

[No. 196, S.]

[Published March 19, 1880.]

CHAPTER 171.

AN ACT to improve Hay creek, a branch of the Eau Claire river, in the county of Clark, and for driving logs out of said creek.

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

SECTION 1. For the purpose of improving Hay creek, a branch of the Eau Claire river, in the county of Clark, and state of Wisconsin, so as to facilitate and improve the driving of logs and timber in and down said creek, from the south line of township twenty-six, in range four west, to and into the said Eau Claire river, in the county of Clark, as aforesaid, William A. Rust, his associates or assigns are hereby authorized and empowered to improve said Hay creek by building dams, clearing and straightening the channel, closing sloughs, and otherwise, so as to improve said creek for driving and floating logs and timber, and keep the same in repair and operate the same for the driving and floating of all logs and timber that may be put into said creek for the purpose of being floated down and driven out of said creek.

Purpose and location of dam.

SECTION 2. Whenever the said Rust, his associates and assigns, shall have so improved the said creek from the south line of township twenty-six of range four west, in said county of Clark, so as to make the floating and driving of logs and timber down said creek reasonably certain and practicable, and shall maintain and operate the same so that logs and timber can be so driven with reasonable certainty on such freshets and with such rises of water as are necessary to float and drive logs in connection with such aforesaid improvements, the said Rust, his associates and assigns, in consideration of such improvements and the facilities obtained thereby, shall be authorized to charge and entitled to collect and receive of any and all persons owning or controlling logs in said creek or branch of said river, five cents per thousand feet, board measure, as toll, on all logs and timber designed and intended to be driven down said creek from and below the south line of section fifteen; and ten cents per thousand feet, board measure, as toll, on all logs and timber designed and intended to be driven down said creek from and below the north line of section twenty-five; and fifteen cents per thousand feet, board measure, as toll, on all logs and timber designed and intended to be driven down said creek from and above the north line of sec-

When tolls may be charged.

Tolls.

tion twenty-five, in the aforesaid township, the amount of said logs and timber to be determined by and under the direction of the lumber inspector of the district in which said creek is situate, or by the mutual agreement of the parties.

May drive logs
not their own.

SECTION 3. Whenever the said Rust, his associates or assigns, shall have so improved said Hay creek as aforesaid, as provided in section two of this act, he or they shall be authorized to take possession of all logs and timber put into said creek to be floated down the same (the owners of which have not made adequate provision for driving the same, or which may be in the way of the main drive in said creek), and to drive the same down said Hay creek and into said Eau Claire river, and shall have authority to charge and be entitled to collect and receive of the owners of such logs and timber, twenty-five cents per thousand feet for all such logs and timber put into said creek below the north line of section twenty-five, and fifty cents per thousand feet, board measure, for all such logs and timber put in above the north line of said section twenty-five, in township twenty-six, in range four west, the amount of such logs and timber to be determined in the same manner as provided in section two of this act.

Compensation
therefor.

Charges to be
lien upon logs.

SECTION 4. For any charges for toll or otherwise that said Rust, his associates or assigns, may have on account of said improvements, or for the driving of any logs or timber under this act, the same shall be a lien upon such logs or timber as may be put in said creek or that may be driven down said creek by said Rust, his associates or assigns, and unless paid on or before five days after the same are driven out of said creek, the said charges shall become a lien on such logs and timber, and may be enforced by said Rust, his associates or assigns, in the manner as other liens for services and labor on logs are enforced, and for this purpose may hold and detain such logs and timber at any place on the Eau Claire or Chippewa river, until such toll and charges are paid.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.