

No. 226, A.]

[Published April 7, 1891.]

CHAPTER 149.

AN ACT to authorize William Chalmers, his associates or assigns, to build and maintain a dam and other improvements on Spring brook, in Washburn county, Wisconsin.

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

SECTION 1. For the purpose of improving navigation on Spring brook, in the county of Washburn, in the state of Wisconsin, William Chalmers, his heirs, or assigns, are hereby authorized to build, maintain and operate a dam across Spring brook, on the south half of the southwest quarter of section six, and north half of the northwest quarter of section seven, in township thirty-nine of range eleven west, and also to build and maintain such booms and other improvements upon said Spring brook in connection with said dam as may be necessary to facilitate the floating and driving of logs down said Spring brook and the sluicing of the same through said dam.

Wm. Chalmers, et al., authorized to build dam, Spring Brook, Washburn county.

SECTION 2. The dam authorized by this act shall be constructed and maintained with suitable gates and sluices for the passage of logs through the same and the management and control of the said water collected therein in aid of the navigation of said river. And said dam, together with its gates and sluices, and all other improvements erected or maintained upon said river by said William Chalmers, his heirs and assigns, under the provisions of this act, shall at all times be under the exclusive control of said William Chalmers, his heirs or assigns, and be so controlled and managed as in the judgment of said William Chalmers, his heirs or assigns, will subserve to the interests of the parties engaged in driving logs down said river.

Gates and sluices.

SECTION 3. As a compensation for the improvements made upon said Spring brook, when said William Chalmers, his heirs or assigns, shall have erected or purchased and shall maintain

May charge toll on logs.

said dam across said brook, in the township and range aforesaid, the said William Chalmers, his heirs or assigns, shall be entitled and they are hereby authorized and empowered to demand, receive, levy, sue for, and collect as toll the sum of five cents per thousand feet, board measure, on all logs or timber sluiced or driven through or by the aid of said dam or the waters collected therein; and when such logs or timber shall be sluiced or driven through said dam by the aid of the waters collected therein then the said William Chalmers, his heirs or assigns, shall be entitled and they are hereby authorized and empowered to demand, receive, levy, sue for and collect as toll the said sum of five cents per thousand feet, board measure, for said dam through which said logs or timber shall be sluiced or driven. And the said William Chalmers, his heirs or assigns, are hereby authorized and empowered to demand and receive said toll before they shall be required to permit the use of the water retained by said dam for the purpose of sluicing or driving any logs or timber on said creek, and in case any logs or timber are sluiced or driven down said river over or below said dam with the consent of the said William Chalmers, his heirs or assigns, or otherwise, without the toll thereon being first paid, the said toll shall be and remain a lien upon all the said logs or timber, bearing the same mark, until the said toll is paid, which said toll shall have precedence of any and all liens or claims upon said logs or timber, except liens for labor, and the lien thereof shall be enforced in the same manner and with like effects as liens for labor upon logs, as provided in chapter 103, of the revised statutes of 1878, and the several acts of the legislature amendatory thereof; which said chapter and the said acts amendatory thereof are hereby made applicable hereunto, except that the statement of the debt or demand therein required to be filed in the office of the clerk of the court, may be filed at any time prior to the first day of October in the year in which the sluicing or driving of said logs or timber through said dam shall have been done or performed. And the said William Chalmers is hereby authorized to close down said dam on

the 1st day of August of each year. The owner or owners of any logs or timbers sluiced or driven down said river through or below said dam, shall be liable for the toll thereof, and any other person having a mortgage upon said logs at the time the same were 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 the said William Chalmers, his heirs or assigns, are hereby authorized to sue for and receive and recover the same from said mortgagee.

SECTION 4. Said William Chalmers, his heirs or assigns, for the purpose of acquiring any flowage rights they may deem necessary in carrying out the provisions of this act, may exercise all powers granted to corporations by section 1777, of the revised statutes of 1878, and the several acts amendatory thereof. And all the provisions of said section 1777, and said chapter 146, mentioned therein, are hereby made applicable hereunto.

SECTION 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 6. The right to alter, amend or repeal this act is hereby reserved.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1891.

No. 628, A.]

[Published April 7, 1891.

CHAPTER 150.

AN ACT to authorize E. W. Dierks and others to maintain a dam in the Oconomowoc river in Washington county.

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

SECTION 1. E. W. Diercks, his associates and assigns, are hereby authorized to construct and maintain a dam across the Oconomowoc river, in Washington county, Wisconsin, on lands

E. W. Dierks, et al., authorized to maintain dam, Oconomowoc river, Washington county.