

No. 764, A.]

[Published April 26, 1893.

CHAPTER 221.

AN ACT to authorize the parties therein named to construct and maintain a dam across Clam river in township 37 north, of range 14 west.

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

SECTION 1. For the purpose of improving the navigation of Clam river, in the county of Burnett, state of Wisconsin, John Arbuckle, his heirs, assigns or associates, are hereby authorized to build, maintain and operate a certain dam or dams across Clam river in said county and state aforesaid, at such a point or points as he or they may select in the section, township and range hereinafter described, viz.: at such a point as he or they may select in the southeast quarter of the northeast quarter of section five, township thirty-seven north, of range fourteen west; and also to build and maintain such booms and other improvements upon the said Clam river in connection with said dam as may be necessary to facilitate the driving of logs down said Clam river, and the sluicing of the same through the dam; provided, said John Arbuckle shall be the owner of the land upon which the erection of said dam is hereby authorized, or shall acquire title thereto within one year from the date of the passage of this act.

John Arbuckle et al. authorized to build dam, booms, etc.

SECTION 2. The dam, authorized by this act, shall be constructed and maintained with suitable gates and sluices for the passage of logs over the same, and the management and control of the said water collected therein, in the aid of the navigation of the said river, and said dam, together with its gates and sluices, and all other improvements erected and maintained upon said river by said John Arbuckle, his heirs, associates or assigns, under the provisions of this act, shall at all times be under the exclusive control of said John Arbuckle, his heirs, associates or assigns, and be so controlled and managed, as in the judgment of the said John Arbuckle, his

How constructed.

heirs, associates or assigns, shall be subservient of the best interests of the parties engaged in driving logs down said river.

Tolls may be charged.

SECTION 3. As compensation for the improvements made upon said Clam river, when said John Arbuckle, his heirs, associates or assigns, shall have erected and maintained said dam across said Clam river, in the section, township and range aforesaid, the said John Arbuckle, his heirs, associates or assigns, shall be entitled to, and they are hereby authorized and empowered to demand, receive, levy, sue for and collect as toll, the sum of eight cents per thousand feet, board measure, on all logs or timber sluiced or driven through said dam, and when such logs or timber shall be sluiced or driven through said dam, then the said John Arbuckle, his heirs, associates or assigns, shall be entitled to, and they are hereby authorized and empowered to demand, receive, levy, sue for and collect as toll, the sum of eight cents per thousand feet, board measure, and the said John Arbuckle, his heirs, associates or assigns, are hereby authorized and empowered to demand and receive said tolls 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 down said river; and in case any logs or timber are sluiced or driven down said river, through said dam, without the consent of the said John Arbuckle, his heirs, associates or assigns, or otherwise, without the toll thereon being first paid, the said toll shall be and remain a lien on all 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 logs or timber, except liens for labor, and the said lien thereby given shall be enforced in the same manner and with like effect as liens for labor upon logs as provided in chapter 103, of the Revised Statutes of 1878, and in the several acts of the legislature amendatory thereto, which said chapter, and the several acts amendatory thereto, are hereby made applicable hereunto, except that the statement or the demand therein required may be filed at any time prior to the first day of October, in the year in which the sluicing or driving of the said logs or timber through

Tolls to be lien.

the said dam shall have been done, or permitted. The owner or owners of any logs or timber, sluiced or driven through said dam, shall be liable for toll thereof, and any person having a mortgage upon said logs at any time the same are so 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 John Arbuckle, his heirs, associates or assigns, are hereby authorized to sue for and receive and recover the same from said mortgagee.

Owner, etc.,
personally
liable.

SECTION 4. Said John Arbuckle, his heirs, associates or assigns, for the purpose of acquiring any flowage rights that may be deemed necessary in carrying out the provisions of this act, may exercise all the powers granted to corporations by section 1777, of the Revised Statutes of 1878, and the several acts of the legislature amendatory thereto, and all the provisions of said chapter 146, mentioned therein, are hereby made applicable hereunto.

Flowage
rights.

SECTION 5. Any acts or 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 17, 1893.