

[No. 139, A.]

[Published March 21, 1879.]

CHAPTER 165.

AN ACT to amend chapter one hundred and seventy of the private and local laws of the year 1857, entitled "An act to incorporate the Yellow River Improvement Company," and chapter one hundred and sixteen of the private and local laws of 1871, entitled 'An act to amend chapter one hundred and eighty-six of the private and local laws of 1869, entitled 'An act to amend chapter three hundred and ninety-eight of the private and local laws of 1868, entitled 'An act to amend chapter one hundred and seventy of the private and local laws of 1857, entitled, 'An act to incorporate the Yellow River Improvement Company,' " and the acts amendatory thereto.

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

SECTION 1. Section three of chapter one hundred and seventy of the private and local laws of 1857, entitled "An act to incorporate the Yellow River Improvement Company," is hereby amended so as to be and read as follows: The said corporation shall have power and is hereby authorized to make such improvements in the Yellow River and its tributaries (it being a tributary of the Wisconsin river), in the counties of Clark, Wood and Juneau, in this state, as shall tend to facilitate and render more secure the running and driving of lumber, timber, saw logs, shingles, laths and other materials floated in said streams; and for such purpose shall have power to remove all natural and other obstructions in said streams, and to remove from the banks of the same any logs or leaning trees liable to be floated into said stream or undermined by high water; and shall have the right to straighten the channels of said streams in all places within said counties deemed necessary for the purposes hereinbefore mentioned; and shall have the right to erect and maintain on said streams all dams, booms, piers, jetties and other improvements deemed necessary by said corporation for the purposes contained in this act: *provided*, that if said corporation shall at any time infringe upon the rights or property of any person or persons, it shall be liable for and pay all damages occasioned by such infringement, such damages to be assessed and ascertained as hereinafter provided; and at the cost and charges of said corporation, to appoint three disinterested persons of the county where such property damaged shall be situated, or commissioners, to view and examine said lands, and estimate the injury and damages, if any in their judgment, will be sustained as aforesaid, by reason of the location

Improvements
authorized.

Damage for in-
fringing upon
rights of others.

Ascertainment
of damages.

and construction of said improvements, and report the same under oath or affirmation, to the circuit court for the county where the lands are situated, which report being confirmed by said court, judgment shall be entered thereon; that notice of the appointment of said commissioners, as well as of the time and place where said persons so appointed will view said premises, shall be given to all parties interested in the property, as the circuit court or judge thereof shall direct, and that said court or the judge thereof shall have power to appoint the said commissioners and determine the matters contained in their said report, either in term or vacation; that the said commissioners shall be entitled to two dollars per day each for their services, to be paid by said corporation in all cases when the damages shall be assessed to a greater amount than the sum which may have been tendered by said corporation for the lands or the use thereof, and the materials, or be paid by the owners of the land or materials, in all cases when the assessed damages shall not be greater than the sum thus tendered: *provided*, that in case the owner of such land or materials shall be under any legal disability the costs of such assessment shall be paid by the corporation: *provided, further*, that either party may appeal from the report of said commissioners to the circuit court of the county wherein said report is filed, within thirty days after such report may have been filed in the office of the clerk of the court, and such appeal shall be tried as other issues arising in said court: *and provided, also*, that upon payment or tender of payment of the sum specified in the report of said commissioners, to the owner or owners of such lands or materials, or a deposit of the same for their benefit, with the clerk of the circuit court of the county wherein said report is filed, the said corporation may immediately take and use the same without waiting the issue of such appeal.

Amendment;
amount and col-
lection of tolls.

SECTION 2. Section one of chapter one hundred and sixteen of the private and local laws of the year 1871, entitled an act to amend chapter one hundred and eighty-six of the private and local laws of 1869, entitled an act to amend chapter one hundred and eighty-six of the private and local laws of 1869, entitled an act to amend chapter three hundred and ninety-eight of the private and local laws of 1868, entitled an act to amend chapter one hundred and seventy of the private laws of 1857, entitled an act to incorporate the Yellow River improvement company, is hereby amended so as to be and read as follows: The said corpora-

tion, the Yellow River improvement company, is hereby authorized and shall have and be entitled to receive for driving and sorting all logs, timber, lumber and other materials as aforesaid, the sum of one and one-fourth cents per thousand feet, board measure, for each and every mile said logs, timber, lumber and other materials which shall be driven by said corporation, within the counties of Wood, Clark and Juneau, or either or any of them, upon said Yellow River or tributaries; such distance to be measured and computed according to the course as claimed of said streams. And the said corporation is also hereby authorized to charge, in addition to the tolls and driving of said logs and other materials hereinbefore mentioned, the actual costs and expenses of sorting and delivering logs, timber and other materials into the booms along said streams for the owners or agents thereof, as they may require, respectively, whenever, in the judgment of the corporation, it shall be necessary and proper to make such charge. And in case such charge shall be made, the corporation shall keep an account of the actual costs and expenses incurred by the corporation in that behalf. And said corporation is also empowered and is hereby authorized to sack or haul into said Yellow river and tributaries, from year to year, all saw-logs and timbers floating onto and remaining upon the banks of said streams, which may become intermixed with the logs, timber or lumber of said company, or of the members thereof, or which it may have in charge; and for each log or piece of timber so sacked or hauled into said streams the said corporation shall have and be entitled to receive the sum of twenty-five cents in addition to the sums above mentioned for tolls, driving, assorting and delivering the same. And all claims, sums and demands for tolls, running, driving, assorting, delivering, sacking or hauling in any logs, timber, lumber or other materials, or for any other services to the same, which said corporation may have or be entitled to receive, or that may or shall accrue or be owing to it, under the provisions of this act, or those of which this act is amendatory, or any other law, shall be a lien preferable to any other lien upon such timber, lumber or other materials, or other articles into which the same shall be manufactured, and the said corporation may retain the possession of such logs, timber, lumber and other materials until such demands, tolls, charges, claims or liens are fully paid, as well as all necessary costs and charges rising or accruing by reason of non-pay-

Wood, Clark
and Juneau
counties.

Toll for sacking
and hauling
logs and timber.

ment thereof; and the said corporation shall be entitled, and is hereby authorized to seize wherever the same may be found, and take and keep possession of, any and all logs, timber, lumber or other materials, or any boards, or other articles into which the same may be manufactured, upon and against which the said corporation may have any such demand for tolls, driving, assorting, delivering, sacking or hauling in, or for other services or dues upon, or upon which it may have any lien as aforesaid, and may retain the same until the same shall be proceeded against under the provisions of this act and the laws pertaining to said corporation in the premises.

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

Approved March 3, 1879.

[No. 88, A.]

[Published March 6, 1879.]

CHAPTER 166.

AN ACT for the preservation of trout in the waters of Marathon county, Wisconsin.

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

Fishing prohibited.

SECTION 1. No person shall for the period of two years from the first of May, 1879, in any manner, catch or take from brooks or streams within the limits of the county of Marathon, any brook or speckled trout.

Penalty for violation.

SECTION 2. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be liable to a fine for each and every such offense, of not less than five nor more than twenty-five dollars and costs of prosecution, and shall stand committed until such fine and costs are paid, or discharged by law.

Jurisdiction of justices of the peace.

SECTION 3. Justices of the peace shall have jurisdiction to hear try and determine all cases and actions arising under the provisions of this act, and upon the collection of any fine imposed by virtue of the provisions of this act; the amount so collected shall be paid into the county treasury of said county, and shall be credited to the school fund.

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

Approved March 3, 1879.