

cessive weeks, at least two months before the expiration of the time limited for redeeming said lots and lands, sold as aforesaid.

Repeal.

SECTION 2. That so much of the provisions of section 16 of chapter 22 of the general laws of 1859, approved February 19, 1859, as are inconsistent with the provisions of this act, for the purposes of this act only, are hereby repealed.

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

Approved March 28, 1868.

## CHAPTER 91.

[Published March 14, 1868.]

AN ACT relative to principals, and factors or agents.

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

Who shall be deemed owner of merchandise, and lien thereon.

SECTION 1. After this act shall take effect, every person in whose name any merchandise shall be shipped, shall be deemed the true owner thereof, so far as to entitle the consignee of such merchandise to a lien thereon, 1. For any money advanced or negotiable security given, by such consignee, to or for the use of the person in whose name such shipment shall have been made; and, 2. For any money or negotiable security received by the person in whose name such shipment shall have been made, to or for the use of such consignee.

When lien shall not exist.

SECTION 2. The lien provided for in the preceding section shall not exist when such consignee shall have notice, by the bill of lading or otherwise, at or before the advancing of any money or security by him, or at or before the receiving of such money or security by the person in whose name the shipment shall have been made, that such person is not the actual and *bona fide* owner thereof.

Who shall be deemed true owner, so far as to give validity to contracts for sale, &c.

SECTION 3. Every factor or other agent entrusted with the possession of any bill of lading, custom-house permit or ware-house keeper's receipt, for the delivery of any such merchandise, and every such factor or

agent not having the documentary evidence of title, who shall be entrusted with the possession of any merchandise for the purpose of sale, or as security for any advances to be made or obtained thereon, shall be deemed to be the true owner thereof, so far as to give validity to any contract made by such agent with any other person, for the sale or disposition of the whole or any part of such merchandise, for any money advanced or negotiable instrument or other obligation in writing given by such other person upon the faith thereof.

SECTION 4. Every person who shall hereafter accept or take any such merchandise in deposit from any such agent, as security for any antecedent debt or demand, shall not acquire thereby or enforce any right or interest in or to such merchandise or document, other than was possessed or might have been enforced by such agent at the time of such deposit.

Antecedent debts.

SECTION 5. Nothing contained in the two last [last two] preceding sections of this act, shall be construed to prevent the true owner of any merchandise so deposited, from demanding or receiving the same upon repayment of the money advanced, or on restoration of the security given on the deposit of such merchandise, and upon satisfying such lien as may exist thereon in favor of the agent who may have deposited the same, nor from recovering any balance which may remain in the hands of the person with whom such merchandise shall have been deposited, as the produce of the sale thereof, after satisfying the amount justly due to such person by reason of such deposit.

True owners may receive merchandise upon repayment of moneys advanced, &c.

SECTION 6. Nothing contained in this act shall authorize a common carrier, ware-house keeper or other person to whom merchandise or other property may be committed for transportation or storage only, to sell or hypothecate the same.

Not applicable to common carriers.

SECTION 7. Every factor or agent who shall deposit any merchandise entrusted or consigned to him, or any document so possessed or entrusted as aforesaid, as a security for any money borrowed, or negotiable instrument received by such factor or agent, and shall apply or dispose of the same to his own use contrary to good faith and with intent to defraud the true owner, and every factor or agent who shall sell any merchandise entrusted or consigned to him, in like manner and with like fraudulent intent, and every other person who shall

Penalty.

knowingly connive with or aid or assist any such factor or agent in any such fraudulent deposit or sale, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine and imprisonment, at the discretion of the court in which such conviction shall take place.

Approved March 23, 1863.

## CHAPTER 92.

[Published April 4, 1863.]

AN ACT to vacate certain streets and alleys in the fourth ward of the city of Milwaukee, and to provide for laying out certain streets therein described.

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

Streets and alleys vacated.

SECTION 1. The streets and parts of streets, alleys and parts of alleys, in the fourth ward of the city of Milwaukee, hereinafter particularly described, are hereby vacated, viz.: All of Menomonee street west of the west line of Second street; all of Fourth and Fifth streets, lying south of Fowler street; all of Seventh street, and a certain street between blocks one hundred and thirty-eight and one hundred and thirty-nine, and blocks one hundred and fifty-three and one hundred and fifty-four, lying south of Hinman street; all of Hinman and Eighth streets, lying south of the main track of the Milwaukee and Prairie du Chien railway, as now laid down; all the alleys in blocks numbered one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty, one hundred and forty-two, one hundred and forty-three, and one hundred and forty-eight; the alleys running easterly and westerly through block one hundred and forty-one; so much of the alley running north and south through block one hundred and forty-four, as lies south of the east and west alley in said block; so much of the east and west alley in block one hundred and thirty-seven, as lies between lots eight and thirteen, and nine and twelve,