

## CHAPTER 78.

### LOGS, LUMBER, WOOD, &c.

AN ACT to secure the Free Passage of Logs and Lumber down the Several Creeks and Rivers of this Territory.

*Be it enacted by the Council and House of Representatives of the Territory of Wyoming:*

All creeks and  
rivers free.

SECTION 1. That all creeks and rivers within the Territory of Wyoming of sufficient size for floating or driving logs, timber or lumber, and which may be used for that purpose, are hereby declared to be public highways, so far as to prevent obstructions to the free passage of logs, cross ties, wood, telegraph poles, timber or lumber down said streams, or either of them.

No dam or  
boom permit-  
ted.

SEC. 2. That no dam or boom shall hereafter be constructed or permitted on any river as specified in this act, unless said dam or boom shall have connected therewith a sluice-way, lock, or other fixture sufficient and so arranged as to permit logs, cross-ties, wood, telegraph poles, timber and lumber to pass around, through, or over said dam or boom, without unreasonable delay or hindrance.

Fine.

SEC. 3. Any boom or wear now in or over any river as aforesaid, that is so constructed as to prevent the free passage of logs or lumber, is hereby declared a public nuisance, which shall be abated unless a suitable sluice-way, lock or passage as above provided, be made thereon as aforesaid, within thirty days after written notice given by any person interested, and any person or persons so owning, holding or occupying said boom or wear shall be liable to pay five dollars for every day the same shall be suffered to remain in or over said river, after having had thirty days' notice to remove said nuisance, (which may be recovered before any justice of the peace having jurisdiction in the case, and the amount so recovered shall be collected by said justice and paid into the county treasury of the county where such offense was committed, for the use of common schools therein,) and shall furthermore be liable for any damages sustained by individuals by reason of said nuisance.

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

Approved, December 2, 1869.

AN ACT for the Protection of the Owners of Timber and Saw-logs in this Territory.

*Be it enacted by the Council and House of Representatives of the Territory of Wyoming:*

SECTION 1. Any person, or persons, who shall wilfully and without authority, take any saw-logs, lumber, timber, railroad ties, poles, rails, posts, or fire-wood, that may be on any river or creek, on the land adjoining or near a river, which may have floated down said river or creek, or on to said land, or shall remove, or attempt to remove, the said logs, lumber, timber, railroad ties, poles, rails, posts or fire-wood, or who shall cut or split said logs, lumber, timber, railroad ties, poles, rails, posts or fire-wood, or otherwise destroy or injure them, shall be held guilty of a misdemeanor, and, upon conviction of any of the said offenses, shall be punished by imprisonment in the county jail of the proper county, not more than one year, nor less than three months, and shall pay a fine of not more than one hundred, nor less than ten dollars; *Provided*, That any person may remove any logs, lumber, timber, railroad ties, poles, rails, posts or firewood, which may have floated on his own land or government land occupied by himself, to prevent obstructions to the occupant of said land.

Taking or injuring saw-logs, lumber, etc., a misdemeanor.

Punishment therefor.

Proviso.

SEC. 2. Any justice of the peace shall have concurrent jurisdiction in his own county with the district court, of any offenses in the preceding section specified, when the value of the logs, lumber, timber, railroad ties, poles, rails, posts or fire-wood, taken or removed, shall be alleged not to exceed the sum of one hundred dollars, and in such case, the punishment shall be by fine, not less than twenty, nor more than eighty dollars, and if any person, on conviction for such an offense, shall refuse or neglect, for the space of ten days, to pay such fine, it shall be lawful for the justice, before whom the conviction was had, to commit such person or persons to the jail of the proper county, for a period not less than three months, nor more than one year.

Justice to have jurisdiction, when.

SEC. 3. It shall be lawful for any officer in whose hands a writ shall have been placed for the apprehension of any person or persons, charged with taking or removing any saw-logs, lumber, timber, railroad ties, poles, rails, posts or fire-wood, to arrest such person or persons, on any part of a river, creek or lake, on any island, in a river or lake contiguous to his proper county, and to secure the logs, lumber, timber, railroad ties, poles, rails, posts or fire-wood, so taken or removed, so that the owner thereof may be put in possession of the same.

Persons may be arrested, where.

SEC. 4. Any person or persons who shall purchase, receive or secrete saw-logs, lumber, timber, railroad ties, poles, rails, posts or fire-wood, so taken, or removed, or who shall cut or otherwise injure logs, lumber, timber, railroad ties, poles, rails, posts or fire-wood so taken or removed, shall be punished in the same manner, and to the same extent, as hereinbefore provided in this act for taking, removing, or destroying saw-logs, lumber, timber railroad ties, poles, rails, posts or fire-wood.

Punishment for receiving or secreting logs.

SEC. 5. It shall be deemed necessary for the owners of saw- Brands.  
logs, lumber, timber, railroad ties, poles, rails, posts or fire-wood,  
to brand the same with a good and sufficient brand, said brand to be

recorded in the office of the county clerk, or register of deeds for  
the county, or counties, where such creek, river or lake is situated.

Fees. SEC. 6. Each county clerk or register of deeds shall be entitled  
to receive the following fees for his services under the provisions  
of this act, to-wit: for recording any brand, fifty cents; for giving  
certificate of the same, fifty cents.

Cutting out  
brands, penal-  
ty therefor. SEC. 7. Whoever shall unlawfully cut out, alter or destroy any  
brand of the owner, made on any logs, timber, lumber, railroad ties,  
poles, rails, posts, or fire-wood, put into any river, creek or lake, he  
shall, on conviction, be fined in a sum not less than ten dollars nor  
more than fifty dollars, and shall be liable to the party injured in  
three times the amount of damages.

Presumptive  
evidence. SEC. 8. In any suit under the provisions of the preceding sec-  
tion, if such logs, timber or lumber, railroad ties, poles, rails, posts  
or fire-wood shall be found in the possession of the defendant, with  
the marks cut out, altered or destroyed, it shall be considered pré-  
sumptive evidence of his guilt, and the burthen of proof shall be  
upon him to discharge himself.

SEC. 9. This act shall take effect and be in force from and after  
its passage.

Approved, 9th December, 1869.

[NOTE.—Sections 1, 2, 3, 4, 5, 7 and 8 were amended to read as above by act approved Dec  
10th, 1873.—COMPILERS.]

AN ACT Relative to the Seizure of Wood, Lumber and Timber, and for other Purposes.

*Be it enacted by the Council and House of Representatives of the Terri-  
tory of Wyoming:*

An offer to as-  
sess, levy or  
collect timber  
tax, without  
authority of  
law, is a felo-  
ny. SECTION 1. Any person or persons, who shall assess, levy or  
collect any tax, contribution, rate or fine, or shall attempt or  
threaten, or offer to assess, levy or collect any tax, contribution,  
rate or fine, within the limits of this Territory, on any timber,  
lumber, wood, or other property of whatever description, without  
due process of law, first had and obtained, or in violation of the  
laws of the United States, or of this Territory, the person or per-  
sons so offending, shall be guilty of felony, and, on conviction,  
shall be fined three times the amount so assessed, or attempted to  
be assessed, and imprisoned in the penitentiary not less than one  
year, nor more than five years; one-half the fine so assessed shall  
be paid to the party complaining, the remainder to the genera  
county fund.

Shall not attach or take possession of any timber, ties, spiles or wood, etc.

SEC. 2. Any person or persons who shall levy on, seize, attach or take possession of any timber, lumber, ties, spiles or wood of any description, under pretense of holding the same for non-payment of any tax, contribution, rate or fine, due the United States, or under the pretense that the same has been cut on the public lands of the United States, shall be guilty of a felony, and, on conviction, shall be fined not less than five hundred dollars, and imprisoned in the penitentiary not less than one year, unless the person or persons so offending, shall have been duly serving a process of court, or shall prove that the timber, lumber, ties, spiles or wood of any description, so seized by them, was cut on the

public lands of the United States, within this Territory, in violation of the laws of the United States.

SEC. 3. Any person or persons aiding, abetting or counseling the commission of any of the offenses herein described, either before or after the commission thereof, shall be regarded as principals to said felony, and, on conviction, shall be punished as such. Aiders and abettors.

SEC. 4. All acts and parts of acts, and all laws and parts of laws of this Territory, inconsistent, or coming in contact with this act, are hereby repealed. Repealed.

SEC. 5. This act shall be in force from and after its passage. In force.

Approved, December 13, 1873.