

*When no bond
is required.*

striking out the word "city" where it occurs in said section after the words "property in said," and inserting in lieu thereof the word "county;" and also by adding at the end of said section nine the following: "provided, that no bond shall be required of any bidder who, at the time he offers his bid or proposal as aforesaid, shall deposit with the board of public works a sum of money equal to fifteen per cent of the penalty required for such bond, under an agreement that the same shall be returned to such bidder in case the contract for the work bid for is not awarded to such bidder, or in case he makes no default in the execution of the contract with satisfactory sureties, in case it is awarded to such bidder, and that in case the contract is so awarded and he shall fail to execute a contract with satisfactory sureties to perform the work specified, for the price named in his bid, within a reasonable time after such contract is prepared and ready for execution, then said sum of money shall become the property of said city, as fixed and liquidated damages for such default, and shall be paid by said board to the city treasurer."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

[No. 187, A.]

[Published April 13, 1881.]

CHAPTER 295.

AN ACT relating to the Superior boom company, and amendatory of chapter twenty-four of the private and local laws of 1870, as amended by chapter three hundred and seventeen of the laws of 1880.

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

*Location of im-
provements.*

SECTION 1. Section four of chapter twenty-four of the private and local laws of 1870, as amended by section one of chapter three hundred and seventeen, of the laws of 1880, is hereby altered and amended so as to read as follows: Section 4. The said company is hereby authorized and empowered to construct, maintain and keep in repair, such boom or booms across the Nemadji river, or near the mouth thereof, or in Allouez Bay, at such places as it shall deem necessary and convenient in township forty-nine (49), north of range thirteen (13) west, in Douglas county, for the purpose of receiving, holding, sorting, and

handling therein all logs, timber and lumber coming and running down said Nemadji river, and all stray logs that may run or come within said township forty-nine (49), or range thirteen (13): provided that such booms or works, shall not materially obstruct ^{Works not to obstruct navigation.} or impede navigation, and shall always be, and remain subject to the improvement of navigation by dredging and maintaining channels and basins in the bays of Superior or Allouez, or in the Nemadji river, for the purposes of commerce, and said booms and works, shall not be constructed or maintained in the bay of Superior, or in that part of the Nemadji river lying within said township between any dock or wharf line now established, or to be hereafter established in said waters, and the channel or thread of the stream, nor shall the right of any owner of any pier, dock, wharf or shore on said bay of Superior or Nemadji river, to have free communication by water for all craft between his pier, dock, wharf or shore, and the general line, course and thoroughfare of navigation in Superior bay or Nemadji river, be in any manner obstructed or interfered with by said works, without such owner's consent: provided further, that said booms and works shall not be constructed or maintained in the said Superior bay or Nemadji river, in said township, except upon or in front of lands owned by said corporation, acquired by voluntary conveyance, or in front of which said corporation shall have acquired by voluntary act of the owner or owners of the land, the right, privilege or authority to construct or maintain such works, and the Superior boom company is hereby authorized and empowered to improve the navigation of the Nemadji river and Allouez bay, by cutting and excavating a canal of sufficient width between said river and bay, and by deepening the waters thereof so as to facilitate and render more practicable the driving, booming and handling of said logs, timber and lumber: provided that said canal shall be so cut and constructed as to prevent any change in the main channel of the said river as the same now exists, below the point where said canal shall be so constructed.

SECTION 2. Section five of said chapter twenty-four of the laws of 1870, as amended by section two of said chapter three hundred and seventeen, is hereby amended so as to read as follows: Section 5. The directors of said company shall have the control and direction of the assorting, rafting and delivery of all logs or timber re-

<sup>Improvements
to be in front of
lands owned by
corporation.</sup>

<sup>Rates of boom-
age or toll.</sup>

ceived in said booms, and may make and maintain reasonable rules, regulations and by-laws, not inconsistent with the laws of this state, to carry out and enforce the same. Said company is hereby authorized to demand receive and collect, as boomage or toll, such sum as may be determined upon by its board of directors, not exceeding fifty cents per thousand feet of logs or timber turned out, assorted, rafted or made ready for delivery in or from said boom or booms. Such compensation to be exclusive of rafting timbers and fastenings. Whenever any logs or timber shall have come into said booms, the aforesaid company shall without unnecessary delay, proceed to turn out and make the same ready for delivery to the owners thereof.

Costs and expenses to be a lien on logs, etc.

SECTION 3. Section six, of said chapter twenty-four, as amended by section three of said chapter three hundred and seventeen, is hereby amended so as to read as follows: Section 6. The said company shall for all such tolls, costs and expenses herein provided, have a lien on the logs or timber for which the same were incurred, and may seize in whosoever possession found, and hold, a sufficient quantity thereof to pay the same, and make sale thereof to satisfy such indebtedness, upon giving twenty days' notice in the manner provided for notifying sales on executions by section two thousand nine hundred and ninety-one of the revised statutes, provided said lien may be enforced, as other liens on logs, timber and lumber are enforced, by and in pursuance of any provision of law. All logs coming into said boom or booms and remaining unclaimed by the owner or owners thereof for thirty days after the same have been made ready for delivery as aforesaid, may be sold at any time by said corporation, to the highest bidder at public sale, of which notice shall be given as above required in case of sale of personal property on execution. Said company, by its agent or proper officer, may in good faith bid upon and purchase any such logs or timber, so to be sold as aforesaid, after deducting all lawful charges and reasonable expenses; the balance of the proceeds of any sale herein provided for, shall be held by said company subject to the order of the owner or owners of the property so sold.

Penalty for damage.

SECTION 4. Section seven of said chapter twenty-four, as amended by section four of said chapter three hundred and seventeen, is hereby amended so as to read as follows: Section 7. Any person who shall willfully open, break, damage or destroy said booms or works, lawfully erected and existing, or any part

thereof, shall be liable to the company in a civil action for the amount of damage done, in addition to the penalties provided by law, to be recovered before any court of competent jurisdiction.

SECTION 5. So much of said chapter twenty-four ~~Repealed.~~ of the private and local laws of 1870, entitled an act to incorporate the Superior boom company, and so much of said chapter three hundred and seventeen of the general laws of 1880, entitled an act to amend chapter twenty-four of the general laws of 1870, entitled an act to incorporate the Superior boom company, as apply to township forty-eight of range fifteen and township forty-nine of ranges fourteen and fifteen, west, in Douglas county, Wisconsin, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

[No. 175, A.]

[Published April 7, 1881.]

CHAPTER 296.

AN ACT in relation to fishways, and amendatory of chapter two hundred and forty-eight of the general laws of the state of Wisconsin for the year 1880, entitled an act to compel the owners, proprietors and occupants of dams in the counties of Iowa and La Fayette to construct and maintain fishways.

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

SECTION 1. Amend section one of chapter two hundred and forty-eight of the general laws of the state of Wisconsin for the year 1880, entitled an act to compel the owners, proprietors and occupants of dams in the counties of Iowa and La Fayette, to construct and maintain fishways, by adding at the end of said section one the following, to-wit: provided, that all the provisions of this section shall apply to all dams across any stream in the counties of Crawford and Vernon.

SECTION 2. Amend section two of said chapter two hundred and forty-eight, by adding at the end thereof the following, to-wit: provided that all the provisions of this section in relation to placing a weir dam, fish weir, or weir net, across any race, drain, or stream or river in this section mentioned, shall apply to the counties of Crawford and Vernon.

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

Approved April 2, 1881.