

or below said dam, shall be personally liable for the toll thereon, and any person having a mortgage upon such logs at the time the same are sluiced or driven, who shall sell or take possession of any such logs, by virtue of any such mortgage, shall thereby become personally liable for the toll due thereon, and the said James Meiklejohn and company, their legal representatives and assigns, are hereby authorized to sue for and recover such tolls from the owner or holder of the mortgage aforesaid or the mortgagee.

SECTION 4. The said James Meiklejohn and company, their legal representatives or assigns, for the purpose of acquiring any flowage rights that they may deem necessary in carrying out the provisions of this act, may exercise all powers granted to corporations by section 1777, of the Revised Statutes of 1878, and the several acts of the legislature amendatory thereof.

SECTION 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 6. The right to alter, amend or repeal this act is hereby reserved.

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

Approved April 17, 1893.

No. 494, A.]

[Published April 22, 1893.]

CHAPTER 208.

AN ACT to amend section 1384, of Sanborn and Berryman's Annotated Statutes, relating to the obstruction of drains.

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

SECTION 1. Section 1384, of the Annotated Statutes of Wisconsin, is hereby amended by adding thereto, at the end thereof, the following:

Amends sec.
1384, S. & B.
Anno. State.

Appeals to justice of the peace when supervisors refuse to act; proceedings.

And if the supervisors refuse or neglect to act upon the complaint mentioned in this section within fourteen days after such complaint shall have been made to them by any person feeling himself aggrieved, as provided by said section, or if for any reason said supervisors shall refuse to make the order mentioned in said preceding section, then in either case the person making such complaint may, within fourteen days after such refusal, appeal to some justice of the peace of the county, and in case such drain, ditch or water course lies partly in adjoining towns in different counties, he may appeal to some justice of the peace in either county, from such failure to act or refusal to make such order, and such appeal shall be taken in the manner, and all proceedings thereupon, including the giving of bonds by the person appealing, shall be as prescribed by sections 1276, 1277, 1278, 1279 and 1280, of the Annotated Statutes of Wisconsin, so far as the same may be made applicable to ditches, drains and water courses. If upon such appeal the commissioners to be selected by said sections find that such ditch, drain or water course has, from any cause, become obstructed so that the natural flow of water along the same is prevented, they shall, under their hands, make the order prescribed in this section, and cause the same to be filed within ten days from the date thereof in the office of the town clerk of the town or towns in which such ditch, drain or water course lies. The supervisors of such town or towns shall, within five days after such filing, proceed to enforce such order in the same manner as if made under their hands and as prescribed by this section, and in case such supervisors fail to enforce such order, they may be compelled so to do by mandamus. In the event of the decision of the said commissioners being favorable to the appellant, the town or towns in which such ditch, drain or water course lies, shall pay all costs, and should the decision be adverse to appellant, then the costs shall be taxed against such appellant.

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

Approved April 17, 1893.