

[No. 122, A.]

[Published March 5, 1889.]

**CHAPTER 47.**

AN ACT to amend the charter of the city of Rice Lake.

(See Vol. 2.)

[No. 97, S.]

[Published March 5, 1889.]

**CHAPTER 48.**

AN ACT to amend the charter of the city of Alma.

(See Vol. 2.)

[No. 117, A.]

[Published March 5, 1889.]

**CHAPTER 49.**

AN ACT to authorize William Chalmers to purchase or build and maintain certain dams and other improvements upon Yellow river, in the counties of Burnett and Washburn, in the state of Wisconsin.

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

Authorizing William Chalmers to purchase or build certain dams on Yellow river, Burnett and Washburn counties.

**SECTION 1.** For the purpose of improving the navigation of Yellow river, in the counties of Burnett and Washburn, in the state of Wisconsin, William Chalmers, his heirs or assigns, are hereby authorized to purchase or build, maintain and operate, dams across Yellow river, in said counties and state aforesaid, at such points as he may select in the sections and townships hereinafter

described, viz.: One dam, to be so purchased or built, maintained and operated, at such point as said William Chalmers may select in section twenty-seven, township thirty-nine, north of range twelve west; one dam, to be so purchased or built, maintained and operated, at such point as said William Chalmers may select in section seven, township forty, north of range sixteen west; one dam, to be so purchased or built, maintained and operated, at such point as said William Chalmers may select in section twenty, township thirty-nine north, of range fourteen west; one dam, to be so purchased or built, maintained and operated, at such point as said William Chalmers may select in section ten, township thirty-eight north, of range thirteen west. And also to build and maintain such booms and other improvements upon Yellow river in connection with said dams as may be necessary to facilitate the driving of logs down said Yellow river and the sluicing of the same through said dams.

**SECTION 2.** The 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 said water collected therein, in aid of the navigation of said river; and said dams, and each and all of the same, together with their gates and sluices, and all other improvements erected or maintained upon said river by said William Chalmers, his heirs or assigns, under the provisions of this act, shall at all times be under the exclusive control of said William Chalmers, his heirs or assigns, and be so controlled and managed as, in the judgment of said William Chalmers, his heirs or assigns, will be subservient of the interest of the parties engaged in driving logs down said river.

How constructed, controlled, etc.

**SECTION 3.** As compensation for the improvements made upon said Yellow river, when said William Chalmers, his heirs or assigns, shall have erected or purchased, and shall maintain said dams across said river in the townships and ranges aforesaid, the said William Chalmers, his heirs or assigns, shall be entitled to, and they are hereby authorized and empowered to demand, receive, levy, sue for and collect as toll, the sum of six cents per thousand feet, board measure, on all

May collect tolls and enforce payment of same.

logs or timber sluiced or driven through, or by the aid of either of said dams, or the waters collected therein. And when such logs or timber shall be sluiced or driven through more than one of said dams by the aid of the water collected therein, then the said William Chalmers, his heirs or assigns, shall be entitled to, and they are hereby authorized and empowered to demand, receive, levy, sue for and collect as toll the sum of six cents per thousand feet board measure for each of said dams, through which said logs or timber shall be sluiced or driven. And the said William Chalmers, his heirs or assigns, are hereby authorized and empowered to demand and receive said toll before they shall be required to permit the use of the water retained by said dam or dams, 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 any of said dams, with the consent of said William Chalmers, his heirs or assigns, or otherwise, without the toll thereon being first paid, the said toll shall be and remain a lien upon all of said logs or timber bearing the same mark until the said toll is paid; which said toll shall have precedence of any and all liens or claims upon said logs or timber, except liens for labor; and the lien thereby given shall be enforced in the same manner and with like effect as liens for labor upon logs, as provided in chapter 103, of the revised statutes of 1878, and the several acts of the legislature amendatory thereto, which said chapter and the acts amendatory thereto 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 court may be filed at any time prior to the first day of October in the year in which the sluicing or driving of said logs or timber through said dams, or any of the same, shall have been done or permitted. The owner or owners of any logs or timber sluiced or driven down said river through or below said dams, or any of the same, 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 said logs by virtue of said mortgage shall thereby become liable for the toll

due thereon; and the said William Chalmers, his heirs or assigns, are hereby authorized to sue for and receive and recover the same from said mortgagee.

SECTION 4. Said William Chalmers, his heirs or assigns, for the purpose of acquiring any flow-age rights that may be deemed necessary in carrying out the provisions of these acts, may exercise all the power granted to corporations by section 1777, of the revised statutes of 1878, and the several acts of the legislature amendatory thereto; and all of the provisions of said section 1777, and said chapter 146 mentioned therein, are hereby made applicable hereunto.

May exercise powers conferred by sec. 1777, R. S.

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

Repeal.

SECTION 6. The right to alter, amend or repeal this act is hereby reserved.

Rights reserved.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.  
Approved March 2, 1889.

[No. 53, A.]

[Published March 4, 1889.]

## CHAPTER 50.

AN ACT to change the time of holding court in the second judicial circuit, and to regulate the noticing of actions for trial therein.

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

SECTION 1. The terms of the circuit court for the second judicial circuit shall be held on the first Monday of January, the first Monday of March, the first Monday of May, the first Monday of September, and the first Monday of November, in each year. A jury shall be summoned for the first day of each of said terms, unless otherwise ordered by the said court.

Changing time of holding court in 2d judicial circuit.

SECTION 2. After an action or proceeding commenced or pending in said court shall be hereafter once noticed, and placed on the calendar for

Noticing causes.