

defend the action; and they or their representatives may in like manner upon good cause shown, be allowed to defend after judgment at any time within one year after notice thereof and within three years after the filing of the award, on such terms as shall be just; and if the defense be successful and the judgment or any part thereof shall have been collected or otherwise enforced, such restitution thereof may be enforced as the court shall direct.

Per diem of commissioners.

SECTION 9. The commissioners provided for in this act shall be entitled to receive for each day actually spent about such business, the sum of three dollars each.

SECTION 10. This act shall take effect and be in force from and after its passage.

Approved March 31, 1868.

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## CHAPTER 328.

[Published May 2, 1868.]

AN ACT to authorize D. W. Montgomery to keep and maintain a ferry across the Mississippi river.

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

Exclusive right, &c.

SECTION 1. D. W. Montgomery, his heirs, executors, administrators and assigns, shall have the exclusive right and privilege for the term of five (5) years, of keeping and maintaining a ferry across the Mississippi river, in sections eleven (11) and twelve, (12,) of town twenty-three, (23,) in range sixteen (16) west, of Pepin county.

Tariff.

SECTION 2. The ferry shall be subject to such regulations as other ferries are or may be by law, and the proprietor thereof shall be entitled to receive for crossing any vehicle drawn by two horses or one yoke of oxen, one dollar, and for each additional horse or ox, fifteen cents; for any vehicle drawn by a single horse, seventy-five cents; for every single horse and rider, or single ox, cow or mule, ten cents; for each foot passenger, fifteen cents; for sheep and swine in droves of

ten or more, four cents each; for freight, lumber and merchandise not with team, per barrel, ten cents; per one hundred pounds freight, five cents; per one hundred feet of lumber, fifteen cents.

SECTION 3. If any person or persons shall, after <sup>Penalty.</sup> the establishment of said ferry, set up or keep or maintain any ferry, or shall carry any person, goods or chattles [chattels] for hire or pay across the Mississippi river, from or to any place on the Wisconsin side or shore of said river within three miles of the points above specified, every such person shall for every such offence forfeit and pay the sum of ten dollars, to be recovered before any justice of the peace of said county of Pepin, by and for the use of any person who shall sue for the same: *provided*, that nothing herein con- <sup>Proviso.</sup> tained shall be deemed or construed to prevent any person who resides within the limits aforesaid [aforesaid,] on the east bank of said river, from the right of making use of his own boats in transporting himself and property across the same at pleasure.

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

Approved March 31, 1863.

## CHAPTER 329.

[Published May 2, 1863.]

AN ACT to amend chapter 218 of the private and local laws of 1859, entitled "an act to amend chapter 394 of the laws of 1851, entitled 'an act to incorporate the Madison mutual insurance company.'"

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

SECTION 1. Chapter two hundred and thirteen of <sup>Who deemed members.</sup> the private and local laws of 1859, entitled "an act to amend chapter three hundred and ninety-four of the laws of 1851, entitled 'an act to incorporate the Madison mutual insurance company,'" is hereby amended, so as to read as follows: "Section 1. The third section