

No. 359, A.]

[Published April 30, 1897.]

CHAPTER 305.

AN ACT to authorize Adam L. Himebaugh, John H. Harrison and Charles O. Law, their associates or assigns, to pick up and secure lost logs, timber, lumber and other floatables from certain streams and waters in Douglas and Bayfield counties and bordering thereon, and to charge tolls therefor and enforce the same by lien.

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

SECTION 1. For the purpose of picking up and securing lost or stray logs, timber, lumber or other floatables, lying along or adjacent to the shores or banks of any waters of Lake Superior or any arm or bay thereof, in Douglas county, and that part of Bayfield county included in and lying west of Bark bay or bordering thereon, upon which waters there is during the open season of each year, an existing commerce carried on by boats, vessels and other water craft drawing eight feet or more, and facilitating the driving and handling of logs, timber, lumber and other floatables, and the recovery of lost logs therein, and in consideration of the improvement to navigation and the benefits to trade and commerce to be derived therefrom, Adam L. Himebaugh, and John H. Harrison, of Douglas county, and Charles O. Law, of Chippewa county, Wisconsin, their associates or assigns, are hereby authorized and empowered to enter upon and improve such waters, not occupied for a like purpose by any corporation, or any part thereof, by erecting and constructing storage booms therein and such other appliances as may be necessary to carry out the provisions of this act, and picking up and securing all lost or stray logs, timber, lumber or other floatables lying

Authority given to improve waters to secure logs, timber and floatables on banks of Lake Superior in Douglas Co.

along or adjacent to the shores or banks of such waters or afloat thereon, and not in the possession or under the control of the owner or owners thereof, or any other person with authority; and to sort, boom, tow, hold, handle and deliver the same to such owner or owners; such improvements, however, not to interfere in any manner with the rights of other persons or corporations having and using improvements in any of such waters heretofore constructed.

Erection of storage booms authorized. —

SECTION 2. It shall be the duty of said Adam L. Himebaugh, John H. Harrison and Charles O. Law, their associates or assigns, to erect and maintain suitable storage booms and such other appliances as may be necessary for the picking up and storage of the property that may be secured by them under the provisions of this act, and at least twice in each year to pick up and secure all lost or stray logs, timber, lumber or other floatables, as far as practicable, lying along or adjacent to the shores or banks of the waters hereinbefore described, or afloat thereon, and to make, as soon as practicable after picking up and sorting the same, a list of all logs, timber, lumber or other floatables picked up or secured by them, with a description thereof and the marks thereon and the charges against the same, and file the same in the office of the lumber inspector of each district in which their business shall be carried on. Said lumber inspector shall receive and file such list in his office on payment to him of the sum of twenty-five cents for each list so deposited, and preserve the same as a public record in his office.

Authority to charge and collect tolls for care and custody of logs, etc.

SECTION 3. Whenever the said Adam L. Himebaugh, John H. Harrison, and Charles O. Law, their associates or assigns, shall have taken possession of said waters, or any portion thereof, for the purpose of picking up and securing such lost logs, timber, lumber or other floatables, and shall have constructed the necessary storage booms and other improvements for properly securing, sorting, rafting, booming, towing, driving, handling and delivering the

same to the owner or owners thereof, or for any or either of said purposes, pursuant to the provisions of this act, the said Adam L. Himebaugh, John H. Harrison and Charles O. Law, their associates or assigns, shall be and they are hereby authorized and empowered and given the right to take possession of, pick up and secure all lost or stray logs, timber, lumber or other floatables lying along or adjacent to the shores or banks of said waters or afloat thereon, and not in the possession of or under the control of the owner or owners thereof, and to sort, boom, tow, hold, handle and deliver the same to such owner or owners, and to charge, collect and receive of and from any and all persons, companies or corporations owning or controlling such logs, timber, lumber or other floatables so picked up and secured by them, a reasonable toll for such services or any part thereof, and shall have a lien therefor and the cost and expenses of booming, sorting, picking up and securing the same, and for the care and custody thereof, or for any part of such services, on all the logs, timber, lumber or other floatables upon which the same was performed or incurred, and may seize, in whosoever's possession found, and hold a sufficient amount thereof to pay the same and may satisfy said lien by making sale of the property covered thereby, upon giving ten days' notice in the manner provided for giving notice of sale on executions in courts of justices of the peace, or may enforce such liens as other log liens are enforced under the statutes of this state, or may ask, demand, sue for, collect and receive from the owner or owners of the same, the amount of such tolls, costs and expenses, provided, such amount shall not exceed the value of the property so picked up and secured, or in case the owner of the property so picked up and secured is unknown, the same may be disposed of according to the provisions of chapter 71, of the revised statutes of Wisconsin of 1878, providing for the sale of estrays; provided, however, that

nothing in this act contained shall be so construed as to deprive the owner of any such logs, timbers or other floatables, from picking up and handling the same whenever he is prepared to do so and claims that right.

Lien assign-
at l.

SECTION 4. The lien created by and provided for in this act shall be assignable, and the assignee thereof may pursue any of the remedies herein provided for its collection.

Rights re-
served.

SECTION 5. The right to amend, alter or repeal this act is hereby reserved to the state.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 23, 1897.

No. 405, S.]

[Published April 27, 1897.

CHAPTER 306.

AN ACT authorizing the commissioners appointed under chapter 5, laws of 1895, appropriating a certain sum of money for the erection of monuments on the battlefield of Chicamauga, to erect a monument on the battlefield of Chattanooga, and making an appropriation therefor.

Resolution
relative to un-
expended
balance of
Chicamauga
battlefield
und.

Whereas, Under chapter 5, laws of 1895, a certain sum of money was appropriated for the purpose of erecting suitable monuments upon the battlefield of Chicamauga (now a National Park), commemorative to the Wisconsin troops engaged in said battle; and

Whereas, After erecting said monuments and paying the expenses incurred therefor, there remained the unexpended balance of four thousand seven hundred ninety-two dollars and fifty-one cents (\$4,792.51); and