

[Published March 1, 1877.]

CHAPTER 42.

AN ACT to amend chapter 219 of the laws of Wisconsin, approved March 9, 1876, entitled "An act to improve the north branch of the Eau Claire river, in the county of Clark.

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

[SECTION 1.] Strike out all after the enacting clause in said act, and insert as follows: Section 1. For the purpose of improving the north branch of the Eau Claire river, in the county of Clark and state of Wisconsin, so as to facilitate and improve the driving and floating of logs, in and down so much of said branch of said river as is situate in the county of Clark aforesaid, William A. Rust, his associates or assigns, are hereby authorized and empowered to improve said branch of said river, by building dams, clearing and straightening channels, closing sloughs and otherwise, so as to improve said river for driving and floating logs and timber, and keep the same in repair, and operate at all times the same, for the driving and floating of all logs and timber that may be put in said branch of said river for the purpose of being floated and driven down and out of said river.

Amended.

Authority to improve river.

SECTION 2. Whenever the said Rust, his associates or assigns, shall have so improved the said branch of said river, so as to render the floating and driving of logs and timber down said branch of said river and through said Clark county, from the north line of township twenty-nine (29) of range four (4) west, reasonably certain and practicable, and shall maintain and operate the same so that logs and timber can be so driven down said river with reasonable certainty on such freshets and with such rises of water as are necessary to float and drive logs in connection with such aforesaid improvement, the said Rust, his associates or assigns, in consideration of such improvements and the facilities obtained thereby, shall be authorized to charge and entitled to collect and receive of any and all persons owning or controlling logs in said branch of said river, ten cents per thousand feet board measure, as toll on all logs and timber designed and intended to be floated down the same, the amount of said logs and timber to be determined by and under the direction of the lumber inspector of the district in which

Rates of toll.

said river is situate, or by the mutual agreement of the parties; *provided*, that only five cents per thousand feet board measure as toll shall be collected on logs and timber put into said river between the south line of township twenty-nine (29) and the north line of township twenty-seven (27) range 4 west.

Authority to
take possession
of logs and tim-
ber.

SECTION 3. Whenever the said Rust, his associates or assigns, shall have so improved said north branch of the Eau Claire river as aforesaid, as provided in section two (2) of this act, he or they shall be authorized to take possession of all logs and timber put into said branch of said river, to be floated down the same, (the owners of which shall not have made adequate provision for driving the same, or which may be in the way of the main drive on said river), and to drive the same down the north branch of said river at and below the mouth of Wolf branch of said river, and shall have the authority to charge and be entitled to collect and receive of the owners of such logs or timber twenty-five cents per thousand feet board measure for all logs and timber so driven out of said north branch of said river to the mouth of said Wolf river; *provided*, that for all logs and timber driven a less distance than five miles, no more than ten cents per thousand feet shall be so charged, collected and received; the amount of such logs and timber to be determined in the same manner as provided in section two (2) of this act.

Charges to be
lien upon logs
and timber.

SECTION 4. For any charges for toll or otherwise that the said Rust, his associates or assigns may have on account of said improvements, or for the driving of any logs or timber under this act, the same shall be a lien upon such logs or timber as may be put in said north branch of said river, or that may be driven down said river by said Rust, his associates or assigns, and unless paid on or before five days after the same are driven out of said north branch of said river, the said charges shall become a lien on such logs and timber, and may be enforced by said Rust, his associates or assigns, in the same manner as other liens for services and labor on logs are enforced, and for this purpose may hold and detain such logs or timber at any place on the Eau Claire or Chippewa river, until such toll and charges are paid.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved February 24, 1877.