

of this act, shall receive for each day actually employed in discharge of their duties three dollars, and six cents per mile for each mile, necessarily travelled in the discharge of the same: Compensation of Commissioners. Proviso. Provided, There shall not be an amount exceeding four hundred dollars expended in the selection of the site for said State prison.

SEC. 15. The said commissioners shall make an annual report, verified by affidavit to the Governor, on or before the first day of January in each year, containing a full statement of the expenditures made by them, and an estimate of the amount of money necessary to continue the erection of said State prison as contemplated in the plan adopted by them, which report shall by the Governor be laid before the next legislature. Commissioners to make an annual statement.

FREDERICK W. HORN,
Speaker of the Assembly.

DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 14th, 1851.

NELSON DEWEY.

An Act relating to the duties of Auctioneers.

Chap. 288

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

SECTION 1. That there shall be paid for the use of the county upon all sales by auction of goods, wares or merchandise, two per cent. of the moneys accruing from such sales, to be paid by the auctioneer or person making such sales, out of said moneys, to the Treasurer of the county in which such sales are made: Auctioneers to pay per centage to County treasurer. Proviso. Provided, that nothing in this act contained shall extend to any sale by auction of goods, wares and merchandise, made by virtue of any rule, order, decree or judgment of any court, or made by virtue of any law respecting the collection of any tax or duty, either of this State or of the United States, or to any sale by auction of property belonging either to this State or to the United States, or made in consequence of any general assignment of property or effects for the benefit of creditors, or made by or on behalf of any executor or administrator: Provided further, that household furniture, having been used as such, shall not be made liable to the above tax, and: Provided further, that merchants who reside and trade in any county, city, or village in this State, and who have paid the taxes levied by law upon their stocks in trade, and who may desire to close up their business by disposing of their goods, wares and merchandise by auction, shall be exempt from paying the above tax.

SEC. 2. No person shall exercise the business of an auc-

Auctioneers to have license from Clerk of Supervisors

tioneer by selling any goods, wares or merchandise at any sale at which the highest bidder is deemed to be the purchaser, unless such person shall have a license therefor from the clerk of the board of supervisors of the county in which he intends to execute said business, signed by the clerk of said board of supervisors, on penalty of forfeiting to the treasurer of the county, for the use of the county, for every such sale the sum of fifty dollars, together with the duties payable by this act upon the goods, wares or merchandise so sold without license: Provided, that nothing herein contained shall be construed to require a license for the sale at auction of any goods, chattels or other things which by this act are not made liable to duty.

Proviso.

Clerk may grant license

SEC. 3. The clerk of the board of supervisors of the several counties may grant license to exercise the business of an auctioneer of goods, wares or merchandise within their respective counties, to any inhabitant of this State who shall apply for the same: Provided, that the person so applying shall first give bond with surety in the sum of five hundred dollars, to be approved of by a Judge of the circuit or probate court in which he resides, payable to the treasurer of the county, that the person applying for such license shall duly pay the duties imposed by this act to the treasurer of the county, on or before the first Monday of October, January, April, and July in each year, and shall in all other respects comply with the requirements of this act, and said clerk shall be entitled to receive the sum of one dollar for every such license signed by him to be paid by the person who files his bond as required by this act with the clerk of said board of supervisors.

Proviso.

Applicant to give bond.

When persons licensed to make statement.

SEC. 4. Every person licensed as aforesaid shall render on oath to the clerk of the board of supervisors of said county on the first Monday of October, January, April, and July in each year, a true and particular account in writing of all moneys for which any goods, wares or merchandise, liable to duty by this act, have been sold by him at auction.

Clerks to render account to Board annually

SEC. 5. Each clerk of the different boards of supervisors who shall have received any reports on sales at auction, agreeably to the provisions of this act, shall annually on or before the meeting of the board of supervisors at their annual meeting, render an account thereof to said board, containing the number of licenses by him granted, the amount of duties reported to him to have been paid the county treasurer, from whom paid, with the total amount of sales made by auction in said county.

Licenses to be va lid one year.

SEC. 6. No license granted by virtue of this act shall be of any validity for any longer term than one year from the date thereof.

SEC. 7. In all cases where the auctioneers or owner of the

property sold by virtue of this act, or any person employed by them or either of them shall become the purchaser, such sale shall be subject to the same duties as if any other person had become the purchaser. Purchasers subject to duties in all cases.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 14, 1851.

NELSON DEWEY.

[NOTE.—This act was published March 21st, 1851.

WILLIAM A. BARSTOW,
Secretary of State.

An Act to authorise the draining or lowering of North Lake in the Town of Merton, county of Waukesha Chap. 289

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

SECTION 1. Robert Mason, David Mason, Allen Dawson, Thomas Dawson, Christian Hire, and John Bellweed, their associates, successors, [and] assigns are hereby authorised to excavate the bottom of the outlet of North Lake, situated in the town of Merton, county of Waukesha, on part of sections sixteen, seventeen, twenty and twenty-first, to a sufficient depth, and of a width not exceeding thirty-five feet, to lower the water of said lake, not exceeding thirty inches: Provided, They do no damage to any mill privilege upon said stream. Who may lower Lake. Proviso.

SEC. 2. Any person who may consider that he has sustained any damage in consequence of said excavation being done, may apply to any Justice of the Peace in said county, who shall summon a jury in the same manner, that they are now summoned to assess damages for the laying out of public highways; and said jury shall be competent to assess any damages, such aggrieved person may sustain; and before proceeding to do so shall be sworn to faithfully and honestly discharge their duty. They shall also hear all evidence which either party offer in relation to the amount of damages sustained. When Justice of Peace to summon Jury to assess damages.

SEC. 3. Should damages be assessed in favor of any person, as provided in the preceding section, said Justice shall make an entry of the same upon his docket and if not paid with cost within sixty days, he shall issue an execution against the goods and chattels of the said Robert Mason, David Mason, Allen Dawson, Thomas Dawson, Christian Hire and John P. Bellweed, their associates, successors, and assigns, which shall have the same force that it would have had, if a judgment had been rendered against them by said Justice. When execution for damages to issue against person named.

STATE OF WISCONSIN, }

SECRETARY'S OFFICE, }

I have compared the Acts, Resolutions and Memorials contained in this book with the originals deposited in this office, and do hereby certify that the same appear to have been correctly printed, excepting such errors as are corrected in the following ERRATA, and such minor variations as do not change the meaning or sense of the original text.

Witness my hand and the Great Seal of the State at Madison, this fifteenth day of May,

L. S. A. D 1851.

WM. A. BARSTOW, SECRETARY OF STATE.

ERRATA.

- Page 9, Chap. 8, Sec 1, line five, for *forty-nine* read "fifty-nine."
 Page 15, Chap. 21, Sec 1, for first three lines read, "It shall be the duty of the Commissioners of the School and University Lands to convey to the United States of America, in the same manner that other School lands are by them conveyed, the following described lands"
 Page 29, Chap. 37, in title, for *rejection* read "ejection;" and for Approved *January 19th*, 1851 read "Approved February 4th, 1851."
 Page 29, Chap 38, for Approved *January 29th*, read "Approved February 4th"
 Page 38, Chap 34, Sec. 1, last line, before *Iowa*, read Grant and also "in one printed in the county of"
 Page 198, Sec 1, for *John C. Holmes*, read John E. Holmes;" and for *E. W. Graves*, read "D. W. Graves"
 Page 223, Chap 220, read "Sec 9 This act shall take effect from and after its passage."
 Page 232, Sec 289, for *Brigham*, read "Bingham"
 Page 233, Chap 241, Sec 1, line six, for *Stowund*, read "Stow and."
 Page 243, line five, for *Koch* read "Bark"
 Page 256, Chap 262, line six, for *Beard* read "Baird;" and for *Lay*, read "Loy."
 Page 268, Chap 262, line six, Sec 7, for *the amount of tolls*, read "and determine the price for transportation of freight and the fare of passengers."
 Page 272, Chap. 268, line one, for *Zeletoe*., read "Zelotus;" and line two, for *Brecker* read "Becker."
 Page 273, line thirty eight, for *examination* read "execution."
 Page 274, line five, for *such* read "each"
 Page 278, Chap 280, for D. *Haltz*, read D Holt, Jr.
 Page " Chap 281, for *Carmon & Ladd*, read "Cannon & Ladd."
 Page 279, Chap 282, for *ten* read "two." in line two
 Page 280, Chap 285, Sec. 1, line five, for *N. S* read "U. S."
 Page 280, Chap 286, Sec 2, line six, for *executing* read "Executive"
 Page 281, Chap 287, Sec. 2, line two, for *election* read "appointment;" and Sec 12, line one, for *ten* read "five;" and in the last line, for *elected* read "appointed"
 Page 284, Chap 288, line nine, after *license*, read, "to be recovered in the name of the County Treasurer before any Justice of the Peace in an action of debt."
 Page 287, Chap. 291, Sec 1, line seven, for *sixty cents* read "sixteen cents"
 Page 290, Chap 297, line two, for *Doussman*, read "Dousman;" and for *Olset*, read "Vliet;" in line three
 Page 292, Sec 6, for *Oliet* read "Vliet."
 Page 299, Chap 303, line four, for *Waucoma* read "Waucoma"
 Page 345, Chap 315, title, before *Contingent* read "payment of the"
 Page 318, Sec 13, line two, for *ninety-five* read "twenty-one"
 Page 319, Chap 322, for *Halpin* read "Halpin."
 Page 351, Sec 4, line two, for *increase* read "income" and Sec. 5, line three, for *fifteen* read "fifty-four"
 Page 360, Sec 12, line six, for *member*, read "number"
 Page 361, Sec. 16, line three, for *already*, read "actually."
 Page 362, Sec 1, Chap 323, line one, for *four*, read "[four]."
 Page 363, Chap 340, for *Beloit*, read "Beloit"
 Page 372, Sec 1, line two, for *Charles E. Glinger*, read "Charles Hisinger"
 Page 383, line one, for *and* read "out."
 Page 388, line six, Chap. 384, for *suit* read "suit;" and line ten, for *ret razis* read "ret razis."
 Page 393, Chap 368, for *H Ladd*, read "H. Sadd"
 Page 395, Chap 368, line four, strike out the word "five."
 Page 398, Sec 4, line eight, for *Appointed*, read "Approved."
 Page 408, line seven, for *balance*, read "ballot."
 Page 418, Sec. 7, line 7, after *transportation*, read "and to direct the mode and condition of transferring the stock aforesaid;" and Sec. 8, enclose all between the words *misses* in line eight and *person* in line nine, in brackets.
 Page 427, Sec 3, line five, for *Officers*, read "affairs."
 Page 437, for *Isaac J. Walker*, read "Isaac P. Walker."

[NOTE.—In preparing these acts for publication, where a superfluous word has been found in the enrolled bills, it has been printed in the text, but in italics, and enclosed in parenthesis, (*thus*). Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets, [*thus*]; thus adopting a plan heretofore adopted in publishing the laws, for the sake of uniformity.]