

No. 152, S.]

[Published May 16, 1903.

CHAPTER 239.

AN ACT to authorize E. S. Shepard and A. W. Shelton, their heirs or assigns, to erect and maintain a dam across the Wisconsin river in Oneida county.

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

Location of dam. SECTION 1. E. S. Shepard and A. W. Shelton, their heirs and assigns, are hereby authorized to build and maintain a dam across the Wisconsin river between the north line of section twenty-three and the south line of section twenty-seven, all of township thirty-six north, of range eight east, in Oneida county, Wisconsin, for the purpose of improving the navigation of the Wisconsin river above said dam; and the said E. S. Shepard and A. W. Shelton, their heirs and assigns, are hereby authorized to use the hydraulic power created by said dam for manufacturing purposes.

Powers conferred. SECTION 2. Said dam shall be of such height as will be sufficient to set back the water of said river to the east and west quarter line of section 12, township 36 north, of range 8 east, in Oneida county, and it shall never be maintained of such height as to set back the water of said river above the mouth of the Pelican river. For the purpose of acquiring the necessary lands, or rights, easements and privileges in lands, necessary for flowage, so that the complete construction of said dam and improvement under this act, may be successfully carried out; provided, that suitable fishways shall be built and maintained to permit the free passage of fish over and through the said dam, said E. S. Shepard and A. W. Shelton, their heirs and assigns, may have and enjoy all of the rights granted to and conferred upon corporations by sections 1777a, 1777b, 1777c and 1777d of the statutes of 1898.

Slides and chutes. SECTION 3. Said E. S. Shepard and A. W. Shelton, their heirs, associates and assigns, shall build and maintain and keep in repair suitable slides and chutes in said dam or dams for the running of logs and timber products over the same, sufficient in capacity to accommodate all logs and tim-

ber products that may be floated down said river, and 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 other timber products destined to other points below said dam shall be taken by the owners of said dam or dams when they reach the flowage thereof or reach any jam that may be caused by the stopping of logs by the works or pond of the owners of said dam or dams, and shall be driven by such owners free of charge and with reasonable dispatch through said flowage and pond and over said dam or dams. Provided, that the provisions of section 1601 of the statutes of 1898 shall not apply to the dam or dams erected under this act.

How constructed. SECTION 4. Said dam or dams shall be so constructed and maintained as to be capable of permitting the free and uninterrupted passage through or over the same of any and all floods discharged by any flooding dam further up said river for the purpose of assisting in and facilitating the driving of logs and other timber products below the dam or dams authorized by this act, and the owners of said dam or dams shall so maintain and operate them as to permit the free passage of all such floods without substantial impairment of their effectiveness in assisting in the driving of logs and timber products down said river, and shall be liable to damages to any person or corporation injured by failure of compliance with this section.

Act construed. SECTION 5. No corporate powers are granted by this act and the same shall not be construed or deemed to grant such powers.

Legislative rights reserved. SECTION 6. The power 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 May 13, 1903.