

Persons aggrieved may appear before board and testify as to value of property.

sonal property, as fixed by the board of assessors, too high, may appear before the board of review at their annual meeting, and under oath state the true aggregate valuation of all personal property upon which he is liable to taxation, according to the provisions of this act, and if the board of review shall be satisfied of the truth of such statements, the valuation so fixed by him shall be taken by the board of review as the true aggregate valuation of his personal property, and all such statements shall be reduced to writing by the clerk and carefully preserved in his office. The clerk shall keep a careful record of all changes made and valuations determined upon by the board of review *provided, further*, that the said board of review shall and may, when (satisfied from the evidence taken that) the valuation of any property assessed is too high or too low on the assessment roll, raise or lower the same, as the case may be, whether the person assessed appears before them or not; and they may also place upon the said roll any property that they may know to be left off said roll by mistake or otherwise, and assess the same to the person to whom in right it should be assessed; *and provided further*, that in all cases if said board shall raise the amount of such assessment or [on] any property, or assess any property not on the assessment roll, the owner thereof, if a resident of such town, (or his agent if a non-resident,) shall be duly notified of such (assessment) in time, that such owner (or agent) may be heard before such board, in relation to the value thereof; *provided*, that the residence of such owner or agent shall be known to any member of said board.)

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

Approved March 8, 1877.

[Published March 20, 1877.]

CHAPTER 247.

AN ACT relating to and amendatory of chapter 12, of the laws of 1873, entitled "An act to provide for the improvement of Yellow river for log driving purposes."

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

Amended.

SECTION 1. Chapter 12, of the laws of 1873, is hereby amended and re-enacted as amended so as to read

as follows: Section 1. For the purpose of improving that branch of the Chippewa river known as Yellow river, so as to facilitate and insure the driving and floating of logs and timber down and out of said river, it is hereby provided and enacted that Albert E. Pound, of Chippewa Falls, his associates and assigns are hereby authorized to erect side, rolling and floating dams, and to clear and straighten the channels in and upon said Yellow river, and to maintain and operate the same, together with such other work as may be necessary for the purposes herein named. In consideration for the improvements hereby authorized, and when the same shall be so constructed, including such works as have already been constructed, as to provide substantial and beneficial conveniences and facilities for readily and rapidly driving logs and timber out of said river with reasonable certainty, having reasonable regard for the character of the river, and the stage of water therein at the proper seasons, and so long as the same shall be so maintained as to accomplish such results, the said Albert E. Pound, his associates and assigns, shall be entitled to receive and collect the following tolls, to-wit: For and upon all logs and timber put in said river, not more than twenty miles from its mouth, designed to be run out of the same, seven cents per one thousand feet, board measure; for and upon all logs and timber put in said river beyond the distance of twenty miles and not more than fifty miles from its mouth, designed to be run out of the same, fifteen cents per thousand feet; for and upon all logs and timber put in said river beyond a distance of fifty miles from its mouth, designed to be run out of the same, twenty cents per thousand feet; the distance to be computed by the channel of the river, and the amount of said logs and timber to be determined by or under the direction of the lumber inspector for that district, or by the mutual agreement of parties. But it is expressly provided that this act shall confer on said Pound, his associates or assigns, no right to hold or detain any logs or timber other than his or their own, or such as they may be requested to hold by the owners thereof, at any place except such only as shall be subject to a lien for tolls or for charges for driving as provided in this chapter, and only so much or such part of such logs or timber subject to such liens as shall be reasonably and properly necessary to secure the payment of the amount due on account of such tolls and charges unpaid upon the same, with lawful costs,

Authority to
erect and main-
tain dams.

Rates of toll
allowed to be
taken.

nor shall the said Pound, or his assigns have the right by any such works or improvements, or otherwise, to hinder, delay, impede or obstruct the driving of any logs or timber, and it is further provided that the right to charge the tolls, in this section given, shall extend only for such distance upon said river above its mouth as the improvements of the character aforesaid shall have actually and properly been made and completed, and for no further or greater distance.

Authority to
take possession
of logs and
timber.

SECTION 2. It shall be lawful for the said Albert E. Pound, his associates and assigns, after they shall have improved the said Yellow river in the manner, and to the extent hereinbefore required, whenever they shall make a drive of logs, to take possession of all logs and timber actually put in said river to be floated down and not remaining on roll-ways, and also of logs on roll-ways or banks, when and when only they shall obstruct the drive, the owners or agents of which logs in either case shall not have inadequate [made adequate] provisions for driving the same by furnishing the necessary men, teams and tools, either for breaking such roll-ways as aforesaid at the proper time, or for making a through drive of such logs and timber out of said river, and to drive the same down and out of said river, or down said river, to such point as the same shall be taken in charge of and driven by such owner or agent, with the necessary men and tools and shall be entitled to receive and collect for such service, for all logs and timber driven a distance of five miles and less than twenty miles, fifteen cents for each one thousand feet; for all logs and timber driven a distance of more than twenty miles, and less than forty miles, twenty-five cents for each one thousand feet; for all logs and timber driven forty miles or more, and less than sixty miles, forty cents for each one thousand feet; and for all logs and timber driven sixty miles or more, fifty-five cents for each one thousand feet, board measure; the distance of driving to be computed, and the amount of logs and timber so driven to be determined in the same manner as provided in section one of this act, and said Albert E. Pound, his associates or assigns, having so driven logs and timber down said river, may continue in possession of all such logs and timber so floated or driven out of said river, subject to the proviso in the first section contained, until all charges for tolls and driving the same have been liquidated or paid; and it is further provided that whenever any owner of logs, his agent or servants, shall be ready and desirous

Remuneration
for driving logs.

to drive his logs on said river, and the said Pound, his associates or assigns, shall not have begun their drive, such owner, his agent or servants, may drive without delay his own logs, and shall have the same right to take possession of and drive logs, already floating in the stream, and such as shall obstruct his drive on the banks or roll-ways as is given in this section to said Pound and his associates and assigns, and shall have the same charges for such service and have the same lien to secure the same, subject to the lien of said Pound, his associates and assigns, for the tolls provided in section 1, which shall be transferred to such driver of logs, and added to his own lien for charges, when he shall have paid such tolls to said Pound, his associates or assigns; *provided*, that neither said Pound, or his associates or assigns, or any such driver of logs, shall have the right in any other case to take or drive logs, without previous agreement with the owner thereof or his agent; and in no case shall have the right to control any logs or timber, or charge for service in driving, after the owner, his agent or servants, shall have come upon the river properly prepared and equipped, with men and tools to drive his own logs, and shall properly continue to drive thereafter of his logs and timber, but may retain possession until the lien for services already rendered shall be discharged.

Parties so driving may drive their own logs.

SECTION 3. For any tolls or charges herein provided, which shall remain due and unpaid, the said Albert E. Pound, his associates and assigns, shall have a lien on all logs and timber upon which such toll or charges, or any part thereof, shall remain unpaid, and may enforce the same in the same manner as other liens for labor and supplies are enforced by law.

Lien upon logs for services.

SECTION 4. This act shall take effect from and after its passage, but this act and all such acts as shall be passed amendatory thereof, shall be at all times subject to be altered, amended or repealed by the legislature.

Act subject to amendment or repeal.

Approved March 8, 1877.