

and if injury to persons or property occur by reason of such default of such contractors, such contractors shall be liable in an action by the person so injured.

Repealed.

SECTION 23. An act entitled "An act to incorporate the city of Beaver Dam," approved March 18, 1856, and the several acts amendatory thereof, and an act entitled "An act to consolidate and amend the act to incorporate the city of Beaver Dam and the several acts amendatory thereof," approved March 8, 1871, and the several acts amendatory thereof, are hereby repealed, but the repeal of said acts and part of acts, shall not in any manner affect, injure or invalidate any contracts, acts, suits, or proceedings, claims or demands, that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said acts, or any of them; but the same shall be enforced and carried out as fully and effectually, to all intents and purposes, as if this act had not been passed; and all ordinances, resolutions, regulations, rules, by-laws and orders of the common council, or parts thereof, not repealed, suspended or made void by this act shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended, repealed or suspended by the common council in pursuance of this act.

Construction of act.

SECTION 24. This act shall be considered a public act, and shall be construed favorably in all courts and places, and shall take effect from and after its passage and publication.

Approved March 9, 1878.

[No. 80, A.]

[Published March 12, 1878.]

CHAPTER 113.

AN ACT to amend chapter 249, laws of Wisconsin, for 1878, entitled "An act authorizing the improvement of certain portions of the Embarrass river."

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

Name of corporations; powers, etc.

SECTION 1. A. S. Trow, Cyrus H. Ware and G. W. Washburn, or a majority of them, their heirs or assigns, are hereby authorized and empowered to make all such improvements on the Embarrass river, and to do all such acts and things as are authorized by chap-

ter two hundred and forty-nine of the laws of Wisconsin for 1876, entitled "an act authorizing the improvement of certain portions of the Embarrass river." And the said parties, their heirs or assigns, shall be entitled to charge and collect the tolls authorized by said act, when such improvement is completed as far up said stream as section three (3), township twenty-seven (27), north of range eleven (11), east. And for the enforcement of the collection of such tolls, they shall be entitled to such rights, powers, privileges and remedies as are provided by the laws of this state and by the provisions of said act.

SECTION 2. The parties above named, their heirs or assigns, may by arrangement with and the consent of the Embarrass River Improvement Company, a corporation organized under chapter seventy-six of the private and local laws of 1869, improve said Embarrass river below the range line between township twenty-seven (27), ranges twelve (12) and thirteen (13) east, and keep the same in good repair and in a proper and suitable condition for driving logs as provided by said act, and they shall with the consent of said company, be entitled to receive and collect the tolls as provided and mentioned in section five of said chapter seventy-six, and to all the remedies for the collection of such tolls, and the protection and enforcement of their rights, as is provided by said chapter seventy-six.

Authority to make improvements conditional; toll, etc

SECTION 3. It shall be lawful for said parties, when said improvements shall be made as herein provided, their successors or assigns, to take possession of all logs put into said stream to be floated down the same, in any case where the owner of such logs shall not have made adequate provision for driving the same by furnishing all necessary tools, men, teams, equipments and supplies for breaking roll-ways at the proper time, and making a thorough and speedy drive, without hindrance or delay to other parties using said stream for the same purpose, and to drive said logs down and out of said stream, and for such services, expenses and outlays, shall be entitled to charge and receive the actual costs incurred therefor, and they shall be entitled, for the collection of such expenses, to all the remedies provided by the act to which this is amendatory.

May drive others logs and collect pay therefor.

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

Approved March 8, 1878.