

CHAPTER 86.

[Published March 9, 1868.]

AN ACT to amend section thirty-two of chapter six, of the revised statutes, entitled "of the public printing, and of the publication and distribution of statutes and other public documents."

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

Amended.

SECTION 1. Section thirty-two (32) of chapter six (6) of the revised statutes, is hereby amended as follows: "Section 32. All publishers of weekly newspapers who shall publish in their respective newspapers all the acts, designated in the foregoing section, shall be allowed sixty dollars for such entire publication, to be paid out of the state treasury as hereinafter provided."

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

Approved March 4, 1868.

CHAPTER 87.

[Published March 11, 1868.]

AN ACT for the protection of shade trees.

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

May cultivate shade trees.

SECTION 1. Every person whose lands are bounded by any highway or street, or through whose lands any highway or street may run, may cultivate and grow two or more rows of such kinds of trees as commonly grow forty or more feet in height on either or both sides of said highway or street, which trees may be planted one rod or less apart in the row, leaving a place for the foot path, and within eight feet of the outer line of said highway or street. And after said rows of trees are grown as aforesaid to the height of twelve feet from

the ground, the owner may give notice to the officer having the care and charge of said highway or street, that he claims the benefit of this act, for the growing of shade trees; and thereupon the officer shall make a personal examination of the rows of trees and if on such examination he shall find that the owner has grown or planted the trees and that they are growing thriftily, he shall give the owner of said land and trees a certificate showing that he accepts the said rows of trees as shade trees of said highway or street, and thereupon the said trees shall become public shade trees and be protected as public property; but the title to the trees and any fruit they may produce shall remain the property of the owner of the land.

SECTION 2. The person receiving the certificate aforesaid shall be entitled to receive an annual bounty for the growing of public shade trees at the rate of two cents for each rod of shade trees on a side of the road, or four cents for the length of the highway where trees are planted on both sides thereof and grown as aforesaid, which said amount of bounty shall be allowed to the person holding said certificate upon the highway taxes assessed upon the same land.

Bounty for raising shade trees.

SECTION 3. If any person shall, by himself or servant, cut down, break, girdle, bruise, mar the bark, or in any manner injure any public or private shade tree, or shall hitch any horse or animal to any public or private shade tree growing on the side of the highway or street, or shall allow any animal under his control to break, mar or do damage to any shade tree standing in the line of the highway, or street, such person shall be liable to pay the sum of five dollars for every shade tree which is cut down, broken, girdled, bruised, marred or injured, or to which any horse or animal is hitched, or which shall be broken, marred or damaged by any animal under his control, which sum shall be collected by the officer having charge of the highway or street on the side of which the tree so damaged shall stand or be growing, in an action of trespass, and which money when collected shall constitute part of the highway fund in the hands of the officer and be used accordingly, and the person doing or allowing the committing of such damage shall be liable further to the owner of the land for all damage he may sustain, the same as if the public had no interest in said shade trees. Every

Penalty for injury to trees.

By whom enforced.

officer having charge of the highways or streets who shall cut down, destroy or damage any tree planted or grown as aforesaid for a shade tree, within eight feet of the outer line of the highway or street, or shall order or permit the same to be done by his workmen, shall be personally liable the same as any other person under the provisions of this section. This section shall not prohibit the owner or the land from cutting any dead or decaying tree for his own use: *provided*, he shall immediately plant another tree to take the place of the shade tree cut down.

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

Approved March 4, 1868.

CHAPTER 88.

[*Published March 9, 1868.*]

AN ACT concerning judgments rendered by justices of the peace.

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

Judgment not
to be void in
certain case.

SECTION 1. No judgment of a justice of the peace shall be declared void by any court of this state for the reason that the trial of the cause in which such judgment was rendered was held in a house or in a place or room appertaining thereto, in which strong, spirituous, ardent or intoxicating liquors, were at the time of such trial sold, bartered or given away.

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

Approved March 4, 1868.