

the carrying places between the same, shall be common highways, and forever free as well to the inhabitants of the state, as to the citizens of the United States, without any tax, impost or duty, therefor: *Provided*, That nothing herein contained, shall prevent the collection of all tolls imposed for necessary easements, constructed in the said navigable waters. Provision.

SEC. 2. All rivers and streams of water in this state in all places where the same have been meandered, and returned as navigable by the surveyors employed by the United States government, are hereby declared navigable to such an extent, that no dam, bridge, or other obstruction, may be made in or over the same, without the permission of the legislature: *Provided*, That nothing herein contained, shall be construed so as affect to any act now in force granting to towns, or county boards of supervisors, the power to erect, or authorize the construction of bridges across such streams. Navigable streams to be common highways.
Provision.

SEC. 3. The boundaries of lands adjoining waters, and the several and respective rights of individuals, the state, and its citizens, in respect to all such lands and waters, shall be determined in conformity to the common law, so far as applicable as evidenced by judicial determinations in other states, in which the courts in such cases have adhered to its principles: *Provided*, That the provisions of this section shall have no effect in the determination of causes now pending in any of the courts of this state. Boundaries determined by common law.
Provision.

Approved, April 2, 1853.

An Act to repeal Chapter three hundred and forty, and Chapter four hundred and sixty-four of the Session Laws of A. D. 1852. Chap 73.

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

SECTION 1. Chapter three hundred and forty, and four hundred and sixty-four, of the session laws of eighteen hundred fifty-two, are hereby repealed, and all acts or parts of acts repealed by either of said chapters, are hereby revived: *Provided*, That nothing herein contained shall have the effect to prohibit the receiving of any scrip, issued in conformity with chapter 340 of the session laws of 1852, in payment for lands belonging to the improvement: *Provided further*, That from and after the passage of this act, the board of public works shall not have the Board of Public Works.

power to authorize the construction of any new work, or the enlargement of any work under any new or old contracts, otherwise than now provided in such contracts as exist, and are in force at this time, [nor] not to authorize any expenditure of money, not essentially necessary to the carrying out of existing contracts, and further, shall not have power to make any new contract, or alter, or change, or renew any old contract relating to the sale or leasing of any water power, now created or which may hereafter be created upon said improvement: *Provided further*, All warrants issued by the board of public works, on account of the Wisconsin river fund, shall draw interest at the same rate as provided for in chapter one hundred and sixty-four of the session laws of 1852: *Provided, further*, That the repeal of said acts shall not in any wise effect pre-emption rights, now required, nor the rights of corporate authorities, of town sites, and of the county judge to enter such town sites for the uses and purposes now provided by law.

Approved, April 2, 1853.

Chap. 74. An Act to pay the Commissioner of the State Prison the sum of money therein named.

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

Appropriation to the Commissioner of State Prison.

SECTION 1. There is hereby appropriated to the commissioner of the state prison, out of any money in the treasury not otherwise appropriated, the sum of ten thousand dollars, to be drawn by the commissioner in quarterly instalments of twenty-five hundred dollars each; the first instalment to be draw on the sixth day of April inst., for the purpose of defraying the current expenses of the state prison for the year eighteen hundred and fifty-three, and paying a certain account provided for in this act.

SEC. 2. The commissioner is hereby authorized to pay Jenkin Jenkins, eighteen dollars and eighty cents, John P. Gee nine dollars, Taylor and Winkley seven dollars and fifty cents, J. Look one hundred dollars, John Howard fifteen dollars and thirty-eight cents, Jas. K. Smith twenty-five dollars and Charles Youmans fifty-nine dollars; on the payment of said accounts, the commissioner is instructed to take vouchers for the same.

Approved, April 2, 1853.