

least two weeks before such sale; said notice shall state the marks upon said logs, the amount of toll due thereon, and the time and place of sale. The lien hereby given may also be enforced in the same manner and with like effect as liens for labor upon logs, as provided in chapter one hundred and fifty-four of the general laws of 1862, and the acts amendatory thereof, which said law and the several acts amendatory thereof, are hereby made applicable hereto, except that the statement of the debt or demand therein required to be filed in the office of the clerk of the circuit court, may be filed at any time prior to the first day of October, in the year in which the last sluicing or driving of said logs or timber shall have been done. The owner or owners of any logs or timber sluiced or driven down any of the rivers mentioned herein, shall be liable for the toll thereon, and any person having a mortgage upon any such logs at the time the same are sluiced or driven, who shall afterwards sell or take possession of said logs by virtue of said mortgage, shall thereby become liable for the toll due thereon, and said company is hereby authorized to sue for and recover the same from such mortgagee.

SECTION 3. Section fifteen of chapter four hundred and fifty-two, of the private laws of 1869, is hereby amended by inserting after the word "court," in the sixty-eighth line of said section, the words "or the circuit judge of said circuit." Amended.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 84, S.]

[Published March 27, 1878.]

CHAPTER 208.

AN ACT relating to booms on the Wisconsin river.

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

SECTION 1. All persons, companies, associations and corporations owning, operating or maintaining any boom or booms on the Wisconsin river, in this state, are hereby required to keep open through such boom, in the main or other suitable channel of said river, a free passage in conformity to the law authorizing such Free channel.

boom, for the passage of logs, rafts, timber and lumber and other materials being run or driven down said river, and to provide suitable sorting works, and when needed, to keep upon the same a sufficient force of men at the expense of such person, company, association or corporation, to sort and pass through such boom any drive of logs, rafts, timber or other floating material, destined to any point below such boom, without unreasonable delay.

Liability of corporation.

SECTION 2. Whenever any logs, timber, lumber or other material being driven or floated down said river, and destined to a point below any such boom, shall be unreasonably detained by or on account of such boom, or shall escape into such boom without the fault of the owner, or of the person in charge of the drive or fleet to which the same may belong, and the owner or persons in charge of said boom shall not pass the same out so that the same can accompany such drive or fleet of lumber down said river, the person or persons, company, association or corporation owning or operating such boom, shall be liable to the owners of such logs, timber, lumber or other material so detained in or by said boom, in damages in a sum equal to the value thereof to the owner thereof.

Duty of boom company.

SECTION 3. It is hereby made the duty of each and every boom company, and person authorized to keep and maintain a boom or booms in said river, to at all times keep the passage through or by such boom or booms as authorized by its charter for the use of the public, free and clear of all obstructions to the navigation thereof, and for the purpose thereof such company, companies, person or persons, may in its or their own name, commence and prosecute for that purpose any and all suits necessary at law or in equity, and shall have any and all remedies or actions, public or private therefor, that may be now given or existing at law or in equity, for such purpose or purposes, without alleging or showing any special injury resulting therefrom to it or them, or any other person, and such company, companies or persons are also authorized and empowered to summarily remove any and all such obstructions.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.