

An act to provide for the payment of certain persons therein named. Chap 215

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

SECTION 1. That there be and hereby is appropriated, out of any money in the state treasury, not otherwise appropriated, to Delaney and Wright the sum of five dollars, in full for their account of date December 28, 1848, for publishing in the Shullsburg Telegraph, official canvass of state election:

To Cooly and Cowdry, four 65-100 dollars, in full for their account dated September, 1848; for publishing in the Walworth County Democrat, "Proposals for Printing," by order of the secretary of state.

HARRISON C. HOBART,

Speaker of the Assembly.

JOHN E. HOLMES,

Lt. Governor, and President of the Senate.

Approved, March 31, 1849.

NELSON DEWEY.

Delaney and Wright.

Cooly and Cowdry.

An act concerning Timber and Lumber floating upon adjoining waters, and carried upon adjoining lands. Chap 216

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

SECTION 1. Whenever any logs, timber, boards or planks, in rafts or otherwise, shall be drifted upon any island in any of the waters within this state, or upon the bank or shore of such waters, the owner of such logs, timber or lumber may, at any time within one year, remove the same, on paying or tendering to the owner or occupant of the land such reasonable damages as may be caused by reason of such removal, and if the owner shall not, within the said year, make such payment or tender, and take such logs, timber or lumber from such lands, unless he and the owner or occupant of such lands shall otherwise agree, the same shall be deemed the property of such owner or occupant of the lands.

Lumber drifting on to lands, &c.

Sec. 2. Whoever shall unlawfully cut out, alter or destroy any mark of the owner made on the logs, timber or lumber put into any lake, river, stream, or pond, shall forfeit a sum not exceeding ten dollars for each log, stick of timber, or piece of lumber, the mark of which he shall have so altered, cut out or destroyed, and shall be liable to the party injured, in three times the amount of damages.

Penalty for altering mark

Sec. 3. In any suit under the provisions of the preceding section, if such logs, timber or lumber shall be found in the possession of the defendant, with the marks cut out, altered or destroyed, it shall be considered presumptive evidence of his guilt, and the burden of proof shall be upon him to discharge himself.

Possession presumptive evidence of guilt.

Sec. 4. Whoever shall convert to his own use, without the consent of the owner thereof, any logs, timber, boards or planks, floating in any of the waters of this state, or lying on the banks

Damages for conversion.

or shores of such waters, or on any island where the same may have been drifted, except as in this chapter provided for, shall be liable to the owner thereof in treble the amount of damages.

HARRISON C. HOBART,

Speaker of the Assembly.

JOHN E. HOLMES,

Lt. Governor and President of the Senate.

Approved, March 31, 1849.

NELSON DEWEY.

Chap 217 An act authorizing the Governor to draw the five per centum of the net proceeds of the public lands.

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

Gov. authorized to draw the five per cent. fund.

[SECTION 1.] The governor of this state is hereby authorized and empowered to receive from the treasury department of the United States, from time to time, as he shall see fit to draw for the same, the five per centum of the net proceeds of sales of the public lands, to which this state is or shall be entitled, pursuant to the act of congress, approved August sixth, 1846, and to execute the proper vouchers therefor; and when received, he shall pay the same into the state treasury to the credit of the school fund.

HARRISON C. HOBART,

Speaker of the Assembly,

JOHN E. HOLMES,

Lt. Governor and President of the Senate.

Approved, March 31, 1849.

NELSON DEWEY.

Chap 218 An act to divide and organize the towns of Vienna and Westport.

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

Westport.

SECTION 1. Town eight, range nine, Dane county, is hereby organized into a separate town, by the name of Westport, and the first town meeting shall be held at the house of Michael Malaga, and the first election shall be held on the third Monday in April, 1849.

Vienna.

SEC. 2. That town nine, range nine, in Dane county, is hereby organized into a separate town by the name of Vienna, and the first town meeting shall be held at the house of Mr. Fisher in said town, on the third Monday of April next.

Elections how held.

SEC. 3. The elections in said towns shall be conducted in the same manner as other elections for town officers in towns, on their first organizations, and the officers so elected shall hold their offices