

said persons, their heirs and assigns shall have a lien upon all logs, timber and lumber run over said dam above specified until the charges aforesaid shall be paid, *provided* that they shall at all times comply with the provisions of section two of this act.

SECTION 5. The control of said dam, the slides and gates of the same shall belong to the aforesaid persons their heirs and assigns, but subject always to the provisions of section two of this act. Who control dam, etc.

SECTION 6. Nothing in this act shall be so construed as to give the parties aforesaid, their heirs and assigns any right to shut down the gates of said dam during the months of July, August and September in each year, but the said dam and the gates thereof shall remain open during said months, and the waters of said north fork of Clam river shall flow free and unobstructed through said dam during the months aforesaid. How construed.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 7, 1874.

## CHAPTER 154.

AN ACT to authorize David E. Tewksbury to maintain a dam or dams on the north fork of Clam river, in Barron county.

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

SECTION 1. David E. Tewksbury, his heirs and assigns are hereby authorized to maintain and keep up a dam or dams across the north fork of Clam river, at a point or points on the following described tract or tracts of lands, to wit; one of said dams shall be kept up and maintained on the southwest quarter of section number one (1) in township numbered thirty-seven (37) range fourteen (14) west; and one of said dams to be kept up and maintained on the northwest quarter of the northeast quarter of section number ten (10), township numbered thirty-seven (37), range fourteen (14) west: *provided*, that such dam or dams shall not raise the water to exceed twelve feet, and if the water so raised shall flow any land not owned by the said party or his assigns, he or they shall be liable for all damages to be recovered by suit in the circuit court. Authorized to maintain and keep a dam.

Shall keep in repair, etc.

SECTION 2. The aforesaid Tewksbury, his heirs or assigns shall build suitable slides in said dam or dams, for running logs, timber and lumber over the same, and shall keep the same in repair, they shall be kept open at all times when said river is at a "driving stage" and there are logs, timber or lumber to run over said dams, and when it is not necessary to hold the water back for the purpose of driving of flooding logs, timber or lumber below the said dam or dams, for which purposes flood-gates shall be kept in repair and built in such manner as to shut in such manner as the case may require, to flood said logs, timber or lumber.

Limitation.

SECTION 3. The aforesaid Tewksbury, his heirs and assigns shall enjoy the privileges granted in this act for the term of ten years.

When may collect toll.

SECTION 4. When the aforesaid Tewksbury, his heirs or assigns shall have completed the said dam or dams as aforesaid, the said Tewksbury, his heirs or assigns are hereby authorized and empowered to receive and collect from the owners all lumber, timber and logs passing over such slides, or driven by the aid of such dams, as a compensation for keeping up and maintaining such dam or dams, the sum of fifteen cents per thousand feet, board measure, the amount to be ascertained by scale on the landings in the woods, and the aforesaid Tewksbury, his heirs and assigns shall have a lien on all logs, timber and lumber run over said dam or dams above specified until the charges aforesaid shall be paid: *provided*, that the said Tewksbury, his heirs and assigns shall at all times comply with the provisions of section two of this act.

Control.

SECTION 5. The control of said dam or dams, the slides and gates of the same, shall belong to the aforesaid Tewksbury, his heirs and assigns, but subject always to the provisions of section two of this act.

When gates to be kept open.

SECTION 6. Nothing in this act shall be so construed as to give the party aforesaid, his heirs or assigns any any right to shut down the gates of said dams during the months of July, August and September in each year, but the said dams and gates thereof shall remain open during said months, and the waters of the said north fork of Clam river shall flow free and unobstructed through said dam or dams during the months aforesaid.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 7, 1874.