

[No. 202, S.]

[Published April 17, 1883.]

CHAPTER 224.

AN ACT to authorize and empower John A. Humbird, his assigns or legal representatives, to improve the navigation of White river and its tributaries, and Long Lake and Pike Lake for log-driving purposes, and to drive, boom and handle logs thereon.

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

SECTION 1. John A. Humbird, his assigns or legal representatives are hereby authorized and empowered, to construct and maintain a dam in and across the White river in Bayfield county, Wisconsin, on land owned or leased by said John A. Humbird, his assigns or legal representatives, at or near the point where the Chicago, St. Paul, Minneapolis and Omaha railway crosses said river, and to construct and maintain in said river above said dam, such booms, piers and other structures as may be necessary or convenient for the purpose of assorting, holding and handling logs to be manufactured at said dam, and to stop and hold all logs, timber, ties, poles and posts floating down said river a sufficient length of time to enable said John A. Humbird, his said assigns or legal representatives, using due dilligence, to separate the logs intended for manufacture at said dam, from logs, timber, ties, poles and posts destined for points on said river below said dam; provided, however, and the grant herein made to said John A. Humbird, his assigns or legal representatives, is upon the express condition that no dam, booms, piers, or other structures shall be placed in said river by said John A. Humbird, his assigns or legal representatives at or near the point where said railroad crosses said river, in such manner as to materially obstruct or impede the free navigation thereof for log driving purposes. And, provided further, that the said John A. Humbird, his assigns or legal representatives, shall so construct and maintain said dam that the same shall be supplied with suitable sluiceways for the expeditious passage through the same of all logs, timber, ties, poles and posts for points below said dam, and they shall promptly, when said logs, timber, ties, poles and posts are separated as aforesaid or otherwise from the logs and timber to be manufactured at said dam, sluice, without expense to the owners thereof, through said dam, all logs,

timber, ties, poles and posts destined for points below said dam as aforesaid.

Separate logs,
timber, etc.

SECTION 2. Said John A. Humbird, his assigns or legal representatives, shall, so long as he or they shall maintain said dam as aforesaid, promptly and at his or their own expense, separate from the logs or timber so to be manufactured at said dam, all logs, timber, ties, poles and posts destined to points below said dam.

May take poss-
ession of river.

SECTION 3. For the purpose of improving the navigation of the said White river and the tributaries thereof, including Long lake and Pike lake for log driving purposes, the said John A. Humbird, his assigns or legal representatives, are hereby authorized and empowered to take such possession of said river and all lakes and tributaries emptying into the same above said dam, herein above mentioned, including said Long and Pike Lakes, as shall be necessary to enable them to construct, maintain and operate therein such dams, booms, sluiceways and other works of improvement as may be necessary, and convenient to accomplish said purpose, and in aid of said purpose they may, and shall have and possess all powers and privileges conferred by section 1777 of the revised statutes and the acts amendatory thereof, upon corporations organized under said revised statutes for similar purposes. Provided, however, that nothing in this section contained shall be so construed as to authorize the said John A. Humbird, his legal representatives or assigns, to place in said river or its tributaries, any dam or other structure which shall materially obstruct or impede the free navigation thereof for log-driving purposes; and provided further, that every person, company or corporation having occasion to use said stream, tributaries and lakes for log driving purposes shall have an equal right to the use of the improvements authorized by this section, under the supervision of the said John A. Humbird, his assigns or legal representatives, without discrimination or cost; and provided further, that if any owner of pine timber situated upon said White river or any tributary thereof, which the said John A. Humbird, his assigns or legal representatives, are authorized under the provisions hereof to take possession of and improve, shall so land the said pine upon such White river or any such tributary, that the same cannot be driven into waters navigable

for log driving purposes, for want of a dam, temporary or otherwise, and the said John A. Humbird, his assigns or legal representatives shall, at the written request of said owners so to do, fail or neglect for the space of thirty days to erect such dam, the said owner may erect the same, but any dam so erected upon any such tributary shall be used under the supervision of said John A. Humbird, his assigns or legal representatives, and shall be open to the free use, without cost or discrimination of any person, company or corporation having occasion to use the same for log driving purposes.

SECTION 4. Whenever any general drive shall be hung up below said dam, at said crossing in section one (1) hereof mentioned, for any cause traceable to the existence of said dam, the owners of the logs in said drive, or their authorized agents, whether corporate or otherwise, shall have a right to the use of the water held in the flooding dams above said dam, either on Pike Lake branch, Long Lake branch, or elsewhere, by dams authorized by this act, for the purpose of moving said drive; and the said John A. Humbird, his assigns or legal representatives shall, upon such demand, promptly make such use of said water. And the said John A. Humbird, his assigns or legal representatives, for the purpose of flooding below said dams as aforesaid, shall construct and maintain suitable gates in said dam or dams for such purpose.

When drive is hung up.

SECTION 5. Said John A. Humbird, his assigns or legal representatives, are hereby authorized to take possession of all logs, timber, ties, poles and posts put into said river or its tributaries, or any lake emptying into the same above said dam mentioned in said section 1 as aforesaid, when the same hinder or obstruct his or their drive, either by reason of the location thereof, or by a failure on the part of the owner or owners thereof to supply sufficient men or tools to drive the same, or both; and in such event said John A. Humbird, his assigns or legal representatives may drive the same down, to, and below said first mentioned dam, and may charge for, and collect of the owners thereof, a fair proportion of the expense of driving said logs, timber, ties, poles or posts, and may retain possession of said logs, timber, ties, poles and posts until said charges are fully paid. Said possession and right of possession shall continue after

Rights and privileges granted.

said logs shall have passed said dam, and while they are in or along the river below said dam, or in the booms at the mouth of said river; and if the same are detained otherwise than by attachment, they shall be so detained in said booms, and the party or parties entitled to said lien shall have the right to assort out sufficient of said logs, timber, poles, ties or posts, to secure the payment of said charges and hold the same in said boom.

Charges may be collected.

SECTION 6. The charges mentioned in section 5 may be collected under any law of this state now existing or which may hereafter exist for the enforcement of liens for labor, on logs or timber, or by actions against the owner or owners of said logs, timber, ties, poles and posts

SECTION 7. So much of chapter 278 of the laws of 1882, and all other acts or parts of acts as conflict with, or in any manner contravene the provisions of this act, are hereby repealed.

SECTION 8. The legislature reserves the right to alter, amend or repeal this act whenever in its judgment the public interest shall so require.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.
Approved March 30, 1883.

[No. 26, A.]

[Published April 14, 1883.]

CHAPTER 225.

AN ACT to facilitate the sale of certain tract of state land therein described.

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

Sale of lands authorized.

SECTION 1. The commissioners of the public lands are hereby authorized and empowered to sell, for a sum not less than twenty-five dollars (\$25.00), on such terms as other state lands are sold, the tract described as follows: Part of south half ($\frac{1}{2}$) of northeast quarter ($\frac{1}{4}$), of section thirty-four (34), town nineteen (19) north, range ten (10) east, in the county of Waushara, bounded by lands of S. E. Jemmings, and east, south and west by mill pond, being about fifteen (15) acres, and lying adjacent to the village of Wautoma.

SECTION 2. This act shall take effect immediately upon its passage and publication.

Approved March 31, 1883.