

No. 343, A.]

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CHAPTER 478.

AN ACT to amend chapter 215, of the laws of the state of Wisconsin, for the year 1889, entitled, "An act asserting the jurisdiction of the state of Wisconsin to and in the St. Croix river, and authorizing parties therein named to build and maintain a dam and certain booms upon said river and to otherwise improve the navigation of the same, and of the lakes, ponds and sloughs adjacent thereto, and for such purpose to condemn and take private property, and to amend chapter 224, of the laws of 1882.

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

Amends chapter 215, laws of 1889.

May construct dams.

SECTION 1. Section 9 of chapter 215, of the laws of 1889, is hereby amended so as to read as follows: Section 9. For the purpose of further improving the said St. Croix river, the parties above named, their heirs or assigns, are hereby authorized and empowered to construct and maintain for and during the period of thirty years from and after the first day of March, A. D. 1890, a good and sufficient dam upon said river, at some point between the south line of township thirty-five north, of range nineteen west, and the north line of township thirty-six north, of range twenty west, in Polk county, Wisconsin. The said dam hereby authorized, shall be so constructed as to enable said parties above named, their heirs or assigns, to store and hold within the flowage thereof, all logs or timber that may be floated or driven down to such flowage until such time as such logs can be permitted to float down said river without creating any obstruction to the navigation of said river, and shall be maintained with suitable gates and sluices for the passage of all such logs through the same under the management and control of said parties above named, their heirs or assigns, and said dam with its gates, sluices and all improvements erected and maintained upon said river by the

said parties above named, their heirs or assigns, under the provisions of this act, shall at all times be under the exclusive control of said parties above named, their heirs or assigns, and so controlled and managed as shall be subservient to the interests of the parties engaged in driving logs or timber down said river, and the navigation thereof. And for the purpose of aiding in the navigation of said St. Croix river, the said parties above named, their heirs or assigns, may, between the points last above named, erect any piers, booms, wing dams or other improvements as they may deem necessary to carry out and accomplish the purposes for which said dam is authorized, as provided for in this act; and provided further, that at least twenty-four hours before shutting down the gates, it shall be the duty of the owners and controllers of such dam, to give notice to all persons engaged in the navigation of said river, by posting printed notices in a conspicuous place, at the following places: One notice upon the draw of the bridge at Stillwater, and one notice each at the usual public steamboat landings in Osceola Mills, Franconia and Taylor's Falls. Such notices shall be substantially in the following form: "Gates of dam at _____ will be shut down _____ the _____ day of _____, 189—, at _____ o'clock in the _____, and remain closed not to exceed _____ hours." If for any cause, such notice cannot be posted, personal notice must be rendered upon the officers or any person in charge of a vessel or barge navigating the St. Croix river between the points aforesaid, by delivering such printed notice to him, or if no person can be found on board such vessel, thereby posting the said notice in a conspicuous part of the same. A failure to give such notices as required by this section, shall render the owners and managers of such dams liable for all the amount of damages sustained by any vessel or barge injured for want of such notice, to be collected by the owner thereof in civil action. And provided further, that the water shall not be drawn down at any time between the fifteenth day of June and the fifteenth day of September, in any year, lower than two feet above

May erect piers,
booms and
wing dams.

Notice of closing of gates.

the floor of the flume unless necessary to make repairs to preserve the dam.

Amends chapter 215, laws of 1889.

Appointment of agent to accept service of process.

SECTION 2. Section 12, of said chapter 215, of the laws of 1889, is hereby amended by adding thereto the following: And the said parties above named, shall, within thirty days after the publication of this act, by an instrument in writing, appoint some person, a resident of the state of Wisconsin, as their agent, upon whom all process in any action commenced against them in any of the courts of this state may be served; and shall thereby authorize such agent to accept and receive service of all such process. Such appointment shall within the time aforesaid, be filed in the office of the clerk of the circuit court of Polk county and after the filing thereof, service upon such agent of any such process, may be made upon such agent, and shall have the same effect as personal service upon all of said parties above named, their heirs or assigns. Provided, that said parties above named, their heirs or assigns, may from time to time change their said agent, by making and filing in the same manner, another appointment.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.
Approved April 25, 1891.