

of the obligation to make, keep and maintain such partition fence as above required.

SEC. 3. In case the occupant of one (1) of two (2) adjoining farms requires a partition fence to be constructed and maintained between them and no agreement has been made relative thereto, or in case of controversy between the parties, as to their rights or obligations in the construction or maintenance of the same, then either of the parties may apply to the fence viewers for a decision as to what portion of said partition fence shall be built and maintained by each party respectively, as to what are the rights and obligations of each party in the premises. Such application shall be made to and such decision rendered by the fence viewers, and the same shall be recorded in manner and form and in the like effect as is provided in the general statutes of the state of Minnesota relative to partition fences, and the parties respectively shall be entitled to all the rights and remedies provided by said statute in that regard.

SEC. 4. In case the occupants of one (1) of two (2) adjoining farms has constructed and maintained in good order his portion of the partition fence between them, either under the decision of the fence viewers or under an agreement between the occupants, or in the absence of such decision or agreement voluntarily as provided in section two (2) of this act, and any stock kept by him, on said farm—except swine—shall on account of the remaining portion of said partition fence, remaining unconstructed or being defective or out of order, escape from his said farm into and upon the other and do damage thereon, he the said occupant shall not be liable for such damage.

SEC. 5. This act shall apply only to farms in the city of Red Wing, in the county of Goodhue.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved November 21, 1881.

CHAPTER 205.

AN ACT FOR THE IMPROVEMENT OF THE ST. CROIX RIVER.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Smith Ellison, R. F. Hersey, E. W. Durant, E. L. Hospes, C. N. Nelson, L. E. Torinus, James S. Anderson, Samuel Judd, A. L. Gillespie, David Bronson, J. G. Nelson, E. S. Brown, C. P. Cogswell, Joel F. Nason, Wm. Blanding, Samuel Matthews, and David Tozer, their associates, successors and assigns are hereby authorized and empowered to erect, keep and maintain a dam in and across the Saint Croix river, at or near the Saint Croix Falls, in the county of Chisago, state of Minnesota, and to extend and maintain said dam from shore to shore in said river, and to im-

prove said river so as to make the same navigable for the driving of saw logs, from the bridge across said river near the village of Taylors Falls, and below said dam, (hereby authorized) to a point above said dam in the rapids of said river known as "Big Rock," the entire distance being within the said county of Chisago, and for such purpose they shall have full power and authority to enter upon and take any lands necessary for such purpose and to build dams and wing dams upon the said river, and by removing obstructions within the bed of said river, and to raise the water upon said river so as to float logs over the rapids above said dam and below Big Rock rapids in said river; said rapids to be flooded over by said dam being known as Tutters Falls and Pine Island Rapids, and to divert the current thereof.

Provided, That all damages which the owner or owners of the land adjacent thereto may sustain by reason thereof, shall be assessed, settled and ascertained under the provisions of title one (1), chapter thirty-four (34) of the general statutes of this state.

SEC. 2. That said dam shall be so constructed as to permit the rapid and easy passage of logs through said dam, and so as not too unreasonably interfere with the use of the water flowing in said river, for the purpose of propelling any mills or machinery that may be hereafter erected upon said river.

SEC. 3. That said persons above named, their associates, successors and assigns shall be entitled to receive and collect for all logs passing through said dam or floated over said rapids above named by the aid of the water collected in said dam, or the flooding of said rapids by means of said dam or dams, a sum not to exceed [the sum of] seven (7) cents per thousand feet as compensation for maintaining and keeping up said dam and the improvement of said river, and in case the said persons above named, their associates, successors and assigns do not fix and establish any other or different toll than that above mentioned, then the said charge or toll shall be seven (7) cents per thousand (1000) feet.

SEC. 4. The said persons above named, their associates, successors and assigns shall have a lien upon all logs floated over said rapids, by the aid of said dam or the improvement of said river by the persons above named their associates, successors and assigns as herein provided, in compliance with the provisions of this act. *Provided*, That the said persons above named, their associates, successors and assigns, shall within sixty (60) days after said logs shall pass over or through said dam, or be floated over said rapids by the aid of said dam, file a notice of such lien in the office of the surveyor general of logs and lumber for the first (1st) lumber district of Minnesota, setting forth the marks of the logs passing through said dam or floated over said rapids, and the amount claimed to be due thereon, and such lien shall attach and be held valid as to the entire mark of such logs and each and every log of such mark shall be held and considered subject to the lien of said persons above named, their associates, successors and assigns for said sum so due, and all logs of the same mark which shall have passed through said dam or floated over said rapids by the aid of said dam or said improvements herein authorized.

SEC. 5. The filing of the notice in section four (4) of this act, mentioned within the time therein set forth, shall be constructive notice to all parties purchasing or holding the mark of saw logs in said notice described of the right, title and interest of said persons above named, their associates, successors and assigns in the mark of the logs specified. And the said persons above named and their associates, successors and assigns, shall have the right to attach any and all of the saw logs of such mark mentioned in such notice, in whosoever hands the same may be found, in an action commenced by said persons above named their associates, successors and assigns against the person in whose name such mark is recorded in the office of the surveyor general of logs and lumber for the first (1st) district, for services in floating said logs over said rapids by aid of said dam as in this act mentioned, and the improvement of said river as herein permitted, and the said parties above named their associates, successors and assigns may collect the sum so due to them in a civil action against the owner or owners of such logs, and against any and all parties claiming any right, title or interest in said logs, and the lien herein provided shall have preference over all other liens or claims on said logs.

SEC. 6. The rights herein granted shall continue for a period of thirty (30) years and said rights shall become fully vested when said dam is fully constructed, and when said dam is fully constructed the rights of the parties above named their associates, successors and assigns shall be deemed to be fully vested.

SEC. 7. This act shall take effect upon and after its passage.

Approved November 11, 1881.

CHAPTER 206.

AN ACT TO SUBSTITUTE AN AMENDED PLAT FOR THE ORIGINAL PLAT OF DUNHAM'S ADDITION TO PRINCETON, IN MILLE LACS COUNTY, TO LEGALIZE SAID AMENDED PLAT AND CERTAIN CONVEYANCES AND THE RECORDS OF THE SAME RELATING THERETO.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The amended plat to Dunham's addition to Princeton, in Mille Lacs county, according to the survey and certification of Leonard Pratt surveyor, filed in the office of the register of deeds of said county, on the twenty-fourth (24th), day of October A. D. one thousand eight hundred and eighty-one (1881), is hereby substituted for the original plat of said addition on file in said office, and is hereby legalized and declared to be the plat thereof for all purposes, and to take effect from the time of the filing of said original. All conveyances heretofore or hereafter executed and the records of the same when recorded referring to the plat of said addition, shall be held to refer to said amended plat unless expressly