

No. 387, S.]

[Published May 22, 1903.]

CHAPTER 340.

AN ACT, to authorize E. T. Harmon, his heirs, associates and assigns, to build and maintain a dam across the Chippewa river, in section twenty-three (23), and section twenty-six (26), in township thirty-eight (38) north, of range seven (7), west, in Sawyer county, Wisconsin, for the purpose of improving the navigation of said river, and of creating hydraulic power.

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

Location of dam. SECTION 1. E. T. Harmon, his heirs, associates and assigns, are hereby authorized to build and maintain a dam across the Chippewa river on lands he may now own or may hereafter acquire in section twenty-three and in section twenty-six, in township thirty-eight, north, of range seven west, in Sawyer county, Wisconsin, at or near the east and west boundary line between said sections twenty-three and twenty-six.

Purpose; slides or chutes. SECTION 2. He, his heirs, associates or assigns 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 E. T. Harmon, his 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 in operating any and all kinds of machinery he or they may see fit hereafter to construct, or erect and for that purpose may build raceways and flumes and all other equipment necessary to develop and use said surplus water. The owners of said dam shall build, maintain and keep in repair suitable slides and chutes in said dam 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.

Powers conferred. SECTION 3. In order to build and maintain said dam and use the same for the purposes herein specified, the said E. T. Harmon, his heirs, associates and assigns, shall have the right to take and overflow and use any lands not owned or controlled by them, and may acquire title to any such lands 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 and 1777e of the statutes of 1898, and said statutes and the acts amendatory thereof are hereby made applicable to said dam and the acquisition of the title or right to use any lands for the purpose of maintaining and using said dam for the purposes hereinbefore specified.

Fishway. SECTION 4. The dam so erected and constructed 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 river. 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.

Legislative rights reserved. SECTION 5. The right is reserved to the legislature to repeal or modify this act at any time.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.