

[No. 158, S.]

[Published March 4, 1879.]

CHAPTER 147.

AN ACT to authorize James and William Johnston to erect, maintain and keep up a dam across Willow river, in St. Croix county, Wisconsin.

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

SECTION 1. James and William Johnston, their heirs and assigns are hereby authorized to erect, maintain and keep up a dam across Willow river, on either section sixteen (16) or section seventeen (17), in township thirty-one (31), north of range sixteen (16) west, in St. Croix county, Wisconsin: *provided*, that such dam shall not raise the water to exceed twelve (12) feet. Dam authorized; location.

SECTION 2. The aforesaid persons, their heirs or assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall keep the same in repair. The same shall be kept open at all times when the river is at a driving stage, and there are logs, timber or lumber to run over said dam, and when it is not necessary to hold the water back for the purpose of driving or flooding logs, timber or lumber below the said dam for which purpose flood gates shall be kept in repair, and built in such manner as to be shut or open as the case may require to flood the said logs, timber or lumber. Slides.

SECTION 3. The aforesaid persons, their heirs and assigns, shall enjoy the privileges granted in this act for the period of fifteen (15) years. Life of franchises.

SECTION 4. When the aforesaid persons, their heirs or assigns, shall have completed said dam as aforesaid, they are hereby authorized and empowered to demand, receive and collect from the owners of all logs, timber and lumber passing over such slides, or driven by the aid of said dam, as a compensation for keeping up and maintaining such dam, the sum of fifteen (15) cents per thousand feet, board measure, the amount to be ascertained by scale upon the landing in the woods, if there be one; if not, in any other practicable way, and the aforesaid persons, their heirs and assigns, shall have a lien on all logs, timber and lumber run over said dam, or driven by the aid thereof, until the charges aforesaid shall be fully paid, which lien may be enforced in the manner as the lien of laborers on logs, except as to the time for filing the petition for said lien, which may under the provisions of this act, be filed at any time. Conditions upon which tolls may be collected.
Tolls.

within six months after the last of the logs of any mark shall have passed over the slides down or be driven by the aid thereof: *provided*, that said Johnstons shall at all times comply with the provisions of section two (2) of this act.

Authority of proprietors.

SECTION 5. The control of said dam, the slides and gates of the same, shall belong to the said Johnstons, their heirs and assigns, and be under their exclusive control, subject always to the provisions of section two (2) of this act.

SECTION 6. This act shall take effect from and after its passage.

Approved March 1, 1879.

[No. 138, S.]

[Published March 5, 1879.]

CHAPTER 148.

AN ACT to amend chapter forty-seven of the general laws of 1876, entitled an act to codify, consolidate and amend the act to incorporate the city of Appleton, and the several acts amendatory thereof.

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

Publication of council proceedings.

SECTION 1. Section three of sub-chapter three of chapter forty-seven of the general laws of 1876, is hereby amended by adding at the end of said section three the words: "*provided, however*, the common council may, in its discretion, order the minutes and proceedings of said council printed and published in a German newspaper in addition to the publication of the same in the official paper of the city."

Amendment.

SECTION 2. Section nine of sub-chapter five of said chapter forty-seven, is hereby amended by adding after the word "assessor," in the first line of said section, the words, "together with three aldermen to be designated by the common council at its first regular meeting in June of each year."

Liability of city for damages from accidents.

SECTION 3. Section twenty-eight of sub-chapter five of said chapter forty-seven, is hereby amended by adding to the end of said section twenty-eight, the following: "The city shall not be liable for any damages arising or resulting from accidents occurring by reason of any of the sidewalks, streets, drains, sewers, gutters, ditches, bridges, or public grounds in the city being out of repair or in a defective or dangerous condition, unless it be shown that prior to the happening