

service the said clerk shall be entitled to the same fees for mileage as is allowed to him by law in other cases, the same to be a county charge against the county of Calumet.

HARRISON C. HOBART,

*Speaker of the Assembly.*

MYRON B. WILLIMAS,

*President of the Senate, pro tem.*

Approved, March 2, 1849.

NELSON DEWEY.

**Chap 60.** An act to provide for the protection of shade trees, hedges and fences in certain cases.

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

**May plant trees.**

**SECTION 1.** That whenever any owner or owners, occupant or occupants of any land or lands, bordering upon any public road or highway, excepting a street or alley, in a town or village, or through which any public road or highway may pass, may wish to plant and cultivate any hedge or live fence, along the margin of his, her, or their lands, it shall be lawful for any such person or persons, to set or plant any such hedge or live fence, precisely on the line of the road or public highway; and also to place on the margin of such road, a protection fence, not to occupy more than six feet of the margin or edge of such road. And such protection fence, when placed opposite any live fence or hedge actually set or planted, shall be permitted by the pathmaster and all other persons to remain for the term of seven years, providing that the supervisors of any township may grant permission in writing to the owner or owners of any hedge or live fence to continue such protection fence any term of time which they may deem necessary.

**Additional time.**

**SEC. 2.** If any person or persons shall wantonly or maliciously cut through, dig up, or injure any hedge, or live fence, or throw, put, or lay down, or prostrate any fence enclosing any orchard, pasture, meadow, garden, or other field, or enclosure, in which any grain or other vegetables is cultivated, the property of, or lawfully occupied by any other person or persons, or shall wantonly or maliciously open, let down, throw down, or prostrate any gate or bars, belonging to any such enclosure or field, and leave any such fence, bars, or gate down, prostrate, or open, every such person or persons shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars, or be imprisoned in the county jail not exceeding thirty days, or both at the discretion of the court.

**Injury to how punished.**

**Ornamental trees**

**SEC. 3.** And if any person or persons, shall wilfully or maliciously, and without lawful authority, cut down, or root up, sever, injure or destroy any fruit, or ornamental trees, cultivated root or plant, fruit or other vegetable production, standing or growing in, or being attached to the lands of others, or shall wilfully and without lawful authority cut down, root up, destroy, or injure any fruit or ornamental trees, or shrubbery planted or growing in any street, lane, or ally, or public grounds, in any city, or corporated

town, every such person so offending shall be deemed guilty of misdemeanor, and on conviction thereof, shall be punished by fine not more than five hundred dollars, or by imprisonment in the county jail, not exceeding three months, or both, at the discretion of the court, and shall moreover be liable in damage to the party injured.

SEC. 4. In case of prosecution for any of the above offences, if the land there referred to shall be owned or occupied in common by two or more tenants, the indictment shall be deemed sufficient if any one or more of such tenants in common shall be named therein. Indictment,  
&c.

SEC. 5. That all prosecutions under the above acts shall be commenced one within year from the time any such offence shall have been committed, before some justice of the peace of the county wherein the same shall have been committed, and all fines collected under the provisions of the above acts, shall be paid into the treasury of the county where the offence shall have been committed, for the use of the common schools of said county. When suits to  
be commenced.

HARRISON C. HOBART,  
*Speaker of the Assembly.*

MYRON B. WILLIAMS,  
*President of the Senate, pro tem.*

Approved, March 2, 1849.

NELSON DEWEY.

An act to organize the several towns therein named.

Chap 61..

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

SECTION 1. So much of Dane county as is embraced in township eight and nine, north of range nine east, shall constitute a separate town, and shall be known by the name of Vienna, and the first election shall be held at the house of H. M. Everetts. Vienna.

SEC. 2. The town of Grafton, Washington county, is hereby divided and organized into two towns, as follows: so much of said town as is contained in township number ten, north of range number twenty-two east, and sections number one, twelve, thirteen, twenty-four, twenty-five, and thirty-six, in township number ten, north of range twenty-one east, shall constitute a separate town by the name of Grafton; and the first town meeting shall be held at the house of Benjamin Sebring, in the village of Grafton, and the remaining sections in township number ten, north of range number twenty-one east, shall constitute a separate town by the name of Cedarburg, and the first town meeting shall be held at the school house, in the village of Cedarburg. Grafton.  
Cedarburg.

HARRISON C. HOBART,  
*Speaker of the Assembly.*

MYRON B. WILLIAMS,  
*President of the Senate, pro tem.*

Approved, March 2, 1849.

NELSON DEWEY.