

An act to prevent obstructions to Black river.

Chap 98.

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

SECTION 1. That each and every dam constructed and maintained upon the Black river in this state shall be furnished with and contain a slide or chute for the passage of rafts and water crafts ; said slide or chute shall be sixty feet wide, constructed of hewn timber, or timber and plank made tight, and shall be furnished with elevated sides at least twenty inches high ; the said dam, where the slide connects with it, shall be at least twenty inches lower than the balance of it (the said dam, said slide, or chute,) shall be of sufficient length to graduate, and shall graduate, the descent from the top of the dam to the mean level of the water below, by a regular descent at the rate of three feet in fifty feet of length of slide or chute. After the mean level of the water below shall have been reached by said slide or chute, an apron or addition shall be attached, constructed in the same manner, and of the same width and material, as the slide or chute, ten feet in length ; which apron or addition shall regularly incline upward from its junction with the slide or chute, at the rate of one foot in ten of length. There shall be attached to each apron floating spars or fingers, of a diameter not less than six inches at their junction with the apron, and not less than forty feet in length. Said spars or fingers shall be placed at regular intervals of four feet, or sixteen to each slide.

Dam to have chute.

SEC 2. Every dam erected or maintained, or which may hereafter be erected or maintained upon the Black river, which shall not be furnished with a slide or chute conforming in every respect to the requisitions of the first section of this act, shall be and the same is hereby declared to be a public nuisance.

What dams declared nuisances.

SEC. 3. It shall be the duty of every justice of the peace in the county through which the said Black river flows, upon complaint made before him in writing, verified by oath, of the existence within his county of any such dam [as] is hereby declared to be a public nuisance, forthwith to issue a venire, directed to the sheriff or any constable of his county, forthwith to summon twelve good and lawful men, to act as a jury and inquire into the truth of the complaint, and further commanding said sheriff or constable to notify the person or persons in immediate possession of said dam, of the time and place where such inquiry will be held, and if upon such trial such jury shall find the complaint is true, it shall be the duty of the justice forthwith to issue a writ or precept, directed to the sheriff or any constable of his county, and commanding them [him] forthwith to remove and abate such nuisance, taking with him, if need be, the force of the county.

How to proceed.

SEC. 4. In all cases where the jury shall find the complaint mentioned in the preceding section of this act to be malicious or without foundation, the costs shall be paid by the complainant ; if the complaint be found to be true, the costs shall be paid by the person in possession of the premises complained of, if the same

Costs, &c.

can be collected on execution against the property of such person. In all other cases the costs shall be paid by the county.

What property liable for damages.

SEC. 5. Every dam and all mills with their appurtenances, and all other machinery erected upon, or served with water, by any dam which shall be suffered to become a nuisance under the provisions of this act, shall be liable for all damages produced by said dam, either from causing delay in the navigation of the stream or otherwise; and all damages resulting to individuals from such nuisance, shall be and remain a lien upon said dam, mills and other property, and said dam, mills and other property may be sold to satisfy said lien on execution issued on a judgment for said damage obtained in any court of competent jurisdiction in an action on the case. The purchaser or purchasers at such sale shall acquire the right to maintain said dam and all other property, and to enjoy and use the same in all respects as the owner or owners at the time of the injury caused, or those claiming by, through or under him or them, might or could have done.

How lien created.

SEC. 6. Every person claiming the benefit of the lien established by this act, shall, within sixty days after sustaining any injury from any dam suffered to become a nuisance under the provisions of this act, file in the office of the circuit court of the county a brief statement in writing of the nature of the injury and the amount of damage claimed, and shall commence an action or actions, in some court of competent jurisdiction for the recovery of said damage within six months after the filing of said statement, and shall prosecute said action without unnecessary delay; and in case of non-compliance with the provisions of this section, the lien provided for by this act shall cease and determine.

SEC. 7. All acts or parts of acts contravening the provisions of this act, so far as they conflict herewith, are hereby repealed.

SEC. 8. The notice of inquiry herein required to be given to the person in possession of property complained of, may be served in the same manner as an ordinary summons.

SEC. 9. This act shall take effect and be in force from and after the first day of January, in the year of our Lord one thousand eight hundred and fifty.

HARRISON C. HOBART,
Speaker of the Assembly.

J. E. HOLMES,

Lt. Governor and President of the Senate.

Approved, March 14, 1849.

NELSON DEWEY.

Chap 99.

An act to legalize the proceedings of a school meeting held in school district number two, in the town of Medina, Dane county, and to raise an additional tax to build a school house.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Meeting legalized.

SECTION 1. That the proceedings of a school meeting held in the town of Medina, in school district number two, in the county