

[No. 782, A.]

[Published April 26, 1889.]

## CHAPTER 446.

AN ACT a bill for an act to authorize William Sauntry his heirs or assigns to build and maintain dams across and upon the Moose river, below where said river crosses the east line of township forty five (45) north of range thirteen (13) west.

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

Authorizing William Sauntry et al. to build dams on Moose and St. Croix rivers.

SECTION 1. For the purpose of improving the navigation of the Moose river below where it crosses the east line of township forty-five (45) north, of range thirteen (13) west, and of the St. Croix river between where it crosses the west line of section six (6) in township forty-four (44) north, of range eleven (11) west, and the west line of township forty three (43) north of range thirteen (13) west, William Sauntry, his heirs or assigns, are hereby authorized to build, maintain and operate such dam or dams upon said rivers, or either of the same, between the points aforesaid, as they may select, not however, to exceed three dams upon each of said rivers, in order to render the driving of logs down said rivers reasonably convenient and certain. Provided, that each dam hereby authorized upon said Moose river shall not raise the water to exceed fourteen feet, and that each dam hereby authorized to be built upon the said St. Croix river shall not raise the water to exceed twelve feet.

How constructed and maintained.

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 the said rivers. And all such dams, their gates and sluices, erected or maintained upon said rivers, or either of the same, by said William Sauntry, his heirs or assigns, under the provisions of this act, shall at all times be under the exclusive control of said William Sauntry, his heirs or assigns, and shall be so controlled and managed

as in the judgment of said William Sauntry, his heirs or assigns, will best subserve the interests of all parties engaged in driving logs or timber down said rivers.

SECTION 3. As compensation for the improvement of said rivers, when said William Sauntry, his heirs or assigns, shall have erected and shall maintain either or all of said dams across said rivers, or either of the same, 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 each and every of said dams, or the waters collected therein, hereby authorized on said Moose river; and the sum of ten cents on each and every of said dams hereby authorized on the St. Croix river. And the said William Sauntry, his heirs or assigns, are hereby authorized to demand and receive the said toll before they shall be required to permit the use of the waters retained by said dams for the purpose of sluicing or driving any logs or timber on said river or rivers, and in case any logs or timber are sluiced or driven down said river or rivers, through or below either of said dams, with the consent of said William Sauntry, his heirs or assigns, or otherwise without the toll thereon, first having 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 such logs or timber sluiced or driven down said river

May collect  
tolls, to have  
lien for.

or rivers, through or below said dam or dams, shall be liable for the toll thereon, and any person having a mortgage upon any such logs or timber at the time the same are so sluiced or driven, who shall afterwards sell or take possession of such logs or timber by virtue of such mortgage, shall thereby become liable for the toll due thereon, and said William Sauntry, his heirs or assigns, are hereby authorized to sue for and recover the same from such mortgagee.

May exercise  
rights under  
sec. 1777, R. S.

SECTION 4. Said William Sauntry, his 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.

SECTION 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

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 April 16, 1889.

[No. 618, A.]

[Published April 24, 1889.]

## CHAPTER 447.

AN ACT to amend chapter 438, laws of 1885, entitled, An act relating to excise and the sale of intoxicating liquors.

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

Amending  
sec. 3, ch. 438,  
laws 1885,  
sec. 1556, R. S.

SECTION 1. Section 3, of chapter 438, laws of 1885, is hereby amended by striking out the words, "with knowledge thereof," where they occur in the ninth line of said section, also the last three lines of said section, and by inserting after the words, "to testify as to where," where they occur in the twenty-fourth line of said section, the words, "and from, through or by whom or by whose agency," so that the same when