

such return and all the papers shall thereupon be filed in the office of the clerk of the circuit court of the county and the amount of damages so appraised, be tendered to the owner or occupant of the land or deposited with the clerk, and notice be given to such owner or occupant, that such deposit has been made, and thereupon the owner of such logs, timber, boards or plank, may proceed to remove the same, and to pass over the lands for that purpose. All costs of the proceedings for the appraisal by commissioners shall be paid by the owner or occupant of the lands in case a tender has previously been made, and the amount as appraised by the commissioners does not exceed such tender, otherwise the costs shall be paid by the other party. Such costs shall be adjusted by the judge, the same as in case of commissioners appointed by the judge or a justice under chapter fifty-two of the revised statutes.

Payment of
costs of pro-
ceedings.

SECTION 3. This act shall take effect and be in force from and after the first day of June, A. D. 1881.

Approved March 31, 1881.

[No. 201, A.]

[Published April 5, 1881.]

CHAPTER 253.

AN ACT to amend chapter one hundred and ninety-one of the laws of 1879, entitled "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. Section one of chapter one hundred and ninety-one of the laws of 1879, entitled "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," is hereby amended so as to read as follows: William Baker, his associates or assigns, are hereby authorized to build a flooding dam across the south fork of the Yellow river, in section thirty-six (36), town thirty-two (32), range two (2), west, in Taylor county, Wisconsin, and otherwise improve said stream 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 improvements in repair and to operate the same for flooding and other purposes for driving and floating all logs

Location of dam

and timber that may be put in said stream, down and out of the same.

When tolls
may be charged

SECTION 2. Section two of said chapter, is hereby amended so as to read as follows: 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 thirty six (36), and driven past said dam for the purpose of being driven down said stream, twenty-five cents per thousand feet, board measure, and for all logs and timber put into said stream between said dam and the north line of section twenty-four (24), twenty cents per thousand feet, and ten cents per thousand feet for all logs put into said stream between the north line of said section twenty-four (24), and the mouth of the stream; 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 him 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.

Tolls.

May drive logs
belonging to
others.

SECTION 3. Section three of said chapter, is hereby amended so as to read as follows: 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 into 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, 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 between said dam in section thirty-six (36), town thirty-two (32), range two (2) west, and the north line of section twenty-four (24), in said town, seventy-five cents per thousand feet, board measure; for all logs and timber driven from the north line of section twenty-four (24), fifty cents; from any point above said dam in said town and range, one dollar 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 streams, 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 agree 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

Compensation
for driving.

discharged of a sufficient quantity to secure the same: provided further, that said charges for driving logs as specified in this action, shall only be due and payable upon any mark or lot of logs so driven, when ninety-five per cent. of the same shall be driven down and out of said south fork of Yellow river.

Ninety-five per cent. to be driven to entitle to charge.

Charges to be a lien on 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.

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 31, 1881.

[No. 234, A.]

[Published April 5, 1881.]

CHAPTER 254.

AN ACT to amend subchapter seven of chapter one hundred and eighty-four, of the laws of 1874, as amended by section thirty-three of chapter one hundred and forty-four, of the laws of 1875.

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

Cost of sprinkling to be first paid out of ward fund.

SECTION 1. Subchapter seven of chapter one hundred and eighty-four of the laws of 1874, as amended by section thirty-three of chapter one hundred and forty-four of the laws of 1875, is hereby amended by striking out section twenty-four of said subchapter seven, and inserting in lieu thereof the following: Section 24. After the completion and performance of any contract for sprinkling, entered into by the board of public works, for work chargeable to lots or lands fronting on streets or alleys upon which such work has been done, the cost of such work shall in the first place be paid out of the ward fund of the proper ward. It shall be the duty of the said board to keep a strict account of the cost of such work done in front of such lot or parcel of land, and report to the city comptroller on the completion of each such contract, stating and certifying the description of the lots, parts of lots or