

CHAPTER 285.

[Published April 25, 1861.]

AN ACT to amend Section 112 of Chapter 19 of the Revised Statutes, entitled "Of Highways, Bridges and Ferries."

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

Penalty for obstructing navigable rivers, &c.

SECTION 1. Said section is hereby amended so as to read as follows: "Every person who shall obstruct any meandered navigable stream in this state, by felling any tree or trees therein, or by placing any refuse lumber, slabs or other substance calculated to impede the free navigation thereof, either in such stream or in any tributary of said stream, so that the same shall float into such meandered navigable stream, shall forfeit for each such offence the sum of twenty-five dollars penalty, one-half to the informer and one-half to the treasury of the county where such offence may be committed; and every person damaged by such offence may sue for and collect such penalty by civil action in the circuit court of the county where such offence may have been committed, and may in the same action sue for any special damages he may have sustained by reason of the offence complained of in such action. The plaintiff in such action shall be the informer, and the defendant the person alleged to have committed the offence; and if the offence be found and adjudged to have been committed as alleged in the complaint, the plaintiff shall recover costs of the defendant, otherwise the defendant shall recover costs of the plaintiff. The verdict or finding in such action shall state: 1st. Whether or not such offence has been committed as alleged in the complaint, and if so so committed, 2d. The amount of special damage which the plaintiff has sustained thereby."

Finding.

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

Approved April 13, 1861.