

CHAPTER 167.

[Published March 18, 1864.]

AN ACT to establish lumber districts in this state, and to regulate the traffic in logs, timber and lumber in said districts.

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

Lumber districts

SECTION 1. For the purpose of inspecting and regulating the survey and measurement of logs, timber and lumber in this state, the Wisconsin river and its tributaries are hereby constituted and created a lumber district, to be known and called lumber district No. 1; the Black river and its tributaries, to be known and called lumber district No. 2; the Chippewa and its tributaries, as far up as the northern boundary line of Eau Claire county, including the Eau Claire river and its tributaries, to be known and called lumber district No. 3; the St. Croix river and its tributaries, to be known and called lumber district No. 4; Green Bay and such of its tributaries as are within this state, save and except Lake Winnebago and its tributaries, to be known and called lumber district No. 5; and so much of the Chippewa river as lies above the northern boundary line of the county of Eau Claire, together with the tributaries emptying into said portion of the Chippewa river, to be known and called lumber district No. 6.

Appointment of
lumber inspectors.

SECTION 2. The governor of this state shall appoint an inspector for each of said lumber districts, who shall be styled "lumber inspector of district No. —," (designating the proper district.) His term of office shall be for two years, and he shall, at the time of his appointment, be a citizen of this state, and reside within the lumber district for which he is appointed; and the inspectors first appointed under this act shall hold their respective offices for the term of two years from the first Monday in April, 1864, and until their successors are appointed and qualified.

Where offices to
be kept.

SECTION 3. The inspector of lumber district number one shall keep his office at Centralia or Grand Rapids, in the county of Wood, or Stevens Point, in Portage county, or Warsaw, in Marathon county; of district number two, at the city of La Crosse, or at North La Crosse, in the county of La Crosse; of district number

three, at Eau Claire, in the county of Eau Claire; of district number four, at the city of Hudson, in the county of St. Croix; of district number five, at the city of Green Bay, in the county of Brown; of district number six, at Chippewa Falls, in the county of Chippewa.

SECTION 4. Each lumber inspector appointed under the provisions of this act, shall, before entering upon the discharge of the duties of his office, take and subscribe an oath before some person authorized to administer oaths, that he will faithfully discharge the duties of his office to the best of his knowledge, judgment and ability, and shall execute to the treasurer of the county in which his said office shall be kept, a bond, with three or more sufficient sureties, to be approved by the said treasurer and the county judge of his county, in the penal sum of five thousand dollars, conditioned for the faithful performance of his duties as lumber inspector of his district, (giving the number thereof,) and for the delivery to his successor in office [of] all bills, papers, books, journals and other effects appertaining to his said office; and such bond, so executed and approved, shall be filed and kept in the office of the said county treasurer; and any person feeling himself aggrieved, may commence an action thereon before any court having jurisdiction, and a recovery thereon by one person, shall not render the bond void, but the same may be prosecuted from time to time until the whole penalty shall be recovered.

SECTION 5. Each inspector may divide his district into such number of subdistricts as he may deem best, and in each subdistrict may appoint one or more deputies, for whose conduct and fidelity in the discharge of his or their duties as such, he shall be responsible upon his official bond.

SECTION 6. It shall be the duty of each lumber inspector, in person or by deputy, at the request of any owner of logs, timber or lumber, after a scaling or measurement, to make out a bill, stating therein the number of logs, the number of feet, board measure, contained in such logs and lumber, and the number of feet, cubic, running or board measure, contained in said timber, and at whose request the same were scaled or measured, and to whom scaled or measured, a copy of which bill he shall enter upon the books of his office, to

be provided by him and kept for that purpose, with the marks as they occurred upon the logs. A correct bill of the same shall be given to the owner or owners of logs, timber or lumber, with a certificate thereto attached, that it is a true and correct bill, which bill, so certified to, shall be received in all courts of this state as *prima facie* evidence of the truth and correctness thereof: *provided*, that the certificate of such inspector or deputy inspector shall not be received as evidence of the correctness of the survey or measurement of logs, timber or lumber owned by himself.

Prize logs.

SECTION 7. All prize logs shall be divided between the owners in each subdistrict, in proportion to the number of logs owned by each person or company, respectively, in such subdistrict; and prize logs are hereby defined to mean such logs as bear no mark or marks, and all logs bearing marks not recorded or claimed within one year after any "general drive."

Measurement of logs.

SECTION 8. Each lumber inspector and his deputies shall, in surveying or measuring logs, make such allowance for hollow, rotten or crooked logs as would make them equal to good, sound, straight, merchantable logs, and all logs that are straight and sound are to be measured at their full size, inside the bark at the small end, and all logs over twenty-four feet long, and not exceeding thirty-six feet, shall be scaled or measured as two logs, allowing such rise from the first to the second log as the same may require, or as may seem proper in the opinion of the inspector or his deputy.

Standard measure.

SECTION 9. The "Scribner rule" shall be the standard rule for scaling or surveying logs in the said districts, but other rules may be used at the request of the owner or owners of logs, but in all such cases, the bill of the inspector shall state by what rule the logs were surveyed or scaled.

Fee.

SECTION 10. Each lumber inspector shall be entitled to receive, and may sue for and collect, the sum of five cents per thousand feet for surveying or scaling and making out survey bills for all logs that he is called upon to scale, and the sum of twelve cents per thousand feet running measure, for measuring square timber, and the sum of fifteen cents per thousand for sawed lumber, including bills.

Owners' marks to be recorded.

SECTION 11. Any owner or owners of logs in the

said several districts, may use on his or their logs any mark not before used by any other person or persons in the districts in which they do business, and such mark shall be left with the inspector or his deputy, and shall be by him or them recorded in a book to be provided by and kept in the office of the said inspector, between the first day of November and the first day of March, in each year; and the books of the inspector shall at all times be open for the inspection of all persons interested; and if any person or persons shall use such mark on any logs in his district, after such mark shall have been recorded in the manner aforesaid, before having had recorded his or their marks in the same manner, or shall mark any prize log within the district, such offender or offenders shall forfeit and pay ten dollars for every such offense, to be recovered in any court having jurisdiction to try the same in the district, to the use of the person prosecuting therefor; and the inspector shall be entitled to fifty cents for each mark so recorded.

SECTION 12. It shall be the duty of each of said inspectors to record all mortgages, liens and bills of sale, or other written instruments in any way affecting the ownership of any mark of logs in his district, in a book kept for that purpose: *provided*, that said instrument shall specify the marks placed upon said logs, and when they were cut, and shall be recorded in the office of the inspector in which the said marks are recorded; and no conveyance, lien, mortgage or transfer shall be valid until the same is so recorded, or until the same shall be filed with one of said deputies, who shall immediately forward such instrument to the inspector of the proper district; and the said inspector shall be entitled to and receive the same fees allowed by law to registers of deeds for recording like instruments.

Record of mortgages, &c.—what to contain.

SECTION 13. It shall be the duty of each lumber inspector to report to the legislature, in each year, within ten days after the meeting thereof, the amount of logs, timber and lumber by him surveyed or scaled in his district, for the year previously to the date of his report.

Annual report.

SECTION 14. The several "surveyors-general" appointed in accordance with the provisions of chapter eighty-three of the general laws of 1861, and the acts amendatory thereof, are hereby required to deliver to the lumber inspectors of their respective districts all

Delivery of books, papers, &c. by surveyors-general to lumber inspectors.

bills, papers, books, journals and other effects appertaining to their respective offices, on the first Monday of April, 1864, (or as soon thereafter as said inspectors shall enter upon their duties as such officers, respectively,) in like manner as they are required by the provisions of section four of said chapter eighty-three of the general laws of 1861, to deliver the same to their successors in office; and the lumber inspectors appointed pursuant to the provisions of section one of this act, having first qualified as required by section four of this act, shall, on or after the first Monday of April, 1864, demand and receive of the "surveyors-general" of their respective districts, the bills, papers, books, journals and all records and effects appertaining to the offices of surveyors-general, respectively, which records shall be held and deemed to be records of said lumber districts, respectively, and shall continue to have the same force and effect as if the said office of surveyor-general had not been abolished.

Repeal.

SECTION 15. Chapter eighty-three of the general laws of 1861, entitled "an act to regulate the traffic in logs, timber and lumber on the Wisconsin, Black, Chippewa and St. Croix rivers," and chapters one hundred and sixty-seven and one hundred and eighty-eight of said laws of 1861, and chapters seventy-four and two hundred and eight of the general laws of 1868, amendatory of said chapter eighty-three, are hereby repealed, to take effect on and after the first Monday of April, 1864.

SECTION 16. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved March 18, 1864.