

No. 427, A.]

[Published April 22, 1893.]

CHAPTER 202.

AN ACT to provide for notice of action in certain cases.

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

SECTION 1. No action against any railroad or railway corporation for damages to property occasioned by fire set from a locomotive, or for stock killed or injured by such corporation, shall be maintained, unless within one year after the happening of the event causing such damage, notice in writing signed by the party owning such property or stock, his agent or attorney, shall be given to such corporation against which damage is claimed, stating the time and place where such damage occurred, and that satisfaction therefor is claimed of such corporation. Such notice may be given in the manner required for the service of summons in courts of record.

Damages from fire set by locomotive, etc.; notice to be given within one year.

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

Approved April 17, 1893.

No. 278, A.]

[Published April 22, 1893.]

CHAPTER 203.

AN ACT to authorize James Spaulding, his heirs and assigns, to build and maintain dams across Comet river, in the counties of Shawano and Waupaca, in the state of Wisconsin.

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

SECTION 1. For the purpose of improving the navigation of the Comet river, James Spaulding, his heirs or assigns, are hereby authorized to

James Spaulding, et al., authorized to build dam.

build, maintain and operate dams across said Comet river at some point on section twenty-one, township number twenty-six north, range eleven east, and also on section thirty-four, township twenty-six north, range eleven east, in the county of Shawano, also on section twelve, township number twenty-five north, range eleven east, in the county of Waupaca, in the state of Wisconsin; and also to build, maintain and operate such booms and other improvements upon said river, at or near said dams, as may be necessary or convenient to aid in the driving of logs down said river to the mouth thereof.

Gates, etc., to be maintained.

SECTION 2. The dams authorized by this act shall be constructed and maintained with suitable gates and sluices, for the passage of logs over the same, and the management and control of the water collected therein in aid of the navigation of said Comet river, and the said dams, their gates, sluices and all other improvements erected or maintained upon said river by said James Spaulding, his heirs or assigns, under the provisions of this act, shall at all times be under the exclusive control of said James Spaulding, his heirs or assigns, and shall be so controlled and managed as in the judgment of said James Spaulding, his heirs or assigns, will best subserve the interests of all parties engaged in driving logs down said river.

Tolls may be collected.

SECTION 3. As compensation for the improvement of said river, when said James Spaulding, his heirs or assigns, shall have erected and shall maintain said dams, or any of them, herein authorized, said James Spaulding, his heirs or assigns, shall be entitled, and they are hereby authorized and empowered to demand, receive, levy, sue for and collect as a toll, the sum of ten cents per thousand feet, board measure, on all logs or timber, sluiced or driven through or by the aid of said dam, or by the aid of the waters collected therein, and said James Spaulding, his heirs or assigns, are hereby authorized and empowered to demand and receive the said toll before he or they shall be required to permit the use of the water retained by the said dam or dams herein authorized, for the purpose of sluicing or driving any logs or timber on said river, and in case any logs or timber are sluiced, or

driven down said river, through or below said dam or dams, without the toll thereon having first been paid, the said toll shall be and remain a lien upon such logs or timber, and all logs or timber bearing the same mark, until the said toll is paid, which said lien shall take precedence of any and all other liens upon said logs and timber, except liens for labor, and the lien hereby given may be enforced in the same manner, and with like effect as liens for labor upon logs, as provided in chapter 143, of the Revised Statutes of 1878, and the several acts of the legislature amendatory thereof, which said chapter and the several acts amendatory thereof are hereby made applicable hereunto, except that the statement of the debt or demand therein required to be filed in the office of the clerk of the circuit court may be filed at any time prior to the first day of October in the year in which the last sluicing or driving of such logs or timber shall have been done, and such statement shall be filed in the office of the lumber inspector of the Twelfth lumber district of the state of Wisconsin, instead of the office of the clerk of the circuit court, as required by said chapter 143, and the acts amendatory thereof. The owner or owners of any logs or timber sluiced or driven down said river, through or below said dam or dams, shall be personally liable for the toll thereon, and any person having a mortgage upon such logs at the time the same are so sluiced or driven, who shall afterwards 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 Spaulding, his heirs or assigns, are hereby authorized to sue for, and recover such tolls from such owner or mortgagee.

Tolls to be lien.

Ch. 143, R. S., as amended, to apply except as to filing of statement.

Owners, etc., to be personally liable, etc.

SECTION 4. Said James Spaulding, his heirs or assigns, for the purpose of acquiring any flowage rights that he or 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.

May acquire flowage rights under sec. 1777, R. S., as amended.

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, 1898.

No. 441, A.]

[Published April 19, 1898.

CHAPTER 204.

AN ACT to appropriate to Joseph Filz a sum of money therein named.

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

Appropriation
to Joseph Filz.

SECTION 1. There is hereby appropriated to Joseph Filz, out of any moneys in the state treasury not otherwise appropriated, the sum of eight hundred and ninety-one dollars and fifty-one cents, in full for expenses incurred by him in contesting for the office of member of assembly of the district comprised of the county of Kewaunee.

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

Approved April 17, 1898.