

CHAPTER 211.

[Published April 17, 1863.]

AN ACT to provide for compensating parties whose property may be injured or destroyed in consequence of mobs or riots.

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

SECTION 1. Whenever any buildings or other real or personal property shall be destroyed or injured, in consequence of any mob or riot, the city in which the same shall occur, or if not in a city, then the county in which such property was situated, shall be liable to an action by or in behalf of the party whose property was thus destroyed or injured, for the damages sustained by reason thereof.

City or county liable for property destroyed by mob.

SECTION 2. Such action or actions may be brought and conducted in the same manner that other actions may be prosecuted by law, and the judgment may be appealed from in the manner now provided for appeals in civil actions; and whenever any final judgment shall be recovered against any such city or county in any such action, such judgment shall be paid and collected as other judgments against such city or county.

How actions may be brought.

SECTION 3. No person or corporation shall be entitled to recover in any such action, if it shall appear upon the trial thereof that such destruction or injury of property was occasioned or in any manner aided, sanctioned or permitted by the carelessness or negligence of such person or corporation; nor shall any person or corporation be entitled to recover any damages for any destruction or injury of property as aforesaid, unless such party shall have used all reasonable diligence to prevent such damage, and shall have notified the mayor of such city or the sheriff of such county, immediately after being apprised of any threat or attempt to destroy or injure his or their property by any mob or riot, of the facts brought to his knowledge; and upon the receipt of such notice, it shall be the duty of such officer to take all legal means to protect the property attacked or threatened; and any such officer or officers who shall refuse or neglect to perform such duty, shall be liable to the party aggrieved for such damages as said party may have sustained by reason

When damages not recoverable.

thereof: *provided*, said party shall elect to bring his action against such officer instead of such city or county.

Action may be maintained against persons engaged in any mob.

SECTION 4. Nothing in this act shall be construed to prevent any person or corporation whose property has been injured or destroyed by any mob or riot, from having or maintaining an action against each and every person engaged or in any manner participating in such riot or mob.

When action to be brought against city or county.

SECTION 5. No action shall be maintained against any city or county, under the provisions of this act, unless the same shall be brought within six months after the loss or injury.

Settlement by city or county with owners of property destroyed.

SECTION 6. It shall be lawful for any city, by its board of aldermen or trustees, and for any county, by its board of county supervisors, whenever such city or county shall be liable to an action under the provisions of this act, to agree, in writing, with the owner of the property destroyed or injured, upon the sum to be paid by such city or county, without action; and the sum agreed upon shall be paid as claims of a general nature against such city or county.

City or county may recover of persons engaged in any mob, value of property destroyed.

SECTION 7. Any city or county which shall pay any sum under the provisions of this act, whether paid upon judgment or settlement, may recover the full value of the property destroyed or injured, in an action against any or all of the persons in any manner engaged in such destruction or injury; and in such action the judgment recovered against or the settlement made by such city or county, may be offered and shall be received as *prima facie* evidence of the value of the property destroyed or injured.

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

Approved April 1, 1863.