

village after the road shall have been constructed therein, unless the same shall have been sanctioned by a vote of two-thirds of the council of such city or of the trustees of such village. Provided that nothing in the provisions of this act shall be construed to give the president and chief engineer of any railroad company operating in this state any other or greater powers than may otherwise be exercised pursuant to the provisions of sections 1831 and 1832 of the statutes of 1898.

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

Approved May 14, 1901.

No. 628, A.]

[Published May 20, 1901.

## CHAPTER 429.

AN ACT to authorize George Tarrant Jr. and others to construct and maintain a toll bridge across the Chippewa river at Durand, Pepin county, Wisconsin.

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

**Location of bridge.** SECTION 1. George Tarrant Jr., W. S. Kepler, J. J. Morgan, John Engeldinger Jr., E. O. Osterreicher, Henry Goodrich, C. K. Averill, Frank Boehm, Frank Bauer and W. B. Smith, their heirs and assigns, are hereby authorized and empowered to construct and maintain a toll bridge across the Chippewa river, from some point within the limits of the city of Durand, Pepin county, Wisconsin, to the west bank of said Chippewa river, provided, that the location and construction of said bridge shall be approved by the war department of the United States, and that said bridge shall be so constructed as not to materially interfere with the free navigation of said river by steamboats or the running of rafts, logs, timber or lumber, down said river, and with proper piers, approaches and sheer booms to control and confine the channel and to direct steamboats, rafts, and lumber running on said river, within the draw span of said bridge. And provided further, that said parties their heirs

and assigns, shall commence the construction of said bridge within eighteen months after the passage of this act.

**To construct a draw.** SECTION 2. A suitable draw shall be constructed in said bridge, of sufficient width, not less however than one hundred feet in the clear when open, for the free passage of steamboats and the same shall be so located and of sufficient height as not to obstruct the free passage of rafts with their deck loading, and of logs, timber and lumber passing down said river; and such draw shall be opened free of charge for the free passage of steamboats at all times when it shall be desirous of passing up or down said river with such boat or boats.

**Rates of toll.** SECTION 3. The said George Tarrant Jr. and his associates above named, their heirs and assigns, shall have the power and the legal right, immediately after the completion of said bridge, to demand, receive and collect tolls for passing over such bridge at rates not exceeding the following: For any vehicle whether drawn by one or two horses, mules or oxen, ten cents for passage both ways the same day; for horses or cattle in droves of ten or less, three cents per head, and where same are in droves of more than ten, two cents a head; sheep or hogs in droves of ten or less, two cents a head, if in droves of more than ten, one cent a head, and each footman shall be permitted to pass over said bridge free of charge. The said George Tarrant, Jr. and his associates may regulate the use of said bridge for the crossing of traction engines and other ponderous articles and may charge a reasonable toll therefor.

**Rates to be posted.** SECTION 4. Said George Tarrant Jr. and his associates and assigns shall keep posted up on a conspicuous place on said bridge, the rates of toll established by them, not exceeding the rates allowed by this act.

**Penalty for forcibly passing over bridge.** SECTION 5. Any person who shall forcibly or fraudulently pass over the bridge authorized by this act without paying the legal toll, shall be deemed guilty of trespass and shall, for each offense, forfeit the sum of five dollars to and for the use of the legal owners of said bridge, to be recovered with costs as in other actions of trespass in any court having competent jurisdiction.

**Malicious or careless injury to.** SECTION 6. Any person or persons committing any careless or malicious injury to said bridge, shall be liable to the owners thereof in double the amount of injury done and all damages sustained may be collected before any court having competent jurisdiction thereof, and upon

conviction thereof shall be punished in the manner prescribed by law for offenses of that nature.

**Charter for twenty years.** SECTION 7. If the conditions contained in this act are fully kept and performed, the same shall continue in full force and operation for the period of twenty years after the passage thereof.

**Right to repeal or amend reserved.** SECTION 8. The right to repeal, alter or amend this act is hereby reserved to the legislature.

SECTION 9. This act shall take effect and be in force, from and after its passage and publication.

Approved May 14, 1901.

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No. 629, A.]

[Published May 20, 1901.

## CHAPTER 430.

AN ACT amending chapter 52 of the statutes of 1898 by adding two new sections authorizing any city, village, town or county to build a bridge across a navigable stream and charge toll for the use thereof.

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

**Powers of council, etc., to construct bridge; rates of toll.** SECTION 1. Chapter 52 of the statutes of 1898 is hereby amended by adding thereto, two new sections which shall be known as sections 1321a and 1321b which shall read as follows: Section 1321a. The common council of any city and the board of any village, town or county bordering upon or through which any navigable or meandered stream runs, are authorized and empowered to build, purchase or maintain or to aid in building, purchasing or maintaining a bridge across such stream, provided that such city, village, town or county shall have previously voted to levy and collect a tax or to issue its bonds for such purpose as provided in sections 1320 and 1321 of the statutes of 1898; and provided further that the location and construction of such bridge shall be approved by the war department of the United States. Any such city, village, town or