

No. 484 A.]

[Published April 22, 1893.]

CHAPTER 207.

AN ACT to authorize James Meiklejohn and company, of New London, to erect and maintain a dam across Embarrass river, in the county of Shawano, Wisconsin.

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

SECTION 1. For the purpose of improving the navigation of the Embarrass river, James Meiklejohn and company, of New London, and their legal representatives and assigns, are hereby authorized to build, maintain, construct and operate a dam across said river at some point on the south half of the northwest quarter and the northwest quarter (fractional) of the northeast quarter of section number five, in township number twenty-six north, of range number thirteen east, in the county of Shawano, in the state of Wisconsin, and also to build, maintain and operate such booms and other improvements upon said river, at or near said dam, as may be necessary or convenient to aid in driving of logs down said river to the mouth thereof.

James Meiklejohn, et al, authorized to build dam, booms, etc.

SECTION 2. The dam 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 Embarrass river, and the said dam, gates and sluices and all other improvements erected and maintained upon said river by said James Meiklejohn and company, their legal representatives and assigns, under the provisions of this act shall at all times be under the exclusive control of said James Meiklejohn and company, their legal representatives and assigns, and shall be so controlled and managed as in the judgment of said James Meiklejohn and company, and their legal representatives and assigns, will best subserve the interests of all parties engaged in driving logs in said river.

Gates, etc., to be maintained.

Tolls may be charged.

SECTION 3. As compensation for the improvement of said river, when said James Meiklejohn and company, their legal representatives and assigns, shall have erected and shall maintain said dam, or any of them herein authorized, said James Meiklejohn and company, their legal representatives and assigns, shall be entitled and they are hereby authorized and empowered to demand, receive, levy, sue for and collect as a toll the sum of ten cents per thousand feet, board measure, on all logs or timber sluiced or driven through or by the aid of said dam, or by the aid of the waters collected therein; and said James Meiklejohn and company, their legal representatives or assigns, are hereby authorized and empowered to demand and receive the said toll before he or they shall be required to permit the use of the waters retained by the said dam herein authorized 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 without the toll thereon having first been paid, the said toll shall be and remain a lien upon such logs or timber and all logs or timber bearing the same mark until said toll is paid, which said lien shall take precedence of any and all other liens upon said logs and timber, except liens for labor; and the lien hereby given may 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 amendatory thereof, which said chapter and the several acts amendatory thereof are hereby made applicable hereto, except that the statement of the debt or demand therein required to be filed in the office of the clerk of 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, and such statement shall be filed in the office of the lumber inspector of the Twelfth lumber district of the state of Wisconsin, instead of the office of the clerk of the circuit court, as required by said chapter 143, and acts amendatory thereto. The owner or owners of any logs or timber sluiced or driven down said river, through

Tolls to be lien.

Ch. 143, R. S. to apply except as to filing of statement.

Owner, etc., personally liable.

or below said dam, shall be personally liable for the toll thereon, and any person having a mortgage upon such logs at the time the same are sluiced or driven, who shall sell or take possession of any such logs, by virtue of any such mortgage, shall thereby become personally liable for the toll due thereon, and the said James Meiklejohn and company, their legal representatives and assigns, are hereby authorized to sue for and recover such tolls from the owner or holder of the mortgage aforesaid or the mortgagee.

SECTION 4. The said James Meiklejohn and company, their legal representatives 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, and the several acts of the legislature amendatory thereof.

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 17, 1893.

No. 494, A.]

[Published April 22, 1893.]

CHAPTER 208.

AN ACT to amend section 1384, of Sanborn and Berryman's Annotated Statutes, relating to the obstruction of drains.

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

SECTION 1. Section 1384, of the Annotated Statutes of Wisconsin, is hereby amended by adding thereto, at the end thereof, the following:

Amends sec.
1384, S. & B.
Anno. State.