

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

Approved April 20, 1897.

No. 352, S.]

[Published April 22, 1897.

## CHAPTER 266.

AN ACT to authorize Kirby Thomas, N. B. Arnold, and A. R. Mills, their associates or assigns, to maintain a dam or dams and other improvements in the Middle river, for handling logs and other purposes.

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

SECTION 1. Kirby Thomas, N. B. Arnold and A. R. Mills, their associates or assigns, are hereby authorized to build and maintain a dam or dams on the Middle river, in the county of Douglas, in the state of Wisconsin, at any point in section 10, township 47, north, range 12, west, or at any point north of said section to the mouth of the said river in section 35, township 49, north, range 12, west.

Authority given to construct a dam in Douglas county.

SECTION 2. The said parties shall be entitled to raise suitable heads of water and overflow lands to provide sufficient reservoirs and water capacity for driving, water power, water supply, irrigate lands in Douglas county, and for other purposes the said parties may desire, and the said parties are hereby authorized to divert the course of the said river for such purposes through such channels and in such manner as shall be to the best advantage and facilitate the irrigation of lands in said county,

Right of overflow granted.

and such other purposes, and to provide water supply and water power to all persons desiring the same.

Dams shall contain sluiceways.

SECTION 3. All dams built and maintained under the provisions of this act, shall contain a properly constructed sluice, and shall at all times be kept in suitable condition for sluicing logs, timber and lumber over and through the same, and a sufficient head of water shall be raised and kept by means of said dam for that purpose whenever required.

Fees for running logs over the dam.

SECTION 4. The said Kirby Thomas, N. B. Arnold and A. R. Mills, their heirs and assigns, shall be entitled to demand and receive from all persons using the said dams for the purpose of sluicing through or running over the same, the sum of five cents per thousand feet for all logs and lumber or timber so sluiced through or run over said dam, or run or driven in said river, or its tributaries above the said dam, or which may be benefited thereby.

Control of said dams, and use of sluiceways.

SECTION 5. The said Kirby Thomas, N. B. Arnold and A. R. Mills, their heirs and assigns, shall have at all times the sole and full control of said dam or dams; provided, that at all reasonable times, the said parties, their heirs and assigns, shall, when requested, use the said dam or dams for the purpose mentioned in section 4, of this act. Provided, however, that the said request shall not be made for sluicing during the summer or fall months of the year, unless more than a natural stage of water shall be running in the said rivers, unless the said parties shall voluntarily desire to comply with such request.

May charge for use of water for other purposes.

SECTION 6. The said Kirby Thomas, N. B. Arnold and A. R. Mills, their heirs and assigns, shall be entitled to demand and receive from all persons using water conveyed from the said dam or dams for irrigation, water supply, water power or other purposes, such sum or sums as the parties may contract for; provided, however, that the said sums shall be based upon a certain schedule, and no discrimination shall be shown

between any persons using such water for similar purposes.

SECTION 7. All tolls and proper charges accruing by reason of the provisions of this act, shall be a lien upon the logs or premises upon or in which the same shall be used, and shall be enforced in the same manner as provided by law in the case of other similar liens.

Tolls to be a lien upon logs.

SECTION 8. In case it shall be necessary to take, flow or injure any lands or property for the purpose or purposes of the construction of the work or works of improvement hereby authorized, or for the purposes of improvement and in behalf thereof, the said Kirby Thomas, N. B. Arnold and A. R. Mills, and they and each of their heirs, executors, administrators, or assigns, shall have the right of condemnation when necessary, and shall also be subject to all the provisions, remedies and liabilities, and entitled to all the benefits, privileges, remedies and provisions so far as 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 grantors, their and each of their heirs, executors, administrators or assigns from acquiring title to or the right to use any and all lands and property or either thereof, or any part thereof, or of either thereof, by purchase, lease, license or other usual mode or means of acquisition of title by act of parties.

Right of condemnation granted subject to statutory provisions.

SECTION 9. The legislature hereby reserves the right to alter, amend or repeal this act.

Right of repeal.

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

Approved April 20, 1897.