

[No. 56, A.]

[Published April 14, 1887.]

## CHAPTER 113.

AN ACT to authorize Wm. Wilson, Amos E. Jefferson and Charles T. Fox, their heirs or assigns, to purchase or to construct and to maintain a dam across the Apple river in the county of Polk, in the state of Wisconsin.

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

SECTION 1. William Wilson, Amos E. Jefferson and Charles T. Fox, their heirs and assigns, are hereby authorized to purchase or to construct and to maintain a dam across the Apple river in Polk county, Wisconsin, for driving logs, manufacturing and other purposes, and to erect and maintain such piers and booms in connection therewith as may be necessary or convenient for holding and handling logs to be manufactured at or near a point where the located line of the railroad of the Minneapolis, Sault Ste. Marie and Atlantic Railway Company crosses said Apple river in the town of Lincoln in said county. Said dam shall be located and maintained on either section twenty-eight or section thirty-three, township thirty-three north, of range sixteen west, in said Polk county; provided, that the said piers and booms shall be so constructed and maintained as not to materially interfere with the driving of logs destined for points below said dam.

Wm. Wilson et al., authorized to purchase or construct dam across Apple river, Polk county.

SECTION 2. Said dam and works shall be so constructed with sluice gates and slides, and kept and maintained in such repair, that all logs and timber destined for points below can be passed through said dam without unreasonable delay. And the said William Wilson, Amos E. Jefferson and Charles T. Fox, their heirs or assigns, are hereby authorized and empowered to receive and collect from the owners of all logs passing through said dam or driven by the aid of such dam, as compensation for keeping and maintaining the same, the sum of ten cents per thousand feet, board measure, which sum shall be a lien upon all logs passing over said dam, and said lien shall

Dam and works how constructed.

take precedence and priority over any and all liens upon said logs, excepting liens for labor on the same. And in case the owner or owners of said logs shall refuse or neglect to pay said toll as soon as the same shall become due and payable as aforesaid, the owners of said dam may proceed to perpetuate and enforce said lien in the manner provided by chapter 143, of the revised statutes, and the several acts of the legislature amendatory thereof, for perpetuating and enforcing of liens of laborers upon logs and timber, or the persons owning said dam may enforce said collection by civil action against the person or persons liable therefor, in any court having proper jurisdiction thereof.

To keep full head of water, etc.

SECTION 3. The said William Wilson, Amos E. Jefferson and Charles T. Fox, their heirs or assigns, for the purpose of facilitating the driving of logs on said Apple river, below the said dams shall, during the driving season of each year, keep a full head of water in said dam, and shall, upon demand, furnish the water accumulated therein, or so much thereof as may be necessary to afford a good driving stage of water in said river, to the owner or owners of all logs destined for points below; provided, that the person or persons demanding such water for driving purposes shall make such drive with as little delay as possible, using for that purpose as many competent men as can be profitably employed upon said drive.

Damages for overflow of lands to be a lien on logs.

SECTION 4. If any person or persons driving logs upon said stream, shall by the use of the water accumulated by said dam, overflow any lands adjacent to said stream or any growing crops, or any growing grass, or any other property on said lands, such person or persons shall be liable to the owner or owners of said land, or other property so injured, for all damages which shall result from such overflowing; and the claim for such damages shall be, and shall remain a lien upon the logs so driven until such damages are fully paid; such lien may be kept in force and may be enforced against such logs in the same manner and pursuant to the same provisions of the revised statutes as are provided for perpetuating and enforcing liens upon logs for labor performed thereon; provided, nothing herein contained shall be construed as depriving any person or persons injured by the use of

said dam, of the common law remedy by action for damages for such injury against the owners of said dam.

SECTION 5. The said William Wilson, Amos E. Jefferson and Charles T. Fox, or their heirs or assigns, for the purpose of acquiring the flowage rights that they may deem necessary in carrying out the provisions of this act, may exercise all the powers granted to corporations by section 1777, of the revised statutes, as amended by chapter 318, of the laws of 1882.

May exercise powers granted by section 1777, R. S.

SECTION 6. The right to amend and repeal this act is hereby reserved. All acts and parts of acts so far as they conflict with the provisions of this act are hereby repealed.

Right to amend or repeal, reserved.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.  
Approved March 23, 1887.

[No. 316, A.]

[Published March 28, 1887.]

## CHAPTER 114.

AN ACT to appropriate a sum of money to the persons therein named for expenses incurred as legislative visiting committee to state institutions.

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

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, for expenses incurred as visiting committee of the legislature for 1887, to state institutions, to Edward I. Kidd, James W. Perkins and Fred C. Schuler, the sum of one hundred dollars each.

Appropriation to legislative visiting committee.

SECTION 2. This act shall take effect and be in force on and after its passage and publication.  
Approved March 23, 1887.