published in Waukesha county, for at least three weeks, after which publication they may sell the same, or any part thereof, either at public or private sale, as said trustees may by resolution agree upon, for the best price they can obtain; and after such sale or sales shall be confirmed by resolution of said board, duly recorded by said secretary, the said corporation may execute and deliver to the purchaser or purchasers of said grounds, by said president and secretary, under their corporate seal, (in case they have one,) and such deeds duly executed by said president

Sale of old cemetery.

and secretary and delivered as aforesaid, shall convey to said purchaser or purchasers such and the whole title now possessed and held by said corporation. And it shall be lawful for said corporation, by said trustees, to take in their name and to their successors in office from said purchasers, mortgages on said grounds sold to secure the payment of bonds or notes given for the purchase money, and to hold, sue for and collect such mortgages and bonds or notes in all proper courts competent to hear and determine the same, or to sell and transfer the same by assignment for the use of said association.

Application of proceeds of sale.

SECTION 4. The proceeds of all such sales of said grounds shall be first applied to the payment of the lawful debts of said association, and the residue thereof shall be invested by said trustees in other suitable additions to "La Belle cemetery" for burial purposes, to be selected and purchased by said trustees, in laying out and platting the same, in improvements to the "La Belle cemetery" and its additions, and in removing the dead now buried in the Oconomowoc cemetery to "La Belle cemetery," as shall be considered best by said trustees, expressed by resolution duly recorded by the secretary.

Title to lots in new cemetery.

SECTION 5. The purchasers of the grounds mentioned in section three of this act, shall, by virtue of the conveyance herein authored to be executed and delivered to them, acquire and hold the same title now held by said corporation, and shall have power to sell and convey the same to any person or persons whatever.

Removal of bodies to new cemetery.

SECTION 6. Before possession shall be given to the purchasers of said Oconomowoc cemetery so as aforesaid authorized to be sold and conveyed, the bodies interred in said ground, or the parts thereof sold, shall be removed to the said "La Belle cemetery" grounds, and buried in lots therein corresponding in size, as near as may be, and in value, with the lots in which said bodies are now interred. But before any bodies shall be removed, notice shall be given by the secretary of the said association, by advertisement in one or more newspapers published in Waukesha county, for at least twelve successive weeks, to the owners of the lots in the "Oconomowoc cemetery" to select lots in the "La Belle cemetery," and to remove their dead from the present "Oconomowoc cemetery" grounds, or that on failure to comply with said notice by the lot owners,

the said corporation will remove the bodies; and when lots shall not be so selected, and the bodies removed from said grounds, it shall be lawful for the corporation carefully to remove the bodies and bury them in the said "La Belle cemetery," and to remove all grave stones and monuments and to place them at the proper graves in "La Belle cemetery," in the same manner as they are now erected. And the corporation shall employ a suitable and competent person as superintendent of the said removals, who shall be first sworn honestly and faithfully to discharge the duties of his appointment.

SECTION 7. Every holder of a lot in the present "Oconomowoc cemetery" grounds of the corporation, by deed or use or the payment of the price of a lot, shall be entitled to select therefor a lot in the "La Belle cemetery" grounds, of equal size and dimensions, as near as may be, with his present lot, according to the plat of said "La Belle cemetery," and to have a deed of the same free of charge. Selection of lots in new cemetery.

SECTION 8. All the future proceedings and transactions of the association shall be in accordance with chapter sixty-seven of the revised statutes, except so far as the same are modified by this act. Directory.

SECTION 9. The treasurer of said association shall be required to give a bond with one or more sufficient sureties, to be approved by the president and secretary, for the faithful performance of his duties in receiving and paying out all moneys that may come into his hands belonging to the association, which bond shall be filed by the secretary. Treasurer to give bond.

SECTION 10. The lot holders in the present "Oconomowoc cemetery," are hereby authorized to release their right and interest to such lots for burial purposes, which release shall give the trustees the right to remove the dead buried therein, after the expiration of twelve weeks after the date of such release, such dead bodies to be removed in the manner provided by this act. Release of lots in old cemetery.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1864.