

Tolls*

SECTION 4. The said James W. Heather and James McGee, and their assigns, are hereby authorized and empowered to receive and collect from the owners of all logs and timber, passing over said dam, slides, or through the gates of said dams, as a compensation for keeping up and maintaining such dams, the sum of ten cents per thousand feet, board measure, for all logs put into said Deer Tail river above said dam in town thirty-five, range four west, and five cents per thousand feet, board measure, for all logs put into said river in town thirty-four and town thirty-five, range five west, above said dam.

Lumber inspector to determine amount of logs.

SECTION 5. The amount of logs and timber that the said James W. Heather, James McGee, and their assigns, would be entitled to a lien upon, under the provisions of this chapter, shall be determined by or under the direction of the lumber inspector of the district in which said Deer Tail river is situated, unless the parties interested are able to agree upon the same.

Tolls and charges to be lien upon logs.

SECTION 6. For any tolls or charges herein provided for, and which shall remain due and unpaid, the said James W. Heather and James McGee, and their assigns, whether they, or the owners, or the agents of the owners of said logs and timber, shall drive the same as herein provided for, they, the said James W. Heather and James McGee, and their assigns, shall have a lien on all logs run over said dams as aforesaid, until the aforesaid toll or charges are fully paid, which liens shall be enforced in the same manner in which other liens upon logs and timber in Chippewa county, under the provisions of chapter one hundred and forty-three of the revised statutes of Wisconsin, and the several acts amendatory thereof, are enforced.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 82, A.]

[Published March 25, 1880.]

CHAPTER 295.

AN ACT relating to offenses against property, and to amend section four thousand four hundred and forty-nine of the revised statutes.

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

Penalty for taking the timber

SECTION 1. Section four thousand four hundred and forty-nine of the revised statutes of this state for the

year 1878, is hereby amended so as to read as follows: ^{or lumber of} ^{others.}

Section 4449. Every person who shall willfully take, carry away or otherwise convert to his own use, or sell or dispose of, or take possession with intent to sell or dispose of, without the consent of the fowner, any log or cant suitable to be worked into plank, boards, joist, shingles, or other lumber, the property of another, whether the owner thereof be known or unknown, lying and being in any river in or bordering on this state, or in any tributaries of such river, or on or near the bank of any such river or tributary, or in or on any slough, ravine, island, bottoms or land adjoining any such river or tributary, such property being so taken, carried away or otherwise converted or sold or disposed of, within this state, or taken possession of with intent to sell or dispose of, as aforesaid, shall be deemed guilty of the crime of larceny, and on conviction thereof shall be punished by a fine of not less than fifty dollars and by imprisonment in the county jail not less than three months, and on a second conviction for a like crime, shall be punished by a fine of not less than one hundred dollars and by imprisonment in the state prison not more than two years. Every person guilty of either of the offenses described in this section shall, whether convicted thereof in a criminal prosecution or not, be liable to pay the owner of such log, cant, or other lumber, respecting which the offense was committed, double the amount of the value of the same, to be recovered in an action. In any prosecution under this section, if any such log or cant shall be found in the possession of the defendant, with the mark cut out or destroyed, or partly cut out or destroyed, or partly sawed or manufactured into lumber of any kind, fence posts or rails, such possession shall be presumptive evidence of his guilt. The owner of any such log, cant or other lumber, may at any time lawfully, by himself or his agent, enter in a peaceable manner into or upon any mill or mill boom, or raft of logs, cant or other lumber, in any river or in its tributaries, within this state, or on or near the banks of such rivers or their tributaries, in search of any such log, cant or other lumber, which he may have lost, and any person who shall willfully prevent or obstruct such search, shall forfeit for such offense not less than twenty dollars nor more than fifty dollars.

Right of owner.

SECTION 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

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

Approved March 15, 1880.

[No. 107, A.]

[Published March 22, 1880.]

CHAPTER 296.

AN ACT to authorize John Redmond, his associates or assigns, to maintain a dam across and otherwise improve Hay creek, in Chippewa county, Wisconsin.

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

Location of dam.

SECTION 1. John Redmond, his associates or assigns, are hereby authorized to maintain a flooding dam across main Hay creek on section sixteen and seventeen, township thirty-one, range five west, in Chippewa county, Wisconsin, and otherwise improve said creek by clearing and straightening the channel, and to keep said dam and improvements in repair and operate the same for the purpose of facilitating the driving and floating of logs and timber down and out of said creek.

When tolls may be charged.

SECTION 2. Whenever the said John Redmond, his associates or assigns, shall have maintained said dam with suitable gates and slides for the purpose of sluicing and driving logs and timber over said dam and down and out of said creek, and shall so improve said stream as aforesaid, and operate said dam and improvements, that logs can be driven down and out of said creek from above said dam with reasonable certainty, having regard for the character of the stream, and so long as he or they shall maintain said dam and improvements so as to accomplish the results before specified, he or they, in consideration of the maintaining of said dam and improvements and operating the same, shall be and are hereby authorized to charge and collect of all persons owning or controlling logs or timber put into said stream or any of its tributaries for the purpose of being driven out of the same, twenty cents per thousand feet for logs put into said creek above said dam; fifteen cents per thousand feet for logs put into said creek below said dam and above the north line of section nineteen, town thirty-one, range five west; ten cents per thousand feet for all logs put into said creek below the north line of said section nineteen and above the south line of section thirty; and five cents per thousand feet for all logs put into said creek below said south line of section thirty.

Tolls.