

[No. 236, S.]

[Published March 17, 1885.]

CHAPTER 75.

AN ACT to authorize Jacob Bean and James S. O'Brien to build and maintain dams and other improvements upon the Namakagon river below the range line, between ranges nine and ten.

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

Authorized to build and construct dams.

SECTION 1. For the purpose of improving the navigation of the Namakagon river, below the point where the range line between ranges nine and ten crosses said river, Jacob Bean and James S. O'Brien, their heirs and assigns, are hereby authorized to build, maintain and operate a dam across said river at such point as they may select, upon section thirty-five, township forty-one north, of range ten west, in Washburn county, in the state of Wisconsin, and also to build and maintain such other dams, booms and other improvements upon said river below said range line, as may be necessary to render the driving of logs down said river, from said range line to the mouth thereof, reasonably convenient and certain: provided however, that nothing herein contained shall authorize the construction, maintenance or operation of dams or works of any kind so as to cause back water from the same, at the dam at Hayward, or so as to interfere with the operation of the same for manufacturing and other purposes.

Manner of construction described.

SECTION 2. 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 said river. And all such dams, their gates and sluices and all other improvements erected or maintained upon said river by said Jacob Bean and James S. O'Brien, their heirs or assigns, under the provisions of this act, shall at all times be under the exclusive control of said Jacob Bean and James S. O'Brien, their heirs and assigns, and shall be so controlled and managed, as in the judgment of said Jacob Bean and James S. O'Brien, their heirs or assigns, will best subserve the inter-

ests of all parties engaged in driving logs down said river.

SECTION 3. As compensation for the improvement of said Namakagon river, when said Jacob Bean and James S. O'Brien, their heirs or assigns, shall have erected and shall maintain said dam across said river, upon section thirty-five, in township forty-one north, of range ten west, 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, or by the aid of said dam or the waters collected therein. And the said Jacob Bean and James S. O'Brien, their heirs and 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 said dam for the purpose of sluicing or driving any logs or timber on said river; and in case any logs or timber are sluiced or driven down said river through or below said dam, with the consent of said Jacob Bean and James S. O'Brien, their heirs and assigns or otherwise, without the toll thereon having first been paid, the said toll shall be and remain a lien upon all said 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 shall 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. The owner or owners of any logs or timber sluiced or driven down said river through or below said dam shall be liable for the toll thereon, and any person having a mortgage upon any 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 such mortgage, shall thereby become liable for

Compensation
for use of dams
slides etc.

the toll due thereon, and said Jacob Bean and James S. O'Brien, their heirs and assigns, are hereby authorized to sue for and recover the same from such mortgagee.

Rights ac-
quired.

SECTION 4. Said Jacob Bean and James S. O'Brien, their heirs or assigns, for the purpose of acquiring any flowage rights that 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.

Repeal-
ing
clause.

SECTION 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed, except and provided that nothing herein contained, shall modify, repeal or interfere with the rights, privileges, and franchise, granted to Anthony J. Hayward or A. J. Hayward, his or their heirs, assigns or legal representatives, to construct, maintain or operate dams, booms or other improvements across the Namakagon river or its tributaries at and above Hayward.

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 13, 1885.

[No. 418, A.]

[Published March 17, 1885.]

CHAPTER 76.

AN ACT to incorporate the city of Alma.

(See Vol. 2.)