

CHAPTER 25. •

[Published February 4, 1860.]

AN ACT to amend section 83, of chapter 133, of the Revised Statutes, entitled "Of costs and fees."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment

SECTION 1. That the word "each," where it occurs in the second line from the end of said section, be stricken out, and the word "such" be inserted.

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

Approved February 2, 1860.

CHAPTER 26.

[Published February 4, 1860.]

AN ACT to authorize Ephraim Kingsbury to erect and maintain a boom on the Wisconsin river, in Sauk county.

Preambles.

Whereas, Ephraim Kingsbury desires authority to construct a boom in the Wisconsin river; And whereas, it is impracticable to provide for said object by general law, therefore—

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Eph. Kings-
bury author-
ized to build
booms on Wis.
river.

SECTION 1. That Ephraim Kingsbury, his successors and assigns, are hereby authorized and empowered to erect and maintain such number of booms as may be necessary, with sufficient piers on either side, and partly across the Wisconsin river, near the steam saw mill of said Ephraim Kingsbury, situated on the west bank of the Wisconsin river, in the county of Sauk. Said booms to be built on sections 15, 9, and 10, town 13, range 6 east, for the purpose of stopping and securing logs, spars, square timber, and other lumber: *Provided*, such boom or booms shall be so arranged as to permit the free passage of boats and rafts, at all times. And if any raft of lumber shall, by neglect or accident, be carried into said boom, said boom may be opened, so as to take out said raft, if it can be done without injury to the owner

Location.

Proviso

of the boom, otherwise it shall be taken out at the space kept open for the passage of rafts.

SEC. 2. Whenever any logs, spars, square timber, or other lumber, in the log or tree, shall be secured and boomed, the said Ephraim Kingsbury, his successors and assigns, shall be allowed therefor a toll or boorage of ^{Boorage.} twenty-five cents per thousand feet, board measure, and they shall have a lien on all logs or timber so boomed, or secured, for the payment of boorage.

SEC. 3. Whenever any logs shall be thus boomed and ^{Authorized to} secured, and no person shall appear in behalf of the own- ^{saw logs not} er thereof, to take delivery of the same, and to pay the ^{claimed.} boorage thereon, the said corporation shall cause said logs to be sawed into lumber and accurately measured, and after deducting their fees for boorage, and the usual rates for sawing, the balance shall be kept by the said Ephraim Kingsbury, subject to the order or disposition ^{Disposition of} of the owner, for one year; after which time, if neither ^{proceeds.} the logs or lumber are demanded by the owner, they shall be forfeited to the owner of the boom. The said Kingsbury shall cause to be entered in a book, kept for that purpose, the different marks on the logs, or timber, thus boomed and secured, for which no owner shall appear; the number of logs bearing any mark; and the amount of lumber cut from logs bearing such mark, or marks; and ^{Required to} shall, at all times, keep such books open for the in- ^{keep accounts} ^{open to inspection.} spection of all persons.

SEC. 4. If any raft of lumber shall, by neglect or ac- ^{Rafts carried} ^{into ad. boom.} cident, be carried into said boom, it shall not be lawful for the owner, or any person for him, to open said boom at any time, for the passage of rafts, or logs, without first giving notice to said Kingsbury or his agents.

SEC. 5. Any person, or persons, who shall wilfully ^{Liability for} ^{damage to said} ^{boom.} break, damage, or destroy said boom, shall be responsible to the proprietors thereof, in an action at law, for the amount of damages done, in addition to the penalties already provided by law, and be recovered before any court of competent jurisdiction.

SEC. 6. This act shall be in force from and after its ^{To take effect.} passage.

Approved February 2, 1860.

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