

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 123.

[Published April 25, 1866.]

AN ACT to amend section one of chapter 285 of the general laws of 1861, entitled "an act to amend section 112 of chapter 19 of the revised statutes, entitled 'of highways, bridges and ferries.'"

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

SECTION 1. Section one of chapter two hundred and eighty-five of the general laws of the year eighteen hundred and sixty-one, entitled "an act to amend section one hundred and twelve of chapter nineteen of the revised statutes, entitled 'of highways, bridges and ferries,'" is hereby amended, so that said section one will read as follows: "Section 1. Said section is hereby amended, so as to read as follows: 'Every person who shall obstruct any meandered navigable stream in this state, by felling any tree or trees therein, or by placing any refuse lumber, slabs or other substance calculated to impede the free navigation thereof, either in such stream or in any tributary of said stream, so that the same shall float into such meandered navigable stream, or by the construction or maintenance, or aiding or assisting in the construction or maintenance, of any boom not authorized by the laws of this state, shall forfeit for each such offense, and for each day the navigation of such stream shall be obstructed by such boom, the sum of twenty-five dollars, one-half to the informer and one-half to the treasury of the county where such offense may be committed; and every person damaged by such offense, may sue for and collect such penalty, by civil action, in the circuit court of the county where such offense may have been committed, and may in the same action sue for any special damages he may have sustained by reason of the offense complained of in said action. The

Penalty for obstructing navigable rivers, &c.

plaintiff in such action shall be the informer, and the defendant the person alleged to have committed the offense; and if the offense be found and adjudged to have been committed, as alleged in the complaint, the plaintiff shall recover costs of the defendant; otherwise, the defendant shall recover costs of the plaintiff. The verdict or finding in such action shall state, first, whether or not such offense has been committed, as alleged in the complaint, and if so committed, second, the amount of special damage which the plaintiff has sustained thereby.' ”

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 124.

[Published April 25, 1866.]

AN ACT to amend section 13 of chapter 175 of the revised statutes, entitled “of proceedings to prevent the commission of crime.”

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

Proceedings on
appeal.

SECTION 1. Section 13 of chapter 175 of the revised statutes, is hereby amended, by inserting after the word “prosecuted,” in the second line of said section, the words, “shall without a jury examine witnesses, and hear and determine such charge, in the same manner as prescribed for the examining magistrate, and”

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1865.