

Flowage  
rights.

authorized to sue for and recover such tolls from such owner or mortgagee.

SECTION 4. Said William Sauntry, his heirs or assigns, for the purpose of acquiring any flowage rights that he or 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.

SECTION 5. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.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 March 30, 1891.

No. 306, A.]

[Published April 3, 1891.]

## CHAPTER 111.

AN ACT to authorize William Sauntry, his heirs or assigns, to build or acquire, and maintain certain dams across the Moose river below where said river crosses the east line of township forty-five north, of range thirteen west, and across the St. Croix river between where it crosses the west line of section six, in township forty-four north, of range eleven west, and the west line of township forty-three north, of range thirteen west.

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

William Sauntry authorized to build dams.

SECTION 1. For the purpose of improving the navigation of the St. Croix river, William Sauntry, his heirs or assigns, are hereby authorized and empowered to build or acquire, maintain and operate three dams across said river at such different points as he or they may select, between a point where the west line of section six, in township forty-four north, of range eleven

west, in Douglas county, Wisconsin, crosses said river, and the point where the south line of township forty-four north, of range thirteen west, in said county crosses said river, and also to build, maintain and operate such booms and other improvements upon said river, between said points as may be necessary or convenient to render the driving of logs upon said river from said point first hereintore mentioned, to the head of Lake St. Croix reasonably convenient and certain; provided, however, that no one of said dams shall be constructed so as to raise the water, at the point where the same is constructed, more than twelve feet above the natural height thereof.

SECTION 2. For the purpose of improving the navigation of the Moose river, the said William Saunty, his heirs or assigns, are hereby authorized and empowered to build or acquire, maintain and operate, three dams across said river at such different points as he or they may select, between the mouth of said river and the point where the east line of township forty-five north, of range thirteen west, crosses said river, in Douglas county, Wisconsin, and also to build and maintain and operate such booms and other improvements upon said river, between the points hereinafore mentioned as may be deemed necessary to render the driving of logs down said river, from the said east line of said township forty-five north, of range thirteen west, to the mouth of said river, reasonably convenient and certain, or as may be necessary or convenient to aid in the driving of logs and timber down the St. Croix river below the mouth of said Moose river; provided, however, that none of said dams shall be so constructed as to raise the water in said river more than fourteen feet higher than the natural height thereof.

Dams across  
Moose river

SECTION 3. All dams 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 water collected therein in aid of the navigation of the said St. Croix and Moose rivers. And all such dams, their gates and sluices, and all other improvements erected or maintained upon said rivers by the said William Saunty, his heirs

Gates and  
sluices.

or assigns, under the provisions of this act, shall at all times be under the exclusive control of said William Sauntry, his heirs or assigns, and shall be so controlled and managed as, in the judgment of said William Sauntry, his heirs or assigns, will best subserve the interests of all parties engaged in driving logs down said river.

May charge  
and collect toll  
on logs on St.  
Croix river.

SECTION 4. As compensation for the improvement of said St. Croix river, when said William Sauntry, his heirs or assigns, shall have erected or acquired, and shall maintain said dams hereinbefore authorized across said river, said William Sauntry, his heirs or assigns, shall be entitled, and they are hereby authorized and empowered, to demand, receive, levy, sue for and collect as a toll, the sum of ten cents per thousand feet, board measure, on all logs or timber sluiced or driven through, or by the aid of any one of said dams, or by the aid of the waters collected therein; and if any such logs or timber shall be so driven or sluiced through, or by the aid of the waters collected in, more than one of the said dams, then the said William Sauntry, his heirs or assigns, shall be entitled and they are hereby authorized and empowered to demand, receive, levy, sue for and collect as a toll, the sum of ten cents per thousand feet, board measure, upon all such logs or timber for each of the said dams through which, or by the aid of the waters collected in any one of which any such logs or timber shall have been sluiced or driven. And as compensation for the improvement of said Moose river, when said William Sauntry, his heirs or assigns, have erected or acquired, and shall maintain said dams across said river hereinbefore authorized, they shall be entitled and they are hereby authorized and empowered to demand, receive, levy, sue for and collect as a toll the sum of six cents per thousand feet, board measure, on all logs or timber sluiced or driven through any one of said dams or by the aid of the waters collected therein. And if any such logs or timber shall be so driven or sluiced through by the aid of the waters collected in more than one of the said dams, then the said William Sauntry, his heirs or assigns shall be entitled and they are hereby authorized and empowered to demand, receive, levy, sue for and col-

lect as a toll, the sum of ten cents per thousand feet, board measure, upon all such logs or timber for each of the said dams through which, or by the aid of the waters collected therein, any such logs or timber shall have been sluiced or driven. The said William Sauntry, his heirs or assigns, are hereby authorized and empowered to demand and receive the said toll before they shall be required to permit the use of the water retained by any of the dams herein authorized for the purpose of sluicing or driving any logs or timber on either of such rivers. And in case any logs or timber are sluiced or driven down said rivers through or below said dams, or any thereof, without the toll thereon having first been paid, the said toll shall be and remain a lien upon said logs or timber and all logs or timber bearing the same mark, until the said toll is paid, which said lien shall take precedence of any and all other liens upon such logs or timber, except liens for labor; and the lien hereby given may be enforced in the same manner and with like effect as liens for labor upon logs as provided in chapter 143, of the revised statutes of 1878, and the several acts of the legislature amendatory thereof, which said chapter and the several 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 circuit court, may be filed at any time prior to the first day of October in the year in which the last sluicing or driving of such logs or timber shall have been done and such statement shall be filed in the office of the lumber inspector of the fourth lumber district of the state of Wisconsin instead of the office of the clerk of the circuit court as required by said chapter 143 and the acts amendatory thereof. The owner or owners of any logs or timber sluiced or driven down said rivers through or below said dams or any thereof, shall be personally liable for the toll thereon, and any person having a mortgage upon such logs, at the time the same are so sluiced or driven, who shall afterwards sell or take possession of such logs by virtue of any such mortgage, shall thereby become personally liable for the toll due thereon, and the

said William Sauntry, his heirs or assigns, are hereby authorized to sue for and recover such tolls from such owner or mortgagee.

Flowage  
rights.

SECTION 5. Said William Sauntry, his heirs or assigns, for the purpose of acquiring any flowage rights that he or 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.

SECTION 6. All acts and parts of acts in conflict with the provisions of this act, and all charters and privileges to erect and maintain dams upon either of said rivers between the points hereinbefore mentioned, heretofore granted, are hereby repealed.

SECTION 7. The right to alter, amend or repeal this act, is hereby reserved.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1891.

No. 368, A.]

[Published April 3, 1891.]

## CHAPTER 112.

AN ACT to provide for platting lands by executors, administrators and guardians before sale, pursuant to order of county court.

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

County court  
may order ex-  
ecutor, admin-  
istrator or  
guardian to  
plat lands for  
sale.

SECTION 1. Whenever an order shall be made by the county court of any county for the sale of lands by any executor or administrator, or by the guardian of any infant or incompetent person, the county court may, in its discretion, direct such executor, administrator or guardian, either alone or together with other owners of such real estate, to make, acknowledge and record a plat of such real estate in manner and form as prescribed in chapter 101, of the revised statutes. Such plat, so executed and recorded, pursuant to an order of