

CHAPTER 107.

[Published March 7, 1874.]

AN ACT relating to embezzlement by carriers, and amendatory of section 28 of chapter 165 of the revised statutes.

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

SECTION 1. Section twenty-eight of chapter one hundred and sixty-five of the revised statutes is hereby amended by adding thereto the following provisions, viz: In all cases arising under this section, if the person accused shall fail to deliver any money, goods or other property, according to the directions of the company or persons owning the same, or having the legal control thereof, or to deliver the same to such company or person on demand, in either case such failure shall be presumptive evidence that such accused person is guilty of embezzlement or fraudulently converting to his own use such money, goods or other property in any and every county in this state into which or through which the same had been carried or transported, or had been directed by the company or person owning the same, or having the control thereof, to be carried or transported by such accused person.

Failure to deliver goods by common carriers, shall be presumptive evidence of embezzlement.

SECTION 2. This act shall take effect immediately.
Approved March 4, 1874.

CHAPTER 108.

[Published March 7, 1874.]

AN ACT to repeal chapter 209 of the session laws of 1873, and to revive, with sundry amendments, chapter 430 of the private and local laws of 1870, entitled "an act to authorize the town of Ahnepee, in the county of Kewaunee, to issue the bonds of said town to aid in the construction of a harbor at the mouth of Ahnepee river."

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

SECTION 1. Chapter 209 of the laws of eighteen hundred and seventy-three, entitled an act to repeal chapter 430 of the private and local laws of eighteen

Ch. 209 G. L.
1873, repealed.

hundred and seventy, entitled an act to authorize the town of Ahnepee, in the county of Kewaunee, to issue the bonds of said town to aid in the construction of a harbor at the mouth of Ahnepee river, is hereby repealed.

Ch. 480 P. & L.
L. 1870, revised.

SECTION 2. Chapter four hundred and thirty of the private and local laws of eighteen hundred and seventy, entitled "an act to authorize the town of Ahnepee, in the county of Kewaunee, to issue the bonds of said town to aid in the construction of a harbor at the mouth of Ahnepee river," is hereby revived and continued in full force and effect, as hereinafter amended.

Acts of Ahnepee town officers legalized.

All the acts of the town officers of the said town of Ahnepee, in levying and collecting the tax known as the harbor tax, for the year 1870, and all the acts of the commissioners appointed by and under the said chapter four hundred and thirty, private and local laws of eighteen hundred and seventy, are hereby legalized and confirmed.

Board of commissioners created.

SECTION 3. Lyman Walker, Simon Hall and Frederick Krohn are hereby appointed commissioners, who, upon qualification, as hereinafter provided, shall have power and authority to ask, demand, receive, sue for as harbor commissioners, and collect all moneys, demands, claims, property or materials of any kind, in the hands or possession, or due and owing from any and all persons, which shall belong to, accrued from, or grown out of any taxes levied or collected, money paid out or received, timber, stone or other materials purchased, furnished or sold under or by virtue of any acts or doings of the commissioners appointed by and under the provisions of said chapter 480, and to audit, allow and pay all proper claims for services or otherwise, which may have arisen in consequence of the acts of said commissioners.

Their powers and duties.

Commissioners shall give bonds.

SECTION 4. The said commissioners, before entering upon the duties required by this act, shall take an oath that they will faithfully discharge the duties of their office, according to the requirements of this act, and file the same in the office of the clerk of the town of Ahnepee, also execute a bond to the town treasurer of said town in the sum of ten thousand dollars, with two or more sureties, conditioned that they will faithfully discharge the duties required by this act. Said bond shall be approved by the board of supervisors of said town and shall be filed in the office of the town clerk.

SECTION 5. The said commissioners shall act jointly, but a majority shall have power to do and perform

every act and thing authorized and required by this act.

SECTION 6. Said commissioners shall elect a chairman, secretary and treasurer from their number, and shall keep a record of all their proceedings, and make a full report of their proceedings to the board of supervisors of the town of Ahnapee annually on the first day of January. All disbursements shall be made by orders drawn by the chairman and secretary on the treasurer.

Commissioners to report.

SECTION 7. All contracts made by said commissioners under the provisions of this act shall be signed by a majority of them. Should any vacancy occur by the death, resignation or removal of any of such commissioners, or in any other manner, such vacancy shall be filled by the board of supervisors of the town of Ahnapee, within thirty days after such vacancy shall occur, and in case of a failure of said board to do so, the remaining commissioners shall fill such vacancy by appointment, which appointment shall be in writing and filed in the office of the secretary of said commissioners and also in the town clerk's office of the said town of Ahnapee.

Vacancies, how filled.

SECTION 8. The said commissioners shall be allowed two dollars per day for the time actually and necessarily spent in the discharge of their duties as such commissioners, which sum they may retain out of any moneys in their hands, but shall account for the same in their report of disbursements.

Compensation to commissioners.

SECTION 9. When the said commissioners shall elect a treasurer, according to the provisions of section seven of this act, said treasurer shall execute and deliver to the town clerk of said town of Ahnapee a bond for double the amount of money said treasurer may receive, with two or more sureties, said bond to be approved by the supervisors of the said town of Ahnapee, conditioned that he will faithfully discharge his duties as such treasurer, and account for all moneys received by him.

Treasurer of board to give bond.

SECTION 10. The said commissioners are hereby authorized to negotiate and contract with any person or persons to the extent of the means which shall come into their hands by virtue of this act, for the purpose of opening and improving the mouth of the Ahnapee river, with a view to and for the purpose of making an entrance into the mouth of the said river and a harbor for vessels therein, and to contract for and purchase any tools, machinery or materials suitable and requisite for such purpose, and to use or cause to be used any

Authority to improve mouth of Ahnapee river.

such tools, machinery or materials for the purpose above specified in any and such manner as to them shall seem best, and to pay for the same and all necessary expenses out of any moneys that shall be received by them by virtue of this act, *provided*, that no portion of the money, demands, claims, property or materials of any kind specified in section three (3) of this act shall be appropriated as provided in this section, unless a majority of the qualified electors of the said town of Ahnapee shall so determine at the annual town meeting for the election of town officers of said town, to be held in April, eighteen hundred and seventy-four, as hereinafter provided.

Vote for and
against harbor
improvement.

SECTION 11. For the purpose of ascertaining the will of the residents of said town of Ahnapee in the county of Kewaunee, with reference to the disposition of the moneys, demands, claims, property or materials of any kind specified in section three (3) of this act, the qualified electors of said town, may, at the next election of town officers succeeding the passage of this act, vote by ballot, either written or printed, or partly written or partly printed, "for the harbor improvements," or, "against the harbor improvements," such ballots to be deposited in a separate box, and to be canvassed in the same manner as ballots for town officers, and if a majority of the ballots thus voted shall be, "for the harbor improvement," the said commissioners shall have power and be fully authorized, and they are hereby required to expend the said moneys, demands, claims, property and materials, as provided in section ten (10) of this act, but if a majority of the ballots thus cast shall be, "against the harbor improvement," the said commissioners shall have power and it shall be their duty to deposit such moneys with the treasurer of said town of Ahnapee, taking his receipt therefor, and the said commissioners are further empowered, and it is hereby made their duty to prosecute, sell or otherwise dispose of all said demands, claims, property or material specified in section three (3) of this act, and to deposit the moneys arising therefrom in the hands of the town treasurer of said town of Ahnapee, taking his receipt therefor, and all such moneys so received and collected by said commissioners and paid into the town treasury as herein provided for, shall be, and form a part of the general fund of said town, subject to the same disposition and uses as moneys raised by tax for general town purposes.

Duty of com-
missioners
therefor.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1874.