

state prison for a term not exceeding three [years] nor less than six months or by a fine not exceeding one thousand dollars nor less than three hundred dollars.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1869.

CHAPTER 58.

[Published March 6, 1869.]

AN ACT to more effectually protect lands belonging to counties from the depredations of trespassers.

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

Penalty for taking timber or mineral from lands belonging to counties.

SECTION 1. Any person who shall wilfully cut down or destroy, or by girdling or otherwise, shall injure any trees growing or situated on any lands owned by any county in this state, or who shall wilfully cut or take, carry or haul away from any such lands any wood or timber previously cut or severed from said lands; or who shall dig, take or carry away any mineral or other thing of value which would depreciate the value of such lands, without first having obtained a license therefor from the county board of supervisors, shall be adjudged guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not less than ten dollars nor more than one hundred dollars.

Actions against trespassers may be commenced by sheriffs, justices, etc.

SECTION 2. It is hereby made the duty of all sheriffs, justices of the peace, constables, supervisors of towns and county supervisors, who may have knowledge of, or who may receive information of any offense mentioned in section one of this act, committed within the county in which they are officers, and any other person, may forthwith commence an action in the county in which said offence was committed, in the name of the state of Wisconsin, for the recovery of the fine mentioned in section one of this act.

Justices shall have jurisdiction.

SECTION 3. Justices of the peace shall have concurrent jurisdiction with the circuit court in all actions

instituted under the provisions of this act, and the question of title shall in no case under this act arrest such justice of jurisdiction: *provided*, that either party shall have the right of appeal as in other cases tried before justices of the peace.

SECTION 4. This act shall not be so construed as to prevent any county in this state from maintaining an action in its corporate capacity for the recovery of any damage such county may sustain by reason of any trespass upon any lands owned by such county.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.

CHAPTER 59.

[Published March 3, 1869.]

AN ACT relating to tunnels under the highway.

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

SECTION 1. Any person owning lands lying on both sides of any highway in this state is hereby authorized to construct a tunnel under such highway, also the necessary fences for the passage of stock, and other purposes across the same, in such manner as will not interfere with or endanger travel on such highway.

Owners of land may construct tunnels under highways.

SECTION 2. All tunnels which may be constructed under authority given by this act shall not be less than twenty feet in length, and shall be maintained by the person constructing the same, and the owner of such property shall be liable for all damage which may be occasioned by reason of the failure to keep the same in repair.

Dimensions of tunnels.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.