

No. 236, A.]

[Published May 5, 1903.]

CHAPTER 154.

AN ACT to authorize Alexander Stewart and Walter Alexander, their heirs, associates and assigns, to build and maintain a dam or dams across the Wisconsin river in sections nineteen (19), twenty (20), twenty-nine (29), thirty (30), and thirty-one (31), township thirty-three (33) north, range six (6), and section (6) in township (32) north, range (6) east, in Lincoln county, Wisconsin, for the purpose of improving the navigation of said river, and of creating hydraulic and electric power and transmitting and using the same.

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

Location of dams. SECTION 1. Alexander Stewart and Walter Alexander, their heirs, associates and assigns, are hereby authorized to build and maintain a dam, or dams, across the Wisconsin river on any lands that they may now or hereafter own, possess or control in sections nineteen (19), twenty (20), twenty-nine (29), thirty (30), and thirty-one (31), township thirty-three (33) north, range six (6) and section (6) in town 32 north, range 6 east, in Lincoln county, Wisconsin.

Purpose. SECTION 2. They may use such dam, or dams, 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 navigation of said river, the said Alexander Stewart and Walter Alexander, their heirs, associates 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 race ways and flumes and all other equipment necessary to develop and use said surplus power for such purposes.

Powers conferred. SECTION 3. In order to build and maintain said dam, or dams, and use the same for the purposes herein specified, the said Walter Alexander, and Alexander

Stewart, their heirs, associates and assigns, shall have the right to take and over flow and use any land not owned or controlled by them, except lands in sections three and ten, or either of them, in said township and range, or any riparian rights pertaining to lands not lying within said sections three and ten, 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, 1777d of the statutes of 1898, and said statutes and any acts amendatory thereof, are hereby made applicable to said dam, or dams, and to the acquisition of the title or right to use any lands or riparian rights for the purpose of building, maintaining and using said dam, or dams, for the purposes hereinbefore specified.

How constructed; rights reserved. SECTION 4. Said dam or dams, shall be so constructed and maintained as not to hinder, impede or obstruct the free navigation of the Wisconsin river. Any improvement of navigation made by the construction of said dam, or dams, shall inure to the benefit of the Wisconsin River Improvement Company, and shall be treated and considered as done and effected by said company, and said improvement company shall have the same right to charge and collect tolls for the use of all improvements so effected as it would have if it had so improved the navigation itself; and its present right to collect tolls for the use of its improvements in said river shall be in no way diminished by the construction and maintenance of said dam, or dams.

Slides and shutes. SECTION 5. Said Alexander Stewart and Walter Alexanrer, 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 timber 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 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.

Passage way preserved. SECTION 6. 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 in damages to any person or corporation injured by failure of compliance with this section.

Fishway. SECTION 7. 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 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.

SECTION 8. The right is reserved to the legislature to repeal or modify this act at any time.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.