

there are logs, timber or lumber running in said Apple river below the mouth of said Sucker Branch, and when it is not necessary to hold the water back for the purpose of driving or flooding logs, timber or lumber; for which purpose flood gates shall be kept in repair and built in such a manner as to be shut and opened, as the case may require, to flood said logs, timber and lumber.

SECTION 3. When the aforesaid person, his heirs Compensation. and assigns, shall have completed said dam as aforesaid, they are hereby authorized and empowered to receive and collect from the owners of all logs, timber or lumber which may be driven by the aid of the water from said dam (either on said Sucker Branch or Apple river), as a compensation for keeping up and maintaining such dam, the sum of seventy-five dollars for each twenty-four hours that any person or company on request shall have the use of the waters from said dam for driving purposes, the entire control of the said dam while using the water for driving purposes

SECTION 4. The control of said dam, the slides and Control of dam, etc. gates of the same, shall belong to the said Sadler, his heirs and assigns, but subject always to the provisions of sections two and three of this act.

SECTION 5. Nothing in this act shall be so construed as to give the party aforesaid, his heirs and assigns, any right to any compensation unless water is actually used from said dam by request of the person or persons taking charge of the drive or drives. Construction of act.

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

Approved March 19, 1878.

[No. 91, S.]

[Published April 8, 1878.]

CHAPTER 292.

AN ACT to amend chapter one hundred and nineteen of the general laws of 1872, entitled "An act in relation to railroads, and the organization of railroad companies."

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

SECTION 1. Section thirty-one of chapter one hundred and nineteen of the general laws of 1872 is hereby Amended. amended so as to read as follows: Section 31. When

Liabilities and forfeitures.

such fences shall be duly made and maintained, the railroad company or party having control of the road shall not be liable for any such damages unless willfully or negligently done. And if any person shall ride lead or drive any horse or other animal upon such road when such road be fenced, or if any person or persons shall ride, lead or drive any horse or horses or team or teams lengthwise of said track when it is not fenced (other than at the farm crossings or upon depot grounds or where the same is laid along or across a public road or street) without the consent of the corporation or party having control of such road, he shall for every such offense forfeit a sum not exceeding ten dollars, to be recovered by such company or party in an action before any justice of the peace of the county wherein such offense is committed, and shall also pay all damages which shall be sustained to the company or party aggrieved. It shall not be lawful for any person other than those connected with or employed upon the railroad, to walk along the track or tracks of any railroad, except when the same shall be laid along public roads or streets: *provided*, this act shall not be construed to prevent any person from driving across any such roads from one part of his own land to another.

Amended.

Unlawful to lock car doors in certain instances.

SECTION 2. Section forty-nine of chapter one hundred and nineteen, general laws of 1872, and the acts amendatory thereof, are hereby amended so as to read as follows: It is hereby declared to be unlawful for any officer, agent or employe of any railroad company operating any line of railroad within the state, to lock or cause to be locked any door of any car used for the purpose of transporting passengers upon any railroad within this state, while such car is in motion and occupied by any person or persons as passengers upon said railroad, and such cars shall not be so locked as to prevent the free exit, from the cars at all times. It is also hereby declared to be unlawful for any officer, agent or employe of any railroad company to use or authorize the use of any kerosene oil of less than three hundred degrees test, or other material of an explosive nature, for the purpose of lighting any cars used for the transportation of passengers upon any railroad in this state.

Lighting of cars.

SECTION 5. This act shall take effect and be in force from and after its passage and publication
Approved March 19, 1878.