

loss by wind storms, cyclones and tornadoes under the same rules and restrictions as relate to insurance by it against damage or loss by fire; provided, that a request in writing, signed by at least ten members of the corporation be filed with the secretary at least thirty-five days before the next annual meeting of the corporation requesting that the question of insuring against damage or loss by wind storms, cyclones and tornadoes be submitted at such meetings, and that the secretary give thirty days' notice by mail to each member of the corporation at his post-office address, that said question will be submitted at such meeting.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 297, A.]

[Published May 25, 1903.

CHAPTER 353.

AN ACT, to authorize Erwin G. Boynton and Orlando Holway, their heirs, successors and assigns to build and maintain a dam across Black river in Jackson county, Wisconsin, for the purpose of improving the navigation of said river and for the manufacture of flour, feed and other milling products and the generation and transmission of electric and hydraulic power and for other manufacturing purposes.

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

Location of dam; purpose. SECTION 1. Erwin G. Boynton Orlando Holway, their heirs, successors or assigns, are hereby authorized to build and maintain a dam across Black river in Jackson county, Wisconsin, on section number three (3) in township number twenty-two (22) north of range number three (3) west in said county and state, of the height of thirty-five feet above low water mark, for the purpose of improving the navigation of said river, for the manufacture of flour, feed and other milling products, and the generation and transmission of

electric and hydraulic power and to furnish power for other manufacturing purposes or other lawful purposes.

Slide or chute. SECTION 2. Said Erwin G. Boynton and Orlando Holway their heirs, successors or assigns, shall provide and furnish said dam with sufficient slide or chute for the safe discharge of logs, which shall be 25 feet in width, substantially constructed and of sufficient length to graduate the descent from within two feet from its top to the mean level of the water below; provided that the provisions of section 1601, statutes of 1898, shall not apply to the dam erected under this act.

Fishway. SECTION 3. 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 fishway 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 construct or keep in good repair, or 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.

Piers and guide booms. SECTION 4. 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 owner of such dam.

Rights, when forfeited. SECTION 5. The rights and privileges granted by this act shall be forfeited unless the dam herein mentioned shall be partly or wholly constructed and be operated for the production of power within six years after the passage of this act; provided, that the privileges granted herein shall not be construed as giving the right to obstruct the flow of water, so as to materially interfere with the rights and privileges granted to La Crosse & Black River Railway Company, J. S. Owen & Co., and J. J. McGillivray, in dams heretofore authorized to be maintained by them on Black river.

Intent of act. SECTION 6. No corporate powers or privileges are granted or intended to be granted by this act, and the same shall not be construed or deemed to grant such powers or privileges.

Legislative rights reserved. SECTION 7. The power to alter, amend or repeal this act is hereby reserved.

Section 8. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 523, A.]

[Published May 25, 1903.

CHAPTER 354.

AN ACT, amendatory of section 1210e of the statutes of 1898 relating to the recovery of damages arising from a failure to make a proper assessment of benefits and damages, as provided by law.

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

Stay of proceedings; new assessment; judgment, costs. SECTION 1. Section 1210e of the statutes of 1898 is hereby amended so as to read when so amended as follows: Section 1210e. If in any action at law for the recovery of damages arising from a failure to make a proper assessment of benefits and damages, as provided by law, or failure to observe any provisions of law, or because of any act or defect in any proceeding in which benefits and damages are assessed, and in any action to set aside any special assessment against property for any of the purposes mentioned in section 1210d, or to set aside any special assessment certificate, special improvement bond, tax sale or tax sale certificate based upon such special assessment, the court determines that such assessment is invalid by reason of a defective assessment of benefits and damages, or for any cause, it shall stay all proceedings in such action until a new assessment thereof be had in the manner hereinafter mentioned; thereupon the proper city authorities shall proceed to make a new assessment of benefits and damages against the property of the plaintiff as required by law in the case of such original assessment, and such plaintiff shall have the same right to appeal from such new assessment as he or his grantors would