

placed in the general fund of said company, to be used for the improvement of said river, as specified in section two of this act.

SECTION 12. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 13. This act shall take effect and be in force from and after its passage.

Approved March 10, 1864.

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## CHAPTER 131.

[Published March 16, 1864.]

AN ACT to incorporate the Yellow river log-driving association.

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

Who may become corporators.

Name and powers.

SECTION 1. Any number of the principal loggers on Yellow river, not less than five in number, in the counties of Wood and Juneau, may form themselves into a corporation under the name of the log-driving association of Yellow river, and whenever any such organization shall have been perfected according to the provisions of this act, such corporation shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation, and shall be capable in law of suing and being sued, pleading and being impleaded, prosecute and defend, answer and be answered, in any court of record or elsewhere, and to purchase and hold any estate, real or personal, and the same to grant, sell, lease or otherwise dispose of for the benefit of said association, to devise, use and keep a common seal, to make and enforce any and all by-laws, rules and regulations necessary to carry out the objects of said association, not contrary to the laws of the United States or of this state.

How association may be organized.

SECTION 2. Such organization shall and may be effected by a meeting of the incorporators, and the adoption of a written testimonial, declaring their intention, to be to form and organize themselves into a corporation under and in pursuance of the objects and provisions of this act, and specifying the purposes and name of

such corporation, which testimonial shall be signed by the incorporators to the number of five or more, and when so signed, such corporation shall be deemed to exist.

SECTION 3. The first meeting of the members of said association shall be held on the third Monday in March, A. D. 1864, at such place as a majority of the incorporators may determine upon, and those of the incorporators who may be present at such meeting, shall have the power and be authorized to elect by ballot a foreman, assistant foreman, and one person who shall act both as treasurer and clerk of said association, which foreman, assistant foreman, treasurer and clerk shall constitute the board of directors of said association; and at such first meeting, such corporators as may be present shall prepare and adopt a code of rules, by-laws and regulations for the government of said association and its officers, and necessary to carry out the objects and intentions of the same, which rules and by-laws may be altered or amended at any subsequent meeting of the members of said association, a majority of whom shall constitute a quorum for the transaction of business.

First meeting, and election of directors.

By-laws, &c.

SECTION 4. The foreman, assistant foreman, treasurer and clerk chosen according to the provisions of the preceding section, shall hold their offices for one year, unless sooner removed by the incorporators, and annually thereafter, at such time and place as the by-laws of said association may fix and determine upon, a meeting of the members shall be held, at which meeting, or at any adjourned or special meeting of the incorporation, a foreman, assistant foreman, treasurer and clerk shall be elected for the ensuing year: *provided*, that if any vacancy shall be created in any of said offices by reason of death, resignation or otherwise, the board of directors or the incorporators shall have power to fill such vacancy *pro tem.*, or for the remainder of the term. A majority of the board of directors shall constitute a quorum for the transaction of business.

Terms of office of officers.

Vacancies—how filled.

SECTION 5. The said association is hereby authorized and empowered to take charge of any and all log-drives on Yellow river which may be in the river so as to obstruct the driving of the logs of the association, at such time and place as the corporators or the board of directors may from time to time fix and determine

Further powers.

upon; and shall by their by-laws provide for scaling or estimating the logs in such drive belonging to the different persons or companies owning or having charge of the same, and shall drive and deliver said logs to the owner or owners thereof, with all convenient dispatch, and shall determine the manner in which such logs shall be delivered to said owner or owners thereof, at their respective boom or booms, or other places of delivery, and shall deliver to each owner all the logs so marked by him or them, and said corporation shall determine the amount to be paid by the respective owner or owners of said logs for driving and delivering the same, which shall be the equitable amount of the cost thereof: *provided*, that each person or company owning or having charge of logs in said drive, shall be credited by said association for all men, supplies and other articles furnished by them and used upon said log-drives, which amount shall be deducted from the amount charged to the owner or owners for driving his or their logs aforesaid.

Credits.

Amount of expenses.

SECTION 6. The treasurer and clerk shall keep a true and correct account of the number, marks and amount of logs and lumber delivered to each owner or person on said drive. in a book to be provided by him and kept for that purpose, which book shall be subject at all times to the inspection of the loggers and log-owners on Yellow river, and shall remain in the possession of and be the property of the said association; and the accounts so kept shall be evidence in any court of this state, the same as any other book accounts, of the delivery of the logs aforesaid, and the number, marks and quantity of the logs and timber so delivered, to whom the same were delivered, the expense of driving and delivering the same, the number of men furnished by each person or company, respectively, and their wages, the amount of supplies, tools and other articles furnished and used on said drive, and by whom furnished, and also the amount due said association or the separate members thereof, from any other member of said association or other person for driving his or their logs, as provided in this act.

Book to be evidence, &c.

Who shall be deemed to have consented that their log, &c. may be driven by association.

SECTION 7. All persons hereafter placing, disposing and suffering their logs or timber to remain in said Yellow river or tributaries, between township twenty-seven north and the mouth of said Yellow river, in such manner as to mingle or mix with the logs and

timber belonging to the members of this association in the general drive of logs down said river, shall be deemed to have consented that their said logs and timber shall be driven down said river by said association, and shall pay all expenses and charges for driving, stopping, sorting and delivering the same; and the said association shall have a lien upon all logs and timber driven down by them for driving the same.

Lien.

SECTION 8. The said association shall demand, collect and receive, and are hereby authorized by law to demand, collect and receive, all the expenses incurred on said drive and incident thereto, the same to be determined according to the number of logs or feet of lumber or timber owned by each person or company having logs or timber in such drive, allowing and crediting the owner or owners of said logs and timber for all men, supplies, tools and other articles furnished by them and used on such drive, as the same may be determined upon and provided from time to time hereafter, by the by-laws and regulations of said association. The aforesaid charges for driving, sorting and delivering logs and timber, shall be deemed due said association when the logs and timber as aforesaid shall have been delivered to the owner or owners thereof, or the person having the same in charge, or shall have arrived at the lower boom on said river, when the owner or owners of the same may intend to run said logs or timber below the mouth of said Yellow river; and the said association shall have a complete lien and special property in all said logs and timber run and delivered as aforesaid, for all charges and expenses that may be due them upon said logs and timber by the owners thereof; and the said association by their agents, officers or attorneys, are authorized and empowered to hold and retain all logs and timber of any owners, or any particular mark or marks, for driving and delivering the same, and all other charges incident thereto, that may have accrued on said logs or timber, or any particular portion thereof; and each mark shall be liable and responsible to said association for all expenses and charges that may have accrued upon said mark or any portion thereof; and all of such marks, or a sufficient portion thereof, shall be taken and held by said association at the termination of each log drive, as the same may be delivered as aforesaid or

Charges for driving logs, &c.

When due.

Lien.

Liability of marks.

Sale of logs, &c.  
for charges.

run to the lower boom on said river, as specified in this act, and may be sold until all demands, charges and expenses incurred by said association shall be fully paid: *provided*, that all sales of logs or timber as aforesaid, shall be made at public auction, by giving at least ten days' notice thereof to the owner or owners thereof, if known, but if not known, by posting up notices of such sale at three of the most conspicuous places in the town where such sale will take place, a like number of days before the day fixed for said sale; *and provided, also*, that no greater number or amount of logs, timber or lumber, or other logs, timber or lumber belonging to any person or company, as aforesaid driven, shall be sold at such time and place than will be sufficient to pay all demands and charges of whatever nature that may have accrued or become due as aforesaid, together with the costs of advertising and sale, said costs to be computed and charged the same as constables' fees and costs for like services; and if said logs or timber shall be sawed into lumber by any mill, and the charges on said logs for driving as aforesaid shall not have been paid, the said association shall have power and are hereby authorized to sell said lumber made from said logs, in the same manner and under the same restrictions as they are authorized to sell the logs and timber aforesaid.

Prize logs.

SECTION 9. All logs having no mark or marks, or old logs or timber having new marks cut upon them, being known as prize logs, coming within the limits of said association, shall be collected by said association and sold at any time at public auction, by giving ten days' public notice of the time and place of sale, by a written or printed notice posted up in a conspicuous place at the mill or mills of each person who shall be a member of said association at the time of such sale, and the proceeds thereof, after deducting the driving expenses and other expenses incident thereto, and all reasonable charges, shall, at the close of the driving season, be divided among the members of said association according to the number of logs run by the respective members of the same during the season preceding such dividend.

SECTION 10. This act shall take effect and be in force from and after its passage.

Approved March 11, 1864.