

second Monday of June, a special term for said Seventeenth judicial circuit, but no jury shall be drawn for said June term.

SECTION 2. The several general terms of court, in each county of said circuit, shall be a special term for all the other counties in said circuit. General terms to be special terms.

SECTION 3. All acts and parts of acts conflicting with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after July 1, after its passage and publication.

Approved April 19, 1893.

No. 195, S.]

[Published May 4, 1893.

CHAPTER 278.

AN ACT to authorize Patrick Hynes, his successors or assigns, to improve Iron river, for log driving purposes, and to charge tolls and boomage thereon.

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

SECTION 1. For the purpose of improving the two main tributaries of Iron river, namely, the east fork and the west fork thereof, and their tributaries in the county of Bayfield, and state of Wisconsin, so as to facilitate and improve the driving of logs, railroad ties, telegraph poles, fence posts and timber in and down said tributaries of Iron river, from the east line of section nine, township forty-eight north, of range eight west, and also from the south line of said section to the west line of section six, township forty-eight north, of range eight west, and from the east line of section twenty, township forty-eight north, of range eight west, and also from the south line of said section twenty to the west line of section six, township forty-eight north, of range eight west, on the east fork of said Iron Patrick Hynes, et al., authorized to build dams, etc., to improve Iron river.

river, and from the south line of section thirty-one, township forty-eight north, of range eight west, to the south line of section two, township forty-eight north, of range nine west, and from the south line of section twenty-six, to township forty-eight north, of range nine west, to the south line of section two, township forty-eight north, of range nine west, on the west fork in the county of Bayfield, as aforesaid, Patrick Hynes, his heirs or assigns, are hereby authorized and empowered to improve that portion of the east and west forks of Iron river, and their tributaries above described, by building dams, clearing and straightening channels, closing sloughs, and otherwise, so as to improve said Iron river tributaries for the driving and floating of logs, railroad ties, telegraph poles, fence posts and timbers, that may be put into said river and tributaries for the purpose of being floated down and driven to any point along said river or its tributaries or to the mouth thereof. The said Patrick Hynes, his heirs or assigns, may also build and maintain a boom or booms along or upon that portion of the tributaries of Iron river, above described, at points along the same, for the purpose of stopping, holding, securing and sorting of logs, railroad ties, telegraph poles, fence posts and timber, that may come down or be driven into said river.

May build booms.

When may charge tolls.

SECTION 2. Whenever the said Patrick Hynes, his heirs or assigns, shall have so improved the portions of the east and west forks of Iron river and their tributaries, between the points thereof described in section 1, of this act, so as to make the floating and driving of logs, railroad ties, telegraph poles, fence posts or timber down said river and tributaries reasonably certain and practicable, and shall maintain and operate the same so that logs, railroad ties, telegraph poles, fence posts and timber can be so driven with reasonable certainty on such freshets, and with such rises of water, as are necessary to float and drive logs in connection with said aforesaid improvements, the said Patrick Hynes, his heirs or assigns, in consideration of such improvements and the facilities obtained thereby, shall be authorized to charge and be entitled to collect and receive of any and all persons, com-

panies or corporations, owning or controlling logs, railroad ties, telegraph poles, fence posts and timber in said river or tributaries, fifteen cents for a thousand feet, board measure, as toll on all logs and timber put into the east fork of Iron river or its tributaries, at the east or south line of section nine, or the east or south line of section twenty, township forty-eight north, of range eight west, or at any point along said east fork of Iron river or its tributaries, between either of said points and the west line of section six, township forty-eight north, of range eight west, and designed and intended to be driven down said river, and twenty-five cents per hundred for all railroad ties, telegraph poles and fence posts, so put in and designed and intended to be driven down said east fork of Iron river and its tributaries between the points aforesaid; twenty cents per thousand feet, board measure, as toll for all logs and timber, and forty cents per hundred for railroad ties, telegraph poles and fence posts, so put in and designed and intended to be driven down said west fork from any point on said west fork or its tributaries between the south line of section thirty-one, and the south line of section eighteen, in township forty-eight north, of range eight west, and fifteen cents per thousand feet, board measure, as toll for all logs and timber, and twenty-five cents per hundred for all railroad ties, telegraph poles and fence posts, so put in and designed and intended to be driven down said west fork or its tributaries from the south line of section eighteen, township forty-eight north, of range eight west, or from any point along said west fork between the south line of said section eighteen and the section line of section two, township forty-eight north, of range nine west; fifteen cents per thousand feet, board measure, as toll on all logs and timber, and twenty-five cents per hundred for railroad ties, telegraph poles and fence posts, so put in and designed and intended to be driven down said west fork of Iron river or its tributaries from the south line of section twenty-six, or from any point along said west fork, between the south line of said section, and the south line of section two, township forty-eight north, of range nine west. The amount of said logs, ties, poles, posts

and timber to be determined by, and under the direction of, the lumber inspector of the district in which said river is situated, or by the mutual agreement of the parties.

May charge for booming, etc.

SECTION 3. Said Patrick Hynes, his heirs or assigns, as compensation for booming, stopping, holding, sorting and securing logs, timber, railroad ties, telegraph poles and fence posts, driven or run down said east or west forks of said Iron river, or their tributaries, shall be authorized to charge and be entitled to collect and receive of any and all persons, companies or corporation, owning or controlling logs, ties, poles, posts and timber, which are so boomed, stopped, held, sorted or secured, twenty-five cents per thousand feet, board measure, for logs and timber, and fifty cents per hundred for railroad ties, telegraph poles and fence posts, in addition to the sum authorized for tolls and driving on said river. Whenever the said Patrick Hynes, his heirs or assigns, shall have so improved the east and west forks and their tributaries of said Iron river as aforesaid, as provided in section 2, of this act, he or they shall be authorized to take possession of all logs, railroad ties, telegraph poles, fence posts and timber put into said east or west forks, or their tributaries, of said river, to be floated down the same (the owners of which have not made adequate provision for driving the same, or which may be in the way of the main drive of said east or west fork or their tributaries), and to drive the same down said east or west forks or their tributaries, heretofore described, to the west line of section six, in township forty-eight north, of range eight west, or the south line of section two, in township forty-eight north, of range nine west, and shall have authority to charge and be entitled to collect and receive of the owners of such logs, ties, poles, posts and timber the sums stated as follows, to-wit: For logs so driven from the east or south line of section nine, or the east or south line of section twenty, to the west line of section six, township forty-eight north, of range eight west, and from any points between said points along the east fork or its tributaries of Iron river, the sum of twenty cents per thousand feet, and for ties, telegraph poles and fence posts forty

Authorized, after making improvements, to take possession of logs, etc., and drive same.

Charges for driving.

cents for each hundred thereof; for logs so driven from points between the south line of section thirty-one, and the south line of section eighteen, township forty-eight north, of range eight west, along the west fork of said Iron river, and the sum of thirty-five cents per thousand feet for logs and timber, and the sum of seventy-five cents per hundred for ties, telegraph poles and fence posts, for each hundred thereof, and between the south line of section eighteen, township forty-eight north, of range eight west, and the south line of section two, township forty-eight north, of range nine west, or from any point between said points, the sum of twenty cents per thousand feet for logs and timber, and forty cents for ties, telegraph poles and fence posts for each hundred thereof; for logs so driven from the south of section twenty-six, to the south line of section two, in township forty-eight north, of range nine west, or from any point between said points along the west fork of said Iron river, the sum of twenty cents per thousand feet, and for ties, telegraph poles and fence posts, forty cents for each hundred thereof; the amount of such logs, ties, poles, posts and timber to be determined in the same manner as provided by section 2, of this act.

SECTION 4. For any charges for tolls, boom-
 age or otherwise, that said Patrick Hynes, his
 heirs or assigns, may have on account of said im-
 provements and booms, or for the driving of any
 logs, ties, poles, posts or timber under this
 act, the same shall be a lien upon such logs, ties,
 poles, posts and timber, as may be put in said
 east and west forks, or their tributaries, of said
 Iron river, or that may be driven down the same,
 and unless paid on or before thirty days from
 the time said logs, ties, poles, posts and timber
 are driven to their destination, or to the mouth of
 said river, the said collection of said charges and
 lien may be enforced by the said Patrick Hynes,
 his heirs or assigns, in the manner as other liens
 for services and labor on logs, as now provided
 by law, and for this purpose may hold and de-
 tain such logs, ties, poles, posts and timber at
 any place in Bayfield, Ashland or Douglas coun-
 ties, where such logs, or any part thereof, may
 be, until such toll and charges are paid, and may

Tolls, etc., be
 lien.

file such lien within ninety days after such charges have accrued.

To take possession when owner neglects to drive logs, etc.

SECTION 5. The said Patrick Hynes, his heirs or assigns, shall receive and take possession of all logs, railroad ties, telegraph poles, fence posts and timber, placed in the east and west forks, and their tributaries, of said Iron River, as described in section 1, of this act, as aforesaid, for the purpose of being driven therein, as aforesaid, whenever the owner shall neglect or refuse to drive the same, and shall drive all such logs, railroad ties, telegraph poles, fence posts and timber down said river and its tributaries, as aforesaid, and deliver the same at their destination, or at the assorting booms at the mouth of said river, with all convenient speed and dispatch, in consideration of the charges aforesaid, and without further or additional compensation, and in case he or they shall refuse, neglect or fail to do so, he or they shall be liable to the owners of the logs, railroad ties, telegraph poles, fence posts and timber, as to which there shall be such refusal, neglect or failure, for all damages occasioned thereby.

SECTION 6. The legislature reserves the right to alter, amend or repeal this act, whenever in its judgment the public interest shall so require.

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

Approved April 19, 1893.