

No. 208, S.]

[Published April 4, 1891.

CHAPTER 103.

AN ACT to amend chapter 27, laws of 1889, entitled, "An act to revise, consolidate and amend chapter 127, laws of 1887, entitled, 'An act to incorporate the city of Ashland.'"

(See Vol. 2)

No. 307, A.]

[Published April 7, 1891.

CHAPTER 104.

AN ACT to authorize William Sauntry, his heirs or assigns, to build or acquire and maintain a dam across Tamarac 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:

SECTION 1. For the purpose of improving the navigation of the Tamarac river, William Sauntry, his heirs or assigns, are hereby authorized to build or acquire, maintain and operate a dam across said river, at some point on section six, in township forty-two north, of range 15 west, in the county of Burnett, and 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 the driving of logs down said river to the mouth thereof.

William Sauntry and others authorized to build dam.

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 Tamarac river. And the said dam, its gates, sluices and all other improvements erected or maintained upon said river by said William Saun-

Gates and sluices.

try, 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 down said river.

May charge
and collect toll
on logs.

SECTION 3. As compensation for the improvement of said river, when said William Sauntry, his heirs or assigns, shall have erected or acquired and shall maintain said dam heretofore authorized, said William Sauntry, his heirs or 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 William Sauntry, his heirs 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 water retained by the same 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 the said toll is paid, which said lien shall take precedence of any and all other liens upon said logs or 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 1873, 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, and such statement shall be filed in the office of the lumber inspector of the fourth 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 the acts amendatory thereof. The owner or owners of any logs or timber, sluiced or driven down said river, through 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 so sluiced or driven, who shall afterward 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 William Sauntry, his heirs or assigns, are hereby authorized to sue for and recover such tolls from such owner or mortgagee.

SECTION 4. Said William Sauntry, his heirs or assigns, for the purpose of acquiring any flowage rights that he or 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 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 March 30, 1891.

No. 765, A.]

[Published April 2, 1891.]

CHAPTER 105.

AN ACT to amend section 2433, of chapter 113 of the revised statutes as amended, entitled, "Of circuit courts."

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

SECTION 1. Section 2433, of chapter 113, of the revised statutes, as amended by section 1 of chapter 121, laws of 1889, is hereby further amended by striking out the word "five," where it occurs

Amended sec.
2433, R. S. 1879.