

No. 235, A.]

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**CHAPTER 155.**

AN ACT to repeal chapter 96 of the general laws of Wisconsin for the year 1893, entitled, An act to authorize J. D. Ross and W. C. Silverthorn, their heirs, associates and assigns, to build and maintain a dam across the Wisconsin river in township number twenty-eight (28) north, range seven (7) east, in Marathon county, Wisconsin, and to grant said right to build a dam to J. D. Ross, Charles J. Winton and E. W. Brooks for the purpose of improving the navigation of said river and of creating hydraulic and electric power and and transmitting and using the same.

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

**Location of dam.** SECTION 1. Chapter 96 of the general laws of Wisconsin for the year 1893, is hereby repealed and the following provisions substituted in place thereof:

SECTION 2. J. D. Ross, Charles J. Winton and E. W. Brooks, their heirs, associates and assigns, are hereby authorized to build and maintain a dam across the Wisconsin river on any lands that they may now or hereafter own, possess or control in township number twenty-eight (28) north, range seven (7) east, in Marathon county, Wisconsin.

**Purpose.** SECTION 3. They may use such dam for the purpose of driving, booming and storing logs and timber and improving the navigation of said river. If any water power shall be created by said dam not necessary for the purpose of driving, booming and storing of logs and timber or the improvement of the navigation of said river, the said J. D. Ross, Charles J. Winton and E. W. Brooks, their heirs and assigns, shall have the right to use, lease, and dispose of such surplus water power in conducting and carrying on any manufacturing business and electric lighting business, or in operating any street railway and for that purpose may build raceways and flumes and all other equipment necessary to develop and use said surplus power for such purposes. The owners of said dam shall build, maintain and keep in repair suitable slides and chutes in said

dam for the runing of logs and timber products over the same, sufficient in capacity to accommodate all logs and timber products that may be floated down said river. And the owners of said dam shall maintain a sufficient unobstructed channel for the free passage of logs and timber products through the pond created by said dam, and all logs and timber products destined for points below said dam shall be taken by the owners of said dam when they reach the flowage thereof, and shall be driven by such owners free of charge and with reasonable dispatch through said flowage and pond and over said dam.

**Powers conferred.** SECTION 4. In order to build and maintain said dam and use the same for the purposes heren specified, the said J. D. Ross, Charles J. Winton, and E. W. Brooks, their heirs, associates and assigns, shall have the right to take and overflow and use any lands not owned or controlled by them, or any riparian rights, and may acquire title to any such lands and riparian rights and the right to control and use the same for said purposes by and through proceedings of condemnation under the power of eminent domain, as provided in sections 1777a, 1777b, 1777c and 1777d of the statutes of 1898, and said statutes and acts amendatory thereof are hereby made applicable to said dam and the acquisition of the title or right to use any lands or riparian rights for the purpose of building, maintaining and using said dam for the purposes hereinbefore specified.

**Fishway.** SECTION 5. The dam so erected shall be provided with a good and sufficient fishway, to be approved by the state board of commissioners of fisheries, and said fishways shall at all times be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owner or owners of said dam shall neglect or refuse to keep in repair or to keep open such fishway, as required by the provisions of this act, they shall upon conviction thereof be fined not less than twenty-five dollars nor more than one hundred dollars. The dam so erected shall be provided with such piers and guide booms as may be necessary for the free and safe passage of logs at the expense of the owners of said dam.

SECTION 6. The right is reserved to the legislature to repeal or modify this act at any time.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.