

SEC. 54. This act shall take effect and be in force from and after its publication.

J. McM. SHAFER,  
*Speaker of the Assembly.*  
E. B. DEAN, JR.,  
*President pro tem. of the Senate.*

Approved, April 19, 1852.

LEONARD J. FARWELL.

[*Published, May 27, 1852.*]

An Act to regulate the collection of tolls on plank and turnpike roads.

Chap 478

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

SECTION 1. Every toll gatherer who at any gate of any plank or turnpike road company in this state, shall unreasonably hinder or delay any traveler after he shall have paid the tolls demanded, or shall demand and receive from any person more toll than by law he is authorized to collect, shall for each offence forfeit the sum of ten dollars. Toll gatherer liable to penalty

SEC. 2. Every plank and turnpike road company, now or hereafter to be formed or organized in this state, shall erect and maintain suitable mile posts on their respective roads, under the penalty of ten dollars for each month they shall refuse or neglect so to do ; such posts to be erected on those roads on which toll gates have been already erected, within one year from the passage of this act, and as fast as any new toll gates shall be erected thereon ; and on those roads on which no toll gates have been erected, as fast as toll gates shall be erected thereon. Mile stones.

SEC. 3. Every person traveling on any plank or turnpike road in this state, who shall untruly report or refuse to report, when requested so to do by any toll gatherer or other person employed on said road, the distance he shall have traveled or desires to travel on said road, or shall refuse or neglect to pay the legal tolls therefor, or shall run through or pass around any gate for the purpose of avoiding the payment of tolls, shall forfeit for each offence the sum of ten dollars. Penalty for making incorrect statement to toll gatherer.

SEC. 4. Whenever required by any person passing a gate on any plank or turnpike road, the toll gatherer at such gate shall give such person a receipt, specifying the amount of toll received, the kind of vehicle and number of animals, and the number of miles traveled or to be traveled on said road as represented to said toll gatherer by such person. Said receipt to be signed in duplicate by the Receipt for toll

toll gatherer and the person demanding the same. One of which duplicates the toll gatherer shall deliver to such person, retaining the other in his possession; and such receipts shall be conclusive evidence in any court of justice of the amount of tolls paid, and the number of miles represented to have been or intended to be traveled by such person; and any toll gatherer refusing to give such receipt or any party refusing to sign the same, after having demanded one, shall forfeit the sum of ten dollars.

How penalties recovered.

SEC. 5. The penalties incurred under this act may be sued for and recovered by action of debt, in the name and for the use of the town in which said gate is situated, or in case of a penalty for a failure to erect or maintain mile posts in the name and for the use of any town through or into which said road runs, with costs of suit, before any justice of the peace; and in every such action, the complainant or aggrieved party may be a witness in behalf of such town, but any such receipt as mentioned in section number four, where the complaint is for the collection of illegal toll, shall be conclusive evidence as stated in such section. The name of the complainant shall be entered on the docket of the justice, and in case the determination shall be in favor of the defendant, judgment shall be entered against the complainant for costs.

Execution may provide for imprisonment.

SEC. 6. Any execution to be issued on any judgment for any such penalty may authorize the imprisonment of the defendant so adjudged to have incurred such penalty in the common jail of the county for ten days.

SEC. 7. This act shall take effect from and after its publication.

J. McM. SHAFTER,

*Speaker of the Assembly.*

E. B. DEAN, JR.

*President pro tem. of the Senate.*

Approved, April 19, 1852.

LEONARD J. FARWELL.

[*Published June 22, 1852.*]

## Chap 479

An Act to authorize the business of Banking.

*The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:*

Bank comptroller.

SECTION 1. For the purpose of carrying into effect the provisions of this act, the governor of this state is hereby authorized and required, so soon as this act shall be in force, to appoint, by and with the consent of the senate, a