

[No. 408, A.]

[Published April 9, 1881.]

CHAPTER 311.

AN ACT to improve the Aminicon river, Aminicon lake and upper Aminicon lake, in the county of Douglas, state of Wisconsin, and to grant to Robert L. Henry, Samuel B. Barker and George W. Henry, their and each of their heirs, executors, administrators and assigns, certain exclusive powers and privileges therein named in that behalf.

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

Location of improvements.

SECTION 1. For the purpose of improving the Aminicon river, the Aminicon lake and the upper Aminicon lake, or any or either thereof, in the county of Douglas, state of Wisconsin, from the mouth of said river at lake Superior, in township number forty-nine (49) north, of range number twelve (12) west, throughout, for and along the entire distance of said river, Aminicon lake and upper Aminicon lake, or any or either thereof, traversing and located, in part in said township number forty-nine (49) north, in part in township number forty-eight (48), north, of said range, in part in township number forty-seven (47) north, of range number thirteen (13) west, in part in township number forty-six (46) north, of range number thirteen (13) west, and in part in township number forty-six (46) north, of range number fourteen (14) west, to the head of said river at said upper Aminicon lake, so far and to such extent as Robert L. Henry, Samuel B. Barker and George W. Henry, or their and each of their heirs, executors, administrators or assigns, may deem necessary in that behalf, so as thereby to aid and facilitate the driving, running, floating, storing, sorting, and delivering, or any or either thereof, on said river and Aminicon, upper Aminicon lakes, or any or either thereof, logs timber, ties, telegraph, poles, fence posts, cordwood and tanbark, or any or either thereof, as well as all other timber of whatsoever kind, and so as thereby to aid and facilitate the driving, running and floating of the same, or of any or either thereof, to Lake Superior, at the said mouth of said river, or at or to any point upon or portion of said river, or Aminicon lake, the said Robert L. Henry, Samuel B. Barker and George W. Henry, their and each of their heirs, executors, administrators and assigns, are hereby authorized to enter in and upon and take possession of said Aminicon river, Aminicon lake and upper Aminicon lake, or any or either thereof,

and improve the navigation of the same, or of any or either thereof, by removing in whole or in part or by lowering or by improving or by avoiding the falls in said river, in said township number forty-eight (48) north, so as thereby to aid and facilitate such driving, running, floating, storing, sorting and delivering, or any or either thereof, and by removing in whole or in part, or by lowering or by improving or by avoiding to the end and for the purpose aforesaid, any and all other falls, and any obstruction or obstructions of whatsoever nature or kind, in said river and Aminicon lake, or either thereof; by erecting sluices and sluiceways in that behalf, by deepening and widening, clearing, straightening, and changing, if they deem necessary, the channel or channels of said river and Aminicon lake and upper Aminicon lake, or any or either thereof, wherever, in their opinion, necessary; by closing sloughs, chutes and side cuts; by cutting ditches and canals, or either thereof; by building dykes and embankments or either thereof; by driving piles and by erecting and constructing piers, wharves, docks and other similar works or structures in the bed or on the bank or banks of said river and Aminicon lake and upper Aminicon lake, or of any or either thereof; by raising and lowering the water, or either thereof, in said river, Aminicon lake and upper Aminicon lake, or any or either thereof; by changing water courses; by erecting constructing and maintaining in and across said river, if they deem advisable, a dam at or near and below the outlet of the upper Aminicon lake aforesaid; by erecting, constructing and maintaining in and across said river, if they deem advisable, a dam at or near and below the outlet of said Aminicon lake in said township forty-six (46) north, of said range thirteen (13) west; and by erecting, constructing and maintaining in and across said river, Aminicon lake and upper Aminicon lake, or any or either thereof, such other dam or dams, and at such other place or places as they may deem advisable and necessary, for the purpose of flooding and creating reservoirs of water in said river and Aminicon lake, or either thereof, for the purposes and in aid of such improvement; by stopping up ravines and confining said river to the main channel thereof, wherever and at such place or places as they deem necessary and advisable for the purposes and in aid of such improvement; and by erecting, construction, maintaining and building booms at and near the mouth of said river, as well as throughout said river

Piers, wharves,
docks, etc.

Reservoirs o
water.

from the mouth thereof to the center line or center of section number eight (8) in said township number forty-eight (48) north, of range number twelve (12) west, and as much further up said river as slack water extends, and to the head of said river at the outlet of said upper Aminicon lake, if they deem advisable; and for the purposes of such improvement the privileges of building booms under and by virtue of this act, shall extend to and include the entire course and distance of said river, from the mouth thereof to the head thereof, at the outlet of said upper Aminicon lake, including said Aminicon and upper lakes or either thereof; and by building, erecting, constructing and maintaining, in, upon, along or across said river, or in such other manner as they may deem advisable and necessary, within the limits hereinbefore specified for building booms, all such boom or booms, or both, in such manner and at such places as they shall deem necessary and advisable in behalf of such improvement; and by constructing, erecting, building and maintaining, or any or either thereof, any and all such works, structures, contrivances, appliances, facilities and apparatus in behalf and aid of such improvement as they shall deem necessary and suitable to that end, and in such behalf to do or cause to be done any and all such lawful things or acts of whatsoever nature or kind, as they may deem necessary or suitable to that end; but they shall not unreasonably obstruct or impede navigation upon such river, Aminicon lake or upper Aminicon lake.

Booms.

Constructing terms.

SECTION 2. The term upper Aminicon lake is used in this act to designate the body of water situate partly in section twelve (12) and partly in section thirteen (13), in said township forty-six (46) north of said range fourteen (14) west; the term Aminicon lake is so used to designate the body of water situate partly in section fifteen (15), partly in section sixteen (16), partly in section twenty-one (21), and partly in section twenty-two (22), in township forty-six (46) north, of range thirteen (13) west; the term mouth of said river is so used to designate the point at which said river flows into lake Superior, in the south half of the south half of section twenty-seven (27), in township forty-nine (49) north, of range twelve (12) west; and the term "head" of said river is so used to designate the point at which said river flows from or out of said upper Aminicon lake.

When toll may be charged.

SECTION 3. Whenever and as soon as the said Robert L. Henry, Samuel B. Barker and George W. Henry,

or their and each of their heirs, executors, administrators or assigns, shall have expended, in and about such improvement, the sum of three thousand dollars in money, or its equivalent in labor or materials, or both, so as to facilitate the running, driving and floating of logs and timber in said river and Aminicon lake, or either thereof, they, their, and each of their heirs, executors, administrators and assigns, shall be entitled to, and may charge, receive, sue for and collect, for the use of said improvement, and for the increased facilities of navigation thereby afforded, tolls as follows: at the rate of ten cents per thousand feet, board ^{Tolls.} measure, for and upon each and every thousand feet of such logs and timber, or either thereof, of whatsoever kind, which shall be put into said river below said Aminicon lake, and driven or intended to be driven therefrom by the owner or owners thereof, or his or their authorized agent or agents in that behalf, to said mouth of said river, and at the rate of twenty-five cents per thousand feet, board measure, for booming the same; at the rate of twenty cents per thousand feet, board measure, for and upon each and every thousand feet of such logs and timber, or either thereof, which shall be put into said Aminicon lake, and driven or intended to be driven therefrom, by the owner or owners thereof, or by his or their authorized agent or agents in that behalf, to the said mouth of said river, and at the rate of twenty-five cents per thousand feet, board measure, for booming the same; and at the rate of thirty-five cents per thousand feet, board measure, for and upon each and every thousand feet of such logs and timber, or either thereof, which shall be put into the main river at any point above said Aminicon lake or into said upper Aminicon lake and driven or intended to be driven from any such point or from said upper Aminicon lake, by the owner or owners thereof, or his or their authorized agent or agents in that behalf, to the said mouth of said river; and at the rate of twenty-five cents per thousand feet, board measure, for booming the same; and at such reasonable rate as the said grantees, their and each of their heirs, executors, administrators or assigns, shall fix and determine upon for and upon any and all such ties, telegraph poles, fence posts, cordwood and tanbark, or any or either thereof, as well as all other timber of whatsoever kind, which shall be so put into said river, and Aminicon lake, and upper Aminicon lake, or any or either thereof, and driven or intended

to be driven, by the owner or owners thereof, or his or their agent or agents in that behalf, to the said mouth of said river, and for booming the same or any or either thereof.

Tolls to be a
lien upon logs,
etc.

SECTION 4. The said tolls and charges in each and every case shall be due and payable as soon as the amount thereof is ascertain. And for any such tolls and charges which shall not be paid as soon as the amount thereof is ascertained, the said Robert L. Henry, Samuel B. Barker and George W. Henry, their and each of their heirs, executors, administrators and assigns, shall have a lien upon any and all such logs, timbers, ties, telegraph poles, fence posts, cordwood and tanbark or either thereof, as well as upon all other timber of whatsoever kind, upon which such tolls, or any part thereof, shall not be so paid as aforesaid, and shall have and be entitled to the remedies, or any or either thereof, given in and by chapter one hundred and forty-three of the revised statutes, entitled "of liens," and the amendments thereto to enforce such lien, to the same extent and in the same manner, that liens are given in and by said chapter one hundred and forty-three, for labor and services in respect to logs and timber.

Waste gates.

SECTION 5. Each such dam which shall be so erected and constructed as aforesaid, shall be furnished and provided with a suitable gate or gates to discharge the water therefrom, so as to aid the navigation of said river and Aminicon lake, or either thereof, below each such dam, and shall be kept in suitable condition to hold the water of said river and Aminicon lake, or of either thereof, in sufficient quantities to facilitate the running of logs and timber of whatsoever kind, or of either thereof, when the natural volume of water is insufficient for that purpose.

Injunctonal
order.

SECTION 6. No injunction or injunctonal order shall be made, allowed or granted to prevent, hinder or restrain the use or enjoyment of such improvements or any portion thereof, or to abate any such dam or any work or improvement whatsoever done or made by virtue of this act, unless the said grantees, their and each of their heirs, executors, administrators or assigns shall fail for sixty days after due notice of any final judgment against them, to pay such judgment and the damages recovered thereby for any injury done by or in consequence of such improvement or any part thereof. This section shall not be construed or deemed to be indispensable to or inseparable from this act, or

any other provision or provisions, section or sections of the same.

SECTION 7. And the said Robert L. Henry, Samuel B. Barker and George W. Henry, their and each of their heirs, executors, administrators and assigns, shall have, and are hereby granted, power to take possession of all logs, timber, ties, telegraph poles, fence posts, cordwood and tanbark, or any or either thereof, as well as all other timber of whatsoever kind, put into said river and Aminicon lake and upper Aminicon lake, or any or either thereof, or upon rollways so as to impede the drive, when the owners thereof or their agents shall not have come thereon, or upon said river and Aminicon lake and upper Aminicon lake, or any or either thereof, as the case may be, adequately provided with men, teams and tools, for breaking rollways and driving such logs, timber, ties, telegraph poles, fence posts, cordwood and tanbark, or any or either thereof, in season for making a thorough drive down said river, without hindering the main drive, and may break any such rollway or rollways, and drive any and all such logs, timber, ties, telegraph poles, fence posts, cordwood and tanbark, or either thereof, down said river to said lake Superior, or to the said mouth of said river, and charge and collect therefor the actual costs and expenses of such breaking and driving, and in addition thereto the charge for toll or booming, as hereinbefore provided, and shall have and be entitled to a lien on such logs, timber, ties, telegraph poles, fence posts, cordwood and tanbark, or any or either thereof, as the case may be, for such costs and expenses and such charge or toll for booming, and be entitled in that behalf to the remedies, or any or either thereof, hereinbefore provided for. This section shall not be construed or deemed to be indispensable to or inseparable from this act, or any other provision or provisions, section or sections of the same.

SECTION 8. In case it shall be necessary to take, flow, or injure any lands and property, or either thereof, for the purpose or purposes of the construction of the work or works of improvement hereby authorized, or for the purposes of such improvement and in behalf thereof, the said Robert L. Henry, Samuel B. Barker and George W. Henry, their and each of their heirs, executors, administrators or assigns, shall be subject to all of the provisions, remedies and liabilities in that behalf, and entitled to all of the benefits, privileges, remedies and provisions in that behalf, and so far as

Powers and authority.

Rights and liabilities.

applicable and not inconsistent with this act or chapter one hundred and forty-six of the revised statutes, entitled of "mills and mill dams," but nothing contained in this section shall be taken or deemed to preclude said grantees, their and each of their heirs, executors, administrators or assigns from acquiring title to, or the right to use any and all such lands and property, or either thereof, or any part thereof, or of either thereof, by purchase, lease, license or any usual mode or means of acquisition of title by act of parties.

Corporate powers not granted.

SECTION 9. No corporate powers or privileges are granted or intended to be granted by this act, and nothing contained in this act shall be construed or deemed to create a corporation, or grant corporate powers or privileges, either expressly, by implication, or otherwise.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

[No. 475, A.]

[Published April 9, 1881.]

CHAPTER 312.

AN ACT to amend section four thousand five hundred and six-four of the revised statutes, as amended by chapter two hundred and seventy-seven of the laws of 1880, relating to the preservation of game.

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

When the taking of game is prohibited.

SECTION 1. Section four thousand five hundred and sixty-four of the revised statutes, as amended by chapter two hundred and seventy-seven of the laws of 1880, is hereby amended by striking out the words "thirtieth day of November," where they occur in the ninth line of said section, and inserting in lieu thereof, the words "first day of January," also by striking out the word "first," where it occurs in the tenth line of said section, and inserting in lieu thereof the word "fifteenth," so that said section, when so amended, shall read as follows: Section 4564. Any person who shall take, catch, kill, destroy or wantonly molest, or have in his possession when killed or taken, or expose for sale in this state, any woodcock, between the first day of January and the succeeding tenth day of July, and any quail, partridge, pheasant or ruffed grouse, prairie hen or prairie chicken, sharp-tailed grouse, or grouse of other variety, or any wood duck, mallard or teal duck, between the first day of January and the suc-