

shall not be opened, or remain open for flooding purposes, when the height of water in said pond shall be at or below a point two feet below the top of said dam. The persons so selected or appointed shall continue to act as such umpire for one year from the first of March of the year in which they are appointed. The owner of said dam shall not be entitled to compensation for the use of said dam, or the waters of such pond for flooding purposes, in the manner above provided. The provisions of this bill relating to driving of logs and timber through the flowage of and over the dam hereby authorized, and to the use of the water and dam for flooding purposes, shall be applicable to and govern the owners of the dam now being kept and maintained on said section six, and said dam shall hereafter be kept up and maintained only under the provisions and restrictions of this act. The legislature may at any time amend, alter or repeal this act.

Right to
amend, alter or
repeal, re-
served.

SECTION 3. Any and all acts or parts of acts conflicting or inconsistent with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1887.

[No. 405, A.]

[Published April 15, 1887.]

CHAPTER 254.

AN ACT to authorize Wm. J. Vincent, James Thompson and Jerome B. Jones, to purchase or build and maintain a dam and other improvements upon Clam river, in the county of Burnett and state of Wisconsin.

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

Authorizing
Wm. J. Vin-
cent, et al., to
maintain dam
on Clam river,
Burnett
county.

SECTION 1. For the purpose of improving the navigation of the Clam river, in the county of Burnett and state of Wisconsin, Wm. J. Vincent, James Thompson and Jerome B. Jones, their

heirs and assigns, are hereby authorized to purchase or build, maintain and operate a dam across said river at such point as they may select in township thirty-nine north, of range sixteen west. And also to build and maintain such booms and other improvements upon said Clam river, in connection with the said dam, as may be necessary to facilitate the driving of logs down said Clam river.

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 river. And said dam, its gates and sluices, and all other improvements erected or maintained upon said river by said Wm. J. Vincent, James Thompson and Jerome B. Jones, their heirs or assigns, under the provisions of this act, shall at all times, be under the exclusive control of said Wm. J. Vincent, James Thompson and Jerome B. Jones, their heirs or assigns, and shall be so controlled and managed as in the judgment of said Wm. J. Vincent, James Thompson and Jerome B. Jones, their heirs or assigns, will best subserve the interests of all parties engaged in driving logs down said river.

To construct gates, etc.

SECTION 3. As compensation for the improvement of said Clam river, when said Wm. J. Vincent, James Thompson and Jerome B. Jones, their heirs or assigns, shall have erected or purchased, and shall maintain said dam across said river, in the township and range aforesaid, 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 fifteen 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 Wm. J. Vincent, James Thompson and Jerome B. Jones, 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 the said Wm.

May collect tolls, etc.

J. Vincent, James Thompson and Jerome B. Jones, their heirs or 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 liens or claims 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 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 cut. 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 thereof and any person having a mortgage upon said 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 the toll due thereon, and the said Wm. J. Vincent, James Thompson and Jerome B. Jones, their heirs and assigns, are hereby authorized to sue for and receive the same from such mortgagee.

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

SECTION 4. The said W. J. Vincent, James Thompson and Jerome B. Jones, 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.

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

Right to alter, amend and repeal, reserved.

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 1, 1887.