

the division of such town will be voted upon at such town meeting, by posting notices thereof, showing the manner in which it is proposed to divide such town, in four public places in each proposed subdivision thereof. The vote shall be by ballot, and those voting in favor of the division shall vote a ballot containing the words "for division", and those voting against the division, a ballot containing the words "against division." The voters residing in each of the proposed subdivisions shall vote separately, and if a majority of the votes cast in either subdivision, shall be in favor of division, the town clerk shall certify the fact to the county clerk, and thereupon the county board shall have power to divide such town accordingly. But no town shall be divided so as to constitute or leave any town of less than thirty-six sections, according to United States survey, unless each such town, after division, shall have real estate valued at the last preceding assessment, at thirty thousand dollars or more, and twenty-five qualified voters, resident therein at the time of division; and no town shall be divided, or have any part detached therefrom, so as to make its area less than thirty-six sections, as aforesaid, except when a majority of the votes cast in each subdivision, as aforesaid, shall be in favor of such division.

Submission of question of division to vote of people.

Style of ballot.

Votes in each subdivision to be separate.

Division not to take place under certain conditions.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1879.

[No. 214, A.]

[Published March 18, 1879.]

## CHAPTER 191.

AN ACT to authorize William Baker and others to build a dam across and otherwise improve the south fork of Yellow river in Taylor county, Wisconsin, for log driving purposes.

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

SECTION 1. William Baker, his associates, or assigns, are hereby authorized to build a flooding dam across the south fork of the Yellow river, in section twenty-four, town thirty-two, range two west, in Taylor county, Wisconsin, and otherwise improve said river, by building dams, clearing the channel of rocks, brush and windfall, so as to facilitate the driving of logs down and out of said stream; and to keep said im

By whom and where dam may be erected.

provements in repair, and to operate the same for flooding and other purposes, for driving and floating all logs and timber that may be put in said river down and out of the same.

Conditions upon which tolls may be charged.

SECTION 2. Whenever the said William Baker, his associates, successors or assigns, shall have so made, constructed and completed such improvements as to provide substantial and beneficial conveniences and facilities for readily and rapidly driving logs and timber out of said stream with reasonable certainty, having reasonable regard for the character of the stream and the stage of water therein at proper seasons, and so long as they shall keep up and maintain such improvements and facilities so as to accomplish such results, the said Baker, his associates, successors and assigns, in consideration of the building, maintaining and operating such dam and improvements, shall be and are authorized to charge and collect of any and all persons owning or controlling logs or timber, or either, put into said stream above said dam in said section twenty-four, and driven past said dam, for the purpose of being driven down said stream, five cents per thousand feet, board measure, and for all logs and timber put into said stream above said dam, and west of the line between sections thirty-five and thirty-six in said town, eight cents per thousand feet, board measure, when driven below said dam; but no right is hereby conferred on said Baker, his associates or assigns, to hold or detain any logs or timber, other than their own, or such as they may be requested to hold by the owners thereof, at any place, except only as subject to lien for tolls or charges, and then only in reasonable amounts; nor shall said Baker, his associates or assigns, have any right by their works of improvement or otherwise, to hinder, delay, impede or obstruct the driving of any logs or timber.

Toll.

Logs may be taken possession of.

SECTION 3. It shall be lawful for the said William Baker, his associates and assigns, after they shall have improved the said stream in the manner and to the extent hereinbefore required, whenever they shall make a drive of logs, to take possession of all logs and timber actually put in said stream, to be floated down and not remaining on rollways; and also of logs on rollways or banks where, and where only, they shall obstruct the drive materially, unless requested by the owner or his agent, the owners or their agents of which logs shall not in either case have made adequate provision for driving the same by furnishing the necessary

men, teams and tools either for breaking such rollways as aforesaid at the proper time, or for making a thorough drive of such logs and timber out of said stream; and to drive the same down and out of said stream, or down such stream to such point as the same shall be taken in charge of and driven by such owner or his agent, with the necessary men and tools; and to charge and collect for such service the following rates, respectively, viz: For all logs and timber driven from below said dam in section twenty-four, town thirty-two, range two west, five cents per thousand feet, board measure; for all logs and timber driven from any point above said dam and north of the south line of section twenty-five in said town and range, twelve and a half cents per thousand feet, board measure; and for all logs driven from any point south of the south line of said section twenty-five in said town, thirty cents per thousand feet, board measure; and it is further provided that whenever any owner of logs or timber, his agents or servants, shall be ready and desirous to drive such logs or timber on said stream, and said Baker, his associates and assigns shall not have begun their drive, such owner, his agents or servants may drive, without delay, such logs or timber, and shall have the same right to take possession of and drive logs already floating in the stream, and such as shall obstruct his drive on the banks or rollways as is given in this section to said Baker, his associates and assigns, and shall be entitled to have the same charges for such service, and shall have the same lien to secure the same, subject to the lien of said Baker and his associates or assigns, for the tolls provided in the next preceding section, which shall be transferred to such driver of such logs and added to his own lien for charges for services in driving, when he shall have paid the same to said Baker, his associates and assigns, or agreed with them therefor: *provided*, that neither said Baker, his associates or assigns, nor any driver of logs, shall have the right in any other case to take and drive logs without previous agreement with the owner thereof or his agent; and in no case shall have the right to control any logs or timber, after the owner, his agent or servants shall have come upon the stream properly prepared and equipped with men and tools to drive his own logs, and shall properly continue to drive thereafter his logs and timber; but may retain possession, until the lien for services rendered shall be discharged, of a sufficient quantity to secure the same.

Collection of taxes for services.

Log drives not to be delayed.

Consent of log owners necessary.

Tolls to be  
lien upon logs.

SECTION 4. For any tolls or charges herein provided, which shall remain due and unpaid, the said William Baker, his associates and assigns, shall have a lien on all logs and timber upon which such tolls or charges, or any part thereof, shall remain unpaid and may enforce the same in the same manner as other liens on logs and timber for labor or supplies, may be enforced under the general statutes.

Subject to  
amendment or  
repeal.

SECTION 5. This act shall take effect from and after its passage and publication; but this act and all such acts as shall be passed amendatory thereof, shall be at all times subject to be altered, amended or repealed by the legislature.

Approved March 4, 1879.

[No. 198, A.]

[Published March 14, 1879.]

## CHAPTER 192.

AN ACT to regulate the sizes of meshes of nets used in the waters of Lake Michigan and the waters of Green Bay and the waters of Lake Superior, and for the better enforcement of the fish and game laws of the state, and to repeal section four thousand five hundred and sixty-three of the revised statutes.

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

Fishing prohib-  
ited.

SECTION 1. Any person or persons who shall catch or take any fish from the waters of Lake Michigan, or of Lake Superior, within the jurisdiction of this state, or from the waters of Green Bay, within such jurisdiction, with any trap or pound net, or with any net or seine the meshes of the pot of which are less than one inch and a half-inch from knot to knot, or with a mesh less than three (3) inches, shall be punished by fine of not less than ten (10) dollars or more than fifty (50) dollars for each day's or part of a day's unlawful use of such net, with costs, to be recovered in an action in the name of the state of Wisconsin, before any justice of the peace or police justice within the proper county; one half of which said fine shall go to the use of the complainant.

Description of  
device.

Penalty.

Having in pos-  
session or sell-  
ing fish unlaw-  
ful.

SECTION 2. It shall be unlawful for any person or persons to have in his or their possession and offer for sale any young white fish or lake trout (commonly called Mackinaw trout) of a weight of less than three-fourths of a pounds, and any violation of the provisions of this section shall subject the offender or offenders to a