

plainant in the case and the remainder shall be paid into the county treasury to be disposed of according to law.

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

Approved March 4, 1879.

[No. 302, A.]

[Published March 12, 1879.]

CHAPTER 229.

AN ACT to provide for the improvement of Mondeau creek for log driving purposes.

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

SECTION 1. For the purpose of improving that Location of dam. branch of Jump river known as Mondeau creek, in Taylor county, and lying between the west line of section seventeen, in township thirty-two north, range one east, and the south line of section thirteen, in township thirty-three north of range one west, so as to facilitate the driving and floating of logs and timber down said stream, within the limits herein described, it is hereby provided and enacted that Jerome B. Garland, of Dunn Name of proprietor. county, Wisconsin, his associates and assigns, are hereby authorized to erect side, rolling and flooding dams, and to clear and straighten the channels in and upon said portion of said creek, and to maintain and operate the same, together with such works as may be necessary for the purposes herein named. In consideration for the improvements hereby authorized, and when the same shall be so constructed, including such works as have already been constructed by the said Garland, as to provide substantial and beneficial conveniences and facilities for readily and rapidly driving logs and timber out of said creek over the portion of the same within the limits hereinbefore described, with reasonable certainty, having reasonable regard for the character of the creek and the stage of water therein at the proper seasons, and Tolls. so long as the same shall be maintained as to accomplish such results, the said Jerome B. Garland, his associates and assigns, shall be entitled to charge and collect and receive the following tolls, to wit: For and upon all logs and timber put in said creek south of the north line of township thirty-two north of range one east, five cents per one thousand feet, board measure; and for and upon all logs put in said creek.

olls to be
lien upon logs.

SECTION 2. The said Jerome B. Garland, his associates and assigns, shall have a lien on all logs or timber put in said Mondeau creek, within the limits heretofore described, for and at the rate of the charges for toll mentioned and allowed to him in section one of this act. And any and all charges for toll that said Jerome B. Garland, his associates and assigns, may have, on account of the erection, maintaining and operating said dams and improvements, shall be a lien upon such logs and timber; when, after the same are driven or floated down said creek to its mouth, all of such charges for toll may be enforced by said Jerome B. Garland, his associates and assigns, in the same manner as other liens for services and labor performed on logs are enforced, under the laws of the state of Wisconsin.

What logs and
timber may be
taken possession
of and in-
cluded in drive.

SECTION 3. It shall be lawful for the said Jerome B. Garland, his associates and assigns, whenever he shall make a drive of logs in said Mondeau creek, to take possession of all logs and timber put in said creek to be floated down and not remaining in rollways, and also of all logs in rollways or banks, when and when only they shall obstruct the drive, and the owners or agents of which logs in either case shall not have made adequate provisions for driving the same, by furnishing the necessary men, teams and tools, either for breaking such rollways as aforesaid at the proper time, or for making a thorough and expeditious drive of such logs and timber out of said creek, and shall be entitled to charge, collect and receive for such services the actual expense of such driving or breaking of rollways, the amount of said logs or timber to be determined by the lumber inspector, or under his direction, of that district, or by mutual agreement of the parties. Said Jerome B. Garland, his associates and assigns, shall have a lien upon all logs or timber so driven, or which may be put afloat from rollways, to be enforced the same as is provided in revised statutes of 1878.

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

Approved March 4, 1879.