

[No. 195, A.]

[Published April 19, 1889.]

## CHAPTER 449.

AN ACT to authorize Herman Schwanke, Herman Wilkes and H. A. Wichman and their assigns, to build and maintain dams on and across the Embarrass river, in Shawano county, Wisconsin.

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

Authorizing  
Herman  
Schwanke et  
al. to build  
dams on  
Embarrass  
river, Shawano  
county.

SECTION 1. Herman Shwanke, Herman Wilkes and H. A. Wichman, their associates and assigns, are hereby empowered and authorized to maintain such dams as they have heretofore built in sections thirteen and ten, in township twenty-six, range eleven east, for the purpose of facilitating the running and driving of logs and timber down said Embarrass river; provided, that said dam or dams shall not raise the water to exceed ten feet, and shall be subject to the existing laws regarding the flowage of lands.

Additional  
dams.

SECTION 2. And for the purpose of facilitating the running and driving logs and timber down said river aforesaid, the parties aforesaid, their associates and assigns, are hereby authorized and empowered to build and maintain, in and across said Embarrass river, on the northeast of the southeast of section thirteen, and on the southeast of the southeast of section ten, in township twenty-six, range eleven east, or anywhere along said river in said township. They are authorized and empowered to build and maintain a sufficient number of dams, so as to make the driving of logs reasonably certain.

How con-  
structed.

SECTION 3. Said dam or dams shall contain suitable gates and slides, and whenever the said parties, their associates or assigns, shall have built any dam or dams with suitable gates and slides, for the purpose of sluicing and driving logs over said dam or dams, and floating and driving logs in and down said river, and so improve said stream as aforesaid, and operate said dam or dams, and improvements, so that logs can be driven down said river with reasonable certainty,

the said Herman Schwanke, Herman Wilkes and H. A. Wichman, their associates or assigns, in consideration of the building, maintaining and operating said dam or dams, and other improvements, and the facilities thereby obtained for floating and driving logs on said river, shall be and are hereby authorized to charge and entitled to collect and receive of any and all persons, owning or controlling logs in said river as toll, the following sums: For all logs put into said Embarras river, and passing through the dam of the aforesaid parties, their associates or assigns, on the southeast of the southeast on section ten, town twenty-six, range eleven east, ten cents per thousand feet, board measure; for all logs put in said river below section ten, town and range aforesaid, five cents per thousand feet, board measure. The amount of said logs shall be determined by the lumber inspector of the district within which said dam is situated or by mutual agreement of the parties.

Tolls may be collected.

SECTION 4. For all charges or tolls herein provided, which shall remain due and unpaid, the said Herman Schwanke, Herman Wilkes and H. A. Wichman, their associates and assigns, shall have a lien upon said logs, which may be enforced the same as liens for labor upon logs, under the general statutes of this state.

To have lien.

SECTION 5. The control of said dam or dams, slides, gates and chutes of the same shall belong to said parties aforesaid, their associates and assigns, and be under their exclusive control, subject always to the provisions above stated.

Control of dams.

SECTION 6. So much of chapter 57, laws of 1881, as authorizes the construction and maintaining of dams, in town twenty-six, range eleven, is hereby repealed, except as to any dam or dams already constructed.

Repeal of part of ch. 57, laws 1881.

SECTION 7. The right to alter, amend or repeal this act is hereby reserved.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.