

Amended.

Form of index
of records and
files.

SECTION 2. Section one hundred and forty-four of chapter thirteen, of the revised statutes, is hereby amended so as to read as follows: He shall keep an index of all records or files kept in his office showing the number of the instrument or writing consecutively, the kind of instrument and where the same is recorded or filed, thus:

Number of instrument.	Kind of instrument.	Where recorded or filed.		
		Vol.	Page.	Letters of file.

Record of number of instrument and name of grantee to be kept.

and he shall keep another index showing the number of the instrument and the name of the grantees in each instrument or writing in alphabetical order and the names of the grantors and the volume and page where the same is recorded, and the name of the instrument or writing.

SECTION 3. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

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

Approved March 13, 1876.

CHAPTER 405.

[Published April 6, 1876.]

AN ACT to amend sections four and five, of chapter 164, of the private and local laws of 1870, entitled, "An act to amend chapter 452, of the private and local laws of 1869, entitled, 'An act to incorporate the Nimakogan and Totogatic Dam Company.'"

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

Amended.

SECTION 1. Section four, of chapter 164, of the private and local laws of 1870, entitled, "An act to amend chapter 452, of the private and local laws of 1869, entitled, 'An act to incorporate the Nimakogan

and Totogatic Dam Company,'” is hereby amended, by striking out the words, “and also two additional dams across the Nimakogan river, one at such point on section 35, town 41, range 10, as shall be deemed necessary, and the other,” and insert instead thereof, the following: “and also one additional dam across the Nimakogan river,” so that said section when so amended, shall read as follows: “Section 4. Section 11, of said act, is hereby amended so as to read as follows: Said company is hereby authorized and empowered to construct a dam or dams across the Nimakogan river at such point or points as shall be necessary, in town 43, range 6 west, and across the Totogatic river at such point as shall be deemed necessary in town 42 or 43, range 12 west, and across the Eau Claire river at such point as shall be deemed necessary in town 44, range 10 west, and across the St. Croix river at such point as shall be deemed necessary between the mouth of the Eau Claire river, and the mouth of the Moose river, and across the yellow river at four several points thereon, to-wit: One at such point in town 40, range 16 west, as shall be deemed necessary; another at such point in town 39, range 14 west, as shall be deemed necessary; another at such point in town 38, range 13 west, as shall be deemed necessary; and another at such point in town 39, range 12 west, as shall be deemed necessary; and across the Clam river at such point as shall be deemed necessary in town 39, range 16 west, and also one additional dam across the Nimakogan river, at such point on section 6, town 41, range 8, as shall be deemed necessary, for the purpose of driving logs and other timber on said rivers, and to keep up and maintain said dams for the term of fifteen years; *provided*, said company shall keep the gates and sluice-ways of each and all of its said dams, except the said dam on the Eau Claire river and the dam on the Nimakogan, in town 43, range 6, open from the 20th day of July until the 15th day of October of each year, so as to allow the free and unobstructed passage of the waters of each of said rivers through the same, as fully and completely as though said dams and each of them had not been erected; and it shall be unlawful for said company to dam up or obstruct the free passage of the waters of either of said rivers, except the Eau Claire and the Nimakogan, during either of said mouths; and in case of a violation of the provisions of this section, the person so offending shall be liable to pay a penalty of one hun-

Authority to
construct dams

Where dams to
be located.

Dams not to
obstruct river.

dred dollars, to be recovered in an action in the name of the state, for each day during which the free passage of the waters of either of the said rivers shall be so obstructed; and for any violation of the provisions of this section by said company, this charter may be annulled and declared forfeited by an action of quo warranto.

Owners of logs
and timber per
mitted to use
dams.

SECTION 2. Section 5, of said chapter 164, is hereby amended by striking out the words, "on section 35, town 41, range 10 west," so that said section, when thus amended, shall read as follows: Section 5. Section 13, of said act, is hereby amended so as to read as follows: "Said company shall permit the owner or owners of a majority of all the logs and timber to be sluiced through or driven by means of said dams, or either of them, as his, her or their agent, then driving the same down the said rivers, or either of them, or any of their tributaries, above or below either of said dams, to use either of said dams and the water therein for sluicing or driving his, her or their logs or timber; *provided*, that before any such owner or owners of logs or timber, or his, her or their agents shall be permitted to use either of said dams or the water therein, as aforesaid, he, she or they shall give to the said superintendent written notice of such intention to use either of said dams for such purpose, three days prior to the time of using the same. And the said company may and are hereby authorized to demand, receive, levy, sue for, recover and collect from the owner or owners of such logs or timber, toll for such use of said dam at and after the following rates, to-wit: On the Nimakogan river, all logs or timber, sluiced through the dam herein first provided for, twenty-five cents per thousand feet, board measure, and three cents additional per thousand feet board measure for all logs or timber sluiced through either of the dams on said Nimakogan river to be constructed, on section 6, town 41, range 8; for all logs or timber coming into said river at any point between the first mentioned dam on said Nimakogan river, and where the range line between ranges 11 and 12 crosses said Nimakogan river, twenty cents per thousand feet, board measure, for all logs or timber coming into said river, at any point between said range line and the mouth of the Totogatic river, ten cents per thousand feet, board measure. On the Totogatic river, all logs or timber sluiced through the

Rates of toll,

dam or coming into said river at any point above where the range line between ranges 10 and 11 crosses said Totogatic river, twenty cents per thousand feet, board measure; for all logs or timber coming into said river at any point between said last mentioned range line and where the range line between ranges 12 and 13 crosses said river, fifteen cents per thousand feet, board measure. On the Eau Claire river, all logs or timber sluiced through the dam or driven by means of the waters accumulated thereby, twenty cents per thousand feet, board measure. On the Yellow river, all logs and timber sluiced through either of the dams to be built thereon, ten cents per thousand feet, board measure, for each of the dams through which they are so sluiced. On the Clam river, all logs or timber sluiced through the dams to be built thereon, twenty-five cents per thousand feet, board measure. On St. Croix river, all logs or timber driven by the waters accumulated by the dam thereon to be built, which come into said St. Croix river above where the range line between ranges 13 and 14, twenty cents per thousand feet, board measure; and all logs and timber coming into said St. Croix river between said range line and above the mouth of the Yellow river, fifteen cents per thousand feet, board measure, and the same shall be Toll to be lien on logs and timber. and remain a lien upon such logs and timber until the same shall be paid, and the said company shall be entitled to the possession of said logs and timber at any and all times after the same shall have passed through or shall have been driven by the waters accumulated by either of said dams, until the said toll shall be paid as aforesaid.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.